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SENATE BILL NO. 85—COMMITTEE ON HUMAN  
RESOURCES AND FACILITIES

(ON BEHALF OF THE CLARK COUNTY  
SCHOOL DISTRICT)

FEBRUARY 11, 2003

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Referred to Committee on Human Resources and Facilities

SUMMARY—Provides school districts with access to information relating to disposition of certain drug offenses for purposes of employment and discipline. (BDR 40-451)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

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AN ACT relating to schools; providing school districts with access to information relating to the disposition of certain drug offenses for purposes of employment and discipline; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** NRS 453.3363 is hereby amended to read as  
2 follows:  
3     453.3363 1. If a person who has not previously been  
4 convicted of any offense pursuant to NRS 453.011 to 453.552,  
5 inclusive, or pursuant to any statute of the United States or of any  
6 state relating to narcotic drugs, marijuana, or stimulant, depressant  
7 or hallucinogenic substances tenders a plea of guilty, guilty but  
8 mentally ill, nolo contendere or similar plea to a charge pursuant to  
9 subsection 2 or 3 of NRS 453.336, NRS 453.411 or 454.351, or is  
10 found guilty of one of those charges, the court, without entering a  
11 judgment of conviction and with the consent of the accused, may  
12 suspend further proceedings and place him on probation upon terms



1 and conditions that must include attendance and successful  
2 completion of an educational program or, in the case of a person  
3 dependent upon drugs, of a program of treatment and rehabilitation  
4 pursuant to NRS 453.580.

5 2. Upon violation of a term or condition, the court may enter a  
6 judgment of conviction and proceed as provided in the section  
7 pursuant to which the accused was charged. Notwithstanding the  
8 provisions of paragraph (e) of subsection 2 of NRS 193.130, upon  
9 violation of a term or condition, the court may order the person to  
10 the custody of the Department of Corrections.

11 3. Upon fulfillment of the terms and conditions, the court shall  
12 discharge the accused and dismiss the proceedings against him. A  
13 nonpublic record of the dismissal must be transmitted to and  
14 retained by the Division of Parole and Probation of the Department  
15 of Public Safety solely for the use of the courts in determining  
16 whether, in later proceedings, the person qualifies under this section.

17 4. Except as otherwise provided in ~~subsection 5,~~ *subsections*  
18 *5 and 6*, discharge and dismissal under this section is without  
19 adjudication of guilt and is not a conviction for purposes of this  
20 section or for purposes of employment, civil rights or any statute or  
21 regulation or license or questionnaire or for any other public or  
22 private purpose, but is a conviction for the purpose of additional  
23 penalties imposed for second or subsequent convictions or the  
24 setting of bail. Discharge and dismissal restores the person  
25 discharged, in the contemplation of the law, to the status occupied  
26 before the arrest, indictment or information. He may not be held  
27 thereafter under any law to be guilty of perjury or otherwise giving a  
28 false statement by reason of failure to recite or acknowledge that  
29 arrest, indictment, information or trial in response to an inquiry  
30 made of him for any purpose. Discharge and dismissal under this  
31 section may occur only once with respect to any person.

32 5. A professional licensing board may consider a proceeding  
33 under this section in determining suitability for a license or liability  
34 to discipline for misconduct. Such a board is entitled for those  
35 purposes to a truthful answer from the applicant or licensee  
36 concerning any such proceeding with respect to him.

37 *6. The board of trustees of a school district may consider a*  
38 *proceeding under this section in determining suitability for*  
39 *employment or liability to discipline for misconduct. Such a board*  
40 *of trustees is entitled for those purposes to a truthful answer from*  
41 *the applicant or employee concerning any such proceeding with*  
42 *respect to him.*

43 **Sec. 2.** NRS 453.3365 is hereby amended to read as follows:

44 453.3365 1. Three years after a person is convicted and  
45 sentenced pursuant to subsection 3 of NRS 453.336, the court may



1 order sealed all documents, papers and exhibits in that person's  
2 record, minute book entries and entries on dockets, and other  
3 documents relating to the case in the custody of such other agencies  
4 and officers as are named in the court's order, if the:

5 (a) Person fulfills the terms and conditions imposed by the court  
6 and the parole and probation officer; and

7 (b) Court, after a hearing, is satisfied that the person is  
8 rehabilitated.

9 2. Except as limited by ~~subsection 4,~~ *subsections 4 and 5*, 3  
10 years after an accused is discharged from probation pursuant to NRS  
11 453.3363, the court shall order sealed all documents, papers and  
12 exhibits in that person's record, minute book entries and entries on  
13 dockets, and other documents relating to the case in the custody of  
14 such other agencies and officers as are named in the court's order if  
15 the person fulfills the terms and conditions imposed by the court and  
16 the Division of Parole and Probation of the Department of Public  
17 Safety. The court shall order those records sealed without a hearing  
18 unless the Division of Parole and Probation petitions the court, for  
19 good cause shown, not to seal the records and requests a hearing  
20 thereon.

21 3. If the court orders sealed the record of a person discharged  
22 pursuant to NRS 453.3363, it shall send a copy of the order to each  
23 agency or officer named in the order. Each such agency or officer  
24 shall notify the court in writing of its compliance with the order.

25 4. A professional licensing board is entitled, for the purpose of  
26 determining suitability for a license or liability to discipline for  
27 misconduct, to inspect and to copy from a record sealed pursuant to  
28 this section.

29 *5. The board of trustees of a school district is entitled, for the*  
30 *purpose of determining suitability for employment or liability to*  
31 *discipline for misconduct, to inspect and to copy from a record*  
32 *sealed pursuant to this section.*

33 **Sec. 3.** This act becomes effective upon passage and approval.

