

SENATE BILL NO. 360—SENATOR HORSFORD

MARCH 25, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to convicted persons.
(BDR 14-911)

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

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

AN ACT relating to convicted persons; providing that an ex-felon who has been restored to his civil right to vote must not be required to present documentation as proof of his right to vote; restoring certain civil rights at specified times to certain persons who receive a dishonorable discharge from parole or probation; reducing the period in which a person who commits a crime must wait before seeking to seal records relating to his conviction; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides for the immediate restoration of the civil right to vote and
2 to sit as a juror in a civil action and for the automatic restoration, on specified
3 future dates, of certain other civil rights of ex-felons who have been honorably
4 discharged from probation or parole, pardoned or released from prison, unless those
5 ex-felons have previously been convicted of certain crimes. An ex-felon who has
6 been previously convicted of those crimes may petition for a court order granting
7 the restoration of those civil rights. (NRS 176A.850, 213.090, 213.155, 213.157)
8 Any person whose civil rights have been restored must receive an official document
9 of such restoration of civil rights and may present the document as proof of his
10 restoration of civil rights. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157)
11 Existing law does not provide for the restoration of the civil rights of a person who
12 receives a dishonorable discharge from probation or parole. (NRS 176A.870,
13 213.154, 213.155)

14 This bill removes the requirement that a person whose civil rights are restored
15 receive an official document of such restoration of civil rights. This bill provides
16 that a person whose civil rights are restored shall not be required to present
17 documentation as proof of such restoration of civil rights. This bill also extends the
18 restoration of civil rights to an ex-felon who receives a dishonorable discharge from



19 probation or parole if the dishonorable discharge is because the person failed to
20 make restitution as ordered by the court. The civil right to vote is immediately
21 restored to such a person. Other civil rights are restored on specified future dates,
22 but the period before which those rights are restored is longer than for a person who
23 received an honorable discharge.

24 Under existing law, a person may petition the court in which he was convicted
25 to seal all records relating to his conviction. The petitioner must wait a specified
26 number of years after his release from custody or his discharge from parole or
27 probation before petitioning the court to have his records sealed. (NRS 179.245)
28 Once a court enters an order sealing the person's records relating to his conviction,
29 that person is immediately restored the right to vote, the right to hold office and the
30 right to serve on a jury, if those rights have not already been restored.
31 (NRS 179.285)

32 This bill reduces the time before which a person may petition the court to have
33 his criminal records sealed. For category C or D felonies, the period is reduced
34 from 12 years to 10 years after release from custody or discharge from parole or
35 probation. For a category E felony, the period is reduced from 10 years to 7 years.
36 For misdemeanors other than a battery that constitutes domestic violence or a
37 conviction for driving under the influence of alcohol or drugs, the period is reduced
38 from 3 years to 1 year.

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

1 **Section 1.** NRS 176A.850 is hereby amended to read as
2 follows:

3 176A.850 1. A person who:

4 (a) Has fulfilled the conditions of his probation for the entire
5 period thereof;

6 (b) Is recommended for earlier discharge by the Division; or

7 (c) Has demonstrated his fitness for honorable discharge but
8 because of economic hardship, verified by a parole and probation
9 officer, has been unable to make restitution as ordered by the court,
10 ➔ may be granted an honorable discharge from probation by order
11 of the court.

12 2. Any amount of restitution remaining unpaid constitutes a
13 civil liability arising upon the date of discharge.

14 3. Except as otherwise provided in subsection 4, a person who
15 has been honorably discharged from probation:

16 (a) Is free from the terms and conditions of his probation.

17 (b) Is immediately restored to the following civil rights:

18 (1) The right to vote; and

19 (2) The right to serve as a juror in a civil action.

20 (c) Four years after the date of his honorable discharge from
21 probation, is restored to the right to hold office.

22 (d) Six years after the date of his honorable discharge from
23 probation, is restored to the right to serve as a juror in a criminal
24 action.



1 (e) If he meets the requirements of NRS 179.245, may apply to
2 the court for the sealing of records relating to his conviction.

3 (f) Must be informed of the provisions of this section and NRS
4 179.245 in his probation papers.

5 (g) Is exempt from the requirements of chapter 179C of NRS,
6 but is not exempt from the requirements of chapter 179D of NRS.

7 (h) Shall disclose the conviction to a gaming establishment and
8 to the State and its agencies, departments, boards, commissions and
9 political subdivisions, if required in an application for employment,
10 license or other permit. As used in this paragraph, "establishment"
11 has the meaning ascribed to it in NRS 463.0148.

12 (i) Except as otherwise provided in paragraph (h), need not
13 disclose the conviction to an employer or prospective employer.

14 4. Except as otherwise provided in this subsection, the civil
15 rights set forth in subsection 3 are not restored to a person honorably
16 discharged from probation if the person has previously been
17 convicted in this State:

18 (a) Of a category A felony.

19 (b) Of an offense that would constitute a category A felony if
20 committed as of the date of his honorable discharge from probation.

21 (c) Of a category B felony involving the use of force or violence
22 that resulted in substantial bodily harm to the victim.

23 (d) Of an offense involving the use of force or violence that
24 resulted in substantial bodily harm to the victim and that would
25 constitute a category B felony if committed as of the date of his
26 honorable discharge from probation.

27 (e) Two or more times of a felony, unless a felony for which the
28 person has been convicted arose out of the same act, transaction or
29 occurrence as another felony, in which case the convictions for
30 those felonies shall be deemed to constitute a single conviction for
31 the purposes of this paragraph.

32 ➤ A person described in this subsection may petition ~~the court in~~
33 ~~which the person was convicted~~ *a court of competent jurisdiction*
34 for an order granting the restoration of his civil rights as set forth in
35 subsection 3.

36 5. The prior conviction of a person who has been honorably
37 discharged from probation may be used for purposes of
38 impeachment. In any subsequent prosecution of the person, the prior
39 conviction may be pleaded and proved if otherwise admissible.

40 6. Except for a person subject to the limitations set forth in
41 subsection 4, upon his honorable discharge from probation, the
42 person so discharged must be given an official document which
43 provides:

44 (a) That he has received an honorable discharge from probation;



1 (b) That he has been restored to his civil rights to vote and to
2 serve as a juror in a civil action as of the date of his honorable
3 discharge from probation;

4 (c) The date on which his civil right to hold office will be
5 restored to him pursuant to paragraph (c) of subsection 3; and

6 (d) The date on which his civil right to serve as a juror in a
7 criminal action will be restored to him pursuant to paragraph (d) of
8 subsection 3.

9 7. Subject to the limitations set forth in subsection 4, a person
10 who has been honorably discharged from probation in this State or
11 elsewhere and whose official documentation of his honorable
12 discharge from probation is lost, damaged or destroyed may file a
13 written request with a court of competent jurisdiction to restore his
14 civil rights pursuant to this section. Upon verification that the person
15 has been honorably discharged from probation and is eligible to be
16 restored to the civil rights set forth in subsection 3, the court shall
17 issue an order restoring the person to the civil rights set forth in
18 subsection 3. A person must not be required to pay a fee to receive
19 such an order.

20 8. A person who has been honorably discharged from
21 probation in this State or elsewhere ~~[may]~~ *shall not be required to*
22 *present:*

23 (a) Official documentation of his honorable discharge from
24 probation ; ~~[, if it contains the provisions set forth in subsection 6;]~~
25 or

26 (b) A court order restoring his civil rights,
27 ↪ as proof that he has been restored to the civil ~~[rights set forth in~~
28 ~~subsection 3.]~~ *right to vote.*

29 **Sec. 2.** NRS 176A.870 is hereby amended to read as follows:

30 176A.870 **1.** A defendant whose term of probation has
31 expired and:

32 ~~[1-]~~ (a) Whose whereabouts are unknown;

33 ~~[2-]~~ (b) Who has failed to make restitution in full as ordered by
34 the court, without a verified showing of economic hardship; or

35 ~~[3-]~~ (c) Who has otherwise failed to qualify for an honorable
36 discharge as provided in NRS 176A.850,

37 ↪ is not eligible for an honorable discharge and must be given a
38 dishonorable discharge. A dishonorable discharge releases the
39 probationer from any further obligation, except a civil liability
40 arising on the date of discharge for any unpaid restitution, but ,
41 *except as otherwise provided in subsection 2,* does not entitle the
42 probationer to any privilege conferred by NRS 176A.850.

43 **2.** *Except as otherwise provided in subsection 3, a person who*
44 *has been dishonorably discharged from probation for failing to*
45 *make restitution in full as ordered by the court:*



1 (a) *Is immediately restored to the civil right to vote.*

2 (b) *Three years after the date of his dishonorable discharge*
3 *from probation, is restored to the right to serve as a juror in a civil*
4 *action.*

5 (c) *Seven years after the date of his dishonorable discharge*
6 *from probation, is restored to the right to hold office.*

7 (d) *Ten years after the date of his dishonorable discharge from*
8 *probation, is restored to the right to serve as a juror in a criminal*
9 *action.*

10 3. *Except as otherwise provided in this subsection, the civil*
11 *rights set forth in subsection 2 are not restored to a person*
12 *dishonorably discharged from probation for failing to make*
13 *restitution in full as ordered by the court if the person has*
14 *previously been convicted in this State:*

15 (a) *Of a category A felony.*

16 (b) *Of an offense that would constitute a category A felony if*
17 *committed as of the date of his dishonorable discharge from*
18 *probation.*

19 (c) *Of a category B felony involving the use of force or*
20 *violence that resulted in substantial bodily harm to the victim.*

21 (d) *Of an offense involving the use of force or violence that*
22 *resulted in substantial bodily harm to the victim and that would*
23 *constitute a category B felony if committed as of the date of his*
24 *dishonorable discharge from probation.*

25 (e) *Two or more times of a felony, unless a felony for which*
26 *the person has been convicted arose out of the same act,*
27 *transaction or occurrence as another felony, in which case the*
28 *convictions for those felonies shall be deemed to constitute a*
29 *single conviction for the purposes of this paragraph.*

30 ↪ *A person described in this subsection may petition a court of*
31 *competent jurisdiction for an order granting the restoration of his*
32 *civil rights as set forth in subsection 2.*

33 4. *Except for a person subject to the limitations set forth in*
34 *subsection 3, upon his dishonorable discharge from probation for*
35 *failing to make restitution in full as ordered by the court, the*
36 *person so discharged must be given an official document which*
37 *provides:*

38 (a) *That he has received a dishonorable discharge from*
39 *probation for failing to make restitution in full as ordered by the*
40 *court;*

41 (b) *That he has been restored to his civil right to vote as of the*
42 *date of his dishonorable discharge from probation;*

43 (c) *The date on which his civil right to serve as a juror in a*
44 *civil action will be restored to him pursuant to paragraph (b) of*
45 *subsection 2;*



1 (d) *The date on which his civil right to hold office will be*
2 *restored to him pursuant to paragraph (c) of subsection 2; and*

3 (e) *The date on which his civil right to serve as a juror in a*
4 *criminal action will be restored to him pursuant to paragraph (d)*
5 *of subsection 2.*

6 5. *Subject to the limitations set forth in subsection 3, a person*
7 *who has been dishonorably discharged from probation for failing*
8 *to make restitution in full as ordered by the court in this State or*
9 *elsewhere and whose official documentation of his dishonorable*
10 *discharge from probation is lost, damaged or destroyed may file a*
11 *written request with a court of competent jurisdiction to restore his*
12 *civil rights pursuant to this section. Upon verification that the*
13 *person has been dishonorably discharged from probation for*
14 *failing to make restitution in full as ordered by the court and is*
15 *eligible to be restored to the civil rights set forth in subsection 2,*
16 *the court shall issue an order restoring the person to the civil*
17 *rights set forth in subsection 2. A person must not be required to*
18 *pay a fee to receive such an order.*

19 6. *A person who has been dishonorably discharged from*
20 *probation for failing to make restitution in full as ordered by the*
21 *court in this State or elsewhere must not be required to present:*

22 (a) *Official documentation of his dishonorable discharge from*
23 *probation; or*

24 (b) *A court order restoring his civil rights,*

25 *↪ as proof that he has been restored to the civil right to vote.*

26 **Sec. 3.** NRS 179.245 is hereby amended to read as follows:

27 179.245 1. Except as otherwise provided in subsection 5 and
28 NRS 176A.265, 179.259 and 453.3365, a person may petition the
29 court in which he was convicted for the sealing of all records
30 relating to a conviction of:

31 (a) A category A or B felony after 15 years from the date of his
32 release from actual custody or discharge from parole or probation,
33 whichever occurs later;

34 (b) A category C or D felony after ~~12~~ 10 years from the date of
35 his release from actual custody or discharge from parole or
36 probation, whichever occurs later;

37 (c) A category E felony after ~~10~~ 7 years from the date of his
38 release from actual custody or discharge from parole or probation,
39 whichever occurs later;

40 (d) Any gross misdemeanor after 7 years from the date of his
41 release from actual custody or discharge from probation, whichever
42 occurs later;

43 (e) A violation of NRS 484.379 other than a felony, or a battery
44 which constitutes domestic violence pursuant to NRS 33.018 other
45 than a felony, after 7 years from the date of his release from actual



1 custody or from the date when he is no longer under a suspended
2 sentence, whichever occurs later; or

3 (f) Any other misdemeanor after ~~3 years~~ *1 year* from the date
4 of his release from actual custody or from the date when he is no
5 longer under a suspended sentence, whichever occurs later.

6 2. A petition filed pursuant to subsection 1 must:

7 (a) Be accompanied by current, verified records of the
8 petitioner's criminal history received from:

9 (1) The Central Repository for Nevada Records of Criminal
10 History; and

11 (2) The local law enforcement agency of the city or county in
12 which the conviction was entered;

13 (b) Include a list of any other public or private agency,
14 company, official or other custodian of records that is reasonably
15 known to the petitioner to have possession of records of the
16 conviction and to whom the order to seal records, if issued, will be
17 directed; and

18 (c) Include information that, to the best knowledge and belief of
19 the petitioner, accurately and completely identifies the records to be
20 sealed.

21 3. Upon receiving a petition pursuant to this section, the court
22 shall notify the law enforcement agency that arrested the petitioner
23 for the crime and:

24 (a) If the person was convicted in a district court or justice's
25 court, the prosecuting attorney for the county; or

26 (b) If the person was convicted in a municipal court, the
27 prosecuting attorney for the city.

28 ➔ The prosecuting attorney and any person having relevant
29 evidence may testify and present evidence at the hearing on the
30 petition.

31 4. If, after the hearing, the court finds that, in the period
32 prescribed in subsection 1, the petitioner has not been charged with
33 any offense for which the charges are pending or convicted of any
34 offense, except for minor moving or standing traffic violations, the
35 court may order sealed all records of the conviction which are in the
36 custody of the court, of another court in the State of Nevada or of a
37 public or private agency, company or official in the State of Nevada,
38 and may also order all such criminal identification records of the
39 petitioner returned to the file of the court where the proceeding was
40 commenced from, including, but not limited to, the Federal Bureau
41 of Investigation, the California Bureau of *Criminal* Identification
42 and Information, sheriffs' offices and all other law enforcement
43 agencies reasonably known by either the petitioner or the court to
44 have possession of such records.



1 5. A person may not petition the court to seal records relating
2 to a conviction of a crime against a child or a sexual offense.

3 6. If the court grants a petition for the sealing of records
4 pursuant to this section, upon the request of the person whose
5 records are sealed, the court may order sealed all records of the civil
6 proceeding in which the records were sealed.

7 7. As used in this section:

8 (a) "Crime against a child" has the meaning ascribed to it in
9 NRS 179D.210.

10 (b) "Sexual offense" means:

11 (1) Murder of the first degree committed in the perpetration
12 or attempted perpetration of sexual assault or of sexual abuse or
13 sexual molestation of a child less than 14 years of age pursuant to
14 paragraph (b) of subsection 1 of NRS 200.030.

15 (2) Sexual assault pursuant to NRS 200.366.

16 (3) Statutory sexual seduction pursuant to NRS 200.368, if
17 punishable as a felony.

18 (4) Battery with intent to commit sexual assault pursuant to
19 NRS 200.400.

20 (5) An offense involving the administration of a drug to
21 another person with the intent to enable or assist the commission of
22 a felony pursuant to NRS 200.405, if the felony is an offense listed
23 in this paragraph.

24 (6) An offense involving the administration of a controlled
25 substance to another person with the intent to enable or assist the
26 commission of a crime of violence pursuant to NRS 200.408, if the
27 crime of violence is an offense listed in this paragraph.

28 (7) Abuse of a child pursuant to NRS 200.508, if the abuse
29 involved sexual abuse or sexual exploitation.

30 (8) An offense involving pornography and a minor pursuant
31 to NRS 200.710 to 200.730, inclusive.

32 (9) Incest pursuant to NRS 201.180.

33 (10) Solicitation of a minor to engage in acts constituting the
34 infamous crime against nature pursuant to NRS 201.195.

35 (11) Open or gross lewdness pursuant to NRS 201.210, if
36 punishable as a felony.

37 (12) Indecent or obscene exposure pursuant to NRS 201.220,
38 if punishable as a felony.

39 (13) Lewdness with a child pursuant to NRS 201.230.

40 (14) Sexual penetration of a dead human body pursuant to
41 NRS 201.450.

42 (15) Luring a child or mentally ill person pursuant to NRS
43 201.560, if punishable as a felony.

44 (16) An attempt to commit an offense listed in subparagraphs
45 (1) to (15), inclusive.



1 **Sec. 4.** NRS 179.285 is hereby amended to read as follows:

2 179.285 **1.** Except as otherwise provided in NRS 179.301 ~~;~~
3 ~~—1.—If~~, **if** the court orders a record sealed pursuant to NRS
4 176A.265, 179.245, 179.255, 179.259 or 453.3365:

5 (a) All proceedings recounted in the record are deemed never to
6 have occurred, and the person to whom the order pertains may
7 properly answer accordingly to any inquiry, including, without
8 limitation, an inquiry relating to an application for employment,
9 concerning the arrest, conviction, dismissal or acquittal and the
10 events and proceedings relating to the arrest, conviction, dismissal
11 or acquittal.

12 (b) The person is immediately restored to the following civil
13 rights if his civil rights previously have not been restored:

- 14 (1) The right to vote;
15 (2) The right to hold office; and
16 (3) The right to serve on a jury.

17 2. Upon the sealing of his records, a person who is restored to
18 his civil rights must be given an official document which
19 demonstrates that he has been restored to the civil rights set forth in
20 paragraph (b) of subsection 1.

21 3. A person who has had his records sealed in this State or any
22 other state and whose official documentation of the restoration of
23 his civil rights is lost, damaged or destroyed may file a written
24 request with a court of competent jurisdiction to restore his civil
25 rights pursuant to this section. Upon verification that the person has
26 had his records sealed, the court shall issue an order restoring the
27 person to the civil rights to vote, to hold office and to serve on a
28 jury. A person must not be required to pay a fee to receive such an
29 order.

30 4. A person who has had his records sealed in this State or ~~any~~
31 ~~other state may~~ **elsewhere must not be required to** present official
32 documentation that he has been restored to his civil rights or a court
33 order restoring his civil rights as proof that he has been restored to
34 the **civil** right to vote. ~~[-to hold office and to serve as a juror.]~~

35 **Sec. 5.** NRS 6.010 is hereby amended to read as follows:

36 6.010 Except as otherwise provided in this section, every
37 qualified elector of the State, whether registered or not, who has
38 sufficient knowledge of the English language, and who has not been
39 convicted of treason, a felony, or other infamous crime, and who is
40 not rendered incapable by reason of physical or mental infirmity, is
41 a qualified juror of the county in which he resides. A person who
42 has been convicted of a felony is not a qualified juror of the county
43 in which he resides until his civil right to serve as a juror has been
44 restored pursuant to NRS 176A.850, **176A.870**, 179.285, 213.090,
45 **213.154**, 213.155 or 213.157.



1 **Sec. 6.** NRS 209.511 is hereby amended to read as follows:

2 209.511 1. When an offender is released from prison by
3 expiration of his term of sentence, by pardon or by parole, the
4 Director:

5 (a) May furnish him with a sum of money not to exceed \$100,
6 the amount to be based upon the offender's economic need as
7 determined by the Director;

8 (b) Shall give him notice of the provisions of chapter 179C of
9 NRS and NRS 202.360;

10 (c) Shall require him to sign an acknowledgment of the notice
11 required in paragraph (b);

12 (d) Shall give him notice of the provisions of NRS 179.245 and
13 the provisions of NRS 213.090, **213.154**, 213.155 or 213.157, as
14 applicable;

15 (e) May provide him with clothing suitable for reentering
16 society;

17 (f) May provide him with the cost of transportation to his place
18 of residence anywhere within the continental United States, or to the
19 place of his conviction; and

20 (g) Shall require him to submit to at least one test for exposure
21 to the human immunodeficiency virus.

22 2. The costs authorized in paragraphs (a), (e), (f) and (g) of
23 subsection 1 must be paid out of the appropriate account within the
24 State General Fund for the use of the Department as other claims
25 against the State are paid to the extent that the costs have not been
26 paid in accordance with subsection 5 of NRS 209.221 and
27 NRS 209.246.

28 **Sec. 7.** NRS 213.090 is hereby amended to read as follows:

29 213.090 1. Except as otherwise provided in subsection 2, a
30 person who is granted a pardon for any offense committed:

31 (a) Is immediately restored to the following civil rights:

32 (1) The right to vote; and

33 (2) The right to serve as a juror in a civil action.

34 (b) Four years after the date that his pardon is granted, is
35 restored to the right to hold office.

36 (c) Six years after the date that his pardon is granted, is restored
37 to the right to serve as a juror in a criminal action.

38 2. Except as otherwise provided in this subsection, the civil
39 rights set forth in subsection 1 are not restored to a person who has
40 been granted a pardon if the person has previously been convicted in
41 this State:

42 (a) Of a category A felony.

43 (b) Of an offense that would constitute a category A felony if
44 committed as of the date that his pardon is granted.



1 (c) Of a category B felony involving the use of force or violence
2 that resulted in substantial bodily harm to the victim.

3 (d) Of an offense involving the use of force or violence that
4 resulted in substantial bodily harm to the victim and that would
5 constitute a category B felony if committed as of the date that his
6 pardon is granted.

7 (e) Two or more times of a felony, unless a felony for which the
8 person has been convicted arose out of the same act, transaction or
9 occurrence as another felony, in which case the convictions for
10 those felonies shall be deemed to constitute a single conviction for
11 the purposes of this paragraph.

12 ➤ A person described in this subsection may petition ~~the court in~~
13 ~~which the person was convicted] a court of competent jurisdiction~~
14 for an order granting the restoration of his civil rights as set forth in
15 subsection 1.

16 3. Except for a person subject to the limitations set forth in
17 subsection 2, upon receiving a pardon, a person so pardoned must be
18 given an official document which provides:

19 (a) That he has been granted a pardon;

20 (b) That he has been restored to his civil rights to vote and to
21 serve as a juror in a civil action as of the date that his pardon is
22 granted;

23 (c) The date on which his civil right to hold office will be
24 restored to him pursuant to paragraph (b) of subsection 1; and

25 (d) The date on which his civil right to serve as a juror in a
26 criminal action will be restored to him pursuant to paragraph (c) of
27 subsection 1.

28 4. Subject to the limitations set forth in subsection 2, a person
29 who has been granted a pardon in this State or elsewhere and whose
30 official documentation of his pardon is lost, damaged or destroyed
31 may file a written request with a court of competent jurisdiction to
32 restore his civil rights pursuant to this section. Upon verification that
33 the person has been granted a pardon and is eligible to be restored to
34 the civil rights set forth in subsection 1, the court shall issue an
35 order restoring the person to the civil rights set forth in subsection 1.
36 A person must not be required to pay a fee to receive such an order.

37 5. A person who has been granted a pardon in this State or
38 elsewhere ~~may] must not be required to~~ present:

39 (a) Official documentation of his pardon ; ~~if it contains the~~
40 ~~provisions set forth in subsection 3;] or~~

41 (b) A court order restoring his civil rights,

42 ➤ as proof that he has been restored to the civil ~~rights set forth in~~
43 ~~subsection 1.] right to vote.~~



1 **Sec. 8.** NRS 213.154 is hereby amended to read as follows:

2 213.154 1. ~~{The Division shall issue an honorable discharge~~
3 ~~to a parolee whose term of sentence has expired if the parolee has:~~

4 ~~—(a) Fulfilled the conditions of his parole for the entire period of~~
5 ~~his parole; or~~

6 ~~—(b) Demonstrated his fitness for honorable discharge but~~
7 ~~because of economic hardship, verified by a parole and probation~~
8 ~~officer, has been unable to make restitution as ordered by the court.~~

9 ~~—2.} The Division shall issue a dishonorable discharge to a~~
10 ~~parolee whose term of sentence has expired if:~~

11 (a) The whereabouts of the parolee are unknown;

12 (b) The parolee has failed to make full restitution as ordered by
13 the court, without a verified showing of economic hardship; or

14 (c) The parolee has otherwise failed to qualify for an honorable
15 discharge pursuant to ~~{subsection 1.~~

16 ~~—3.} **NRS 213.155.**~~

17 **2.** Any amount of restitution that remains unpaid by a person
18 after he has been *dishonorably* discharged from parole constitutes a
19 civil liability as of the date of discharge.

20 **3.** *Except as otherwise provided in subsection 4, a person who*
21 *receives a dishonorable discharge from parole for failing to make*
22 *full restitution as ordered by the court:*

23 (a) *Is immediately restored to the civil right to vote.*

24 (b) *Three years after the date of his dishonorable discharge*
25 *from parole, is restored to the right to serve as a juror in a civil*
26 *action.*

27 (c) *Seven years after the date of his dishonorable discharge*
28 *from parole, is restored to the right to hold office.*

29 (d) *Ten years after the date of his dishonorable discharge from*
30 *parole, is restored to the right to serve as a juror in a criminal*
31 *action.*

32 **4.** *Except as otherwise provided in this subsection, the civil*
33 *rights set forth in subsection 3 are not restored to a person who*
34 *has received a dishonorable discharge from parole for failing to*
35 *make full restitution as ordered by the court if the person has*
36 *previously been convicted in this State:*

37 (a) *Of a category A felony.*

38 (b) *Of an offense that would constitute a category A felony if*
39 *committed as of the date of his dishonorable discharge from*
40 *parole.*

41 (c) *Of a category B felony involving the use of force or*
42 *violence that resulted in substantial bodily harm to the victim.*

43 (d) *Of an offense involving the use of force or violence that*
44 *resulted in substantial bodily harm to the victim and that would*



1 *constitute a category B felony if committed as of the date of his*
2 *dishonorable discharge from parole.*

3 *(e) Two or more times of a felony, unless a felony for which*
4 *the person has been convicted arose out of the same act,*
5 *transaction or occurrence as another felony, in which case the*
6 *convictions for those felonies shall be deemed to constitute a*
7 *single conviction for the purposes of this paragraph.*

8 *↳ A person described in this subsection may petition a court of*
9 *competent jurisdiction for an order granting the restoration of his*
10 *civil rights as set forth in subsection 3.*

11 *5. Except for a person subject to the limitations set forth in*
12 *subsection 4, upon his dishonorable discharge from parole for*
13 *failing to make full restitution as ordered by the court, the person*
14 *so discharged must be given an official document which provides:*

15 *(a) That he has received a dishonorable discharge from parole*
16 *for failing to make full restitution as ordered by the court;*

17 *(b) That he has been restored to his civil right to vote as of the*
18 *date of his dishonorable discharge from parole;*

19 *(c) The date on which his civil right to serve as a juror in a*
20 *civil action will be restored to him pursuant to paragraph (b) of*
21 *subsection 3;*

22 *(d) The date on which his civil right to hold office will be*
23 *restored to him pursuant to paragraph (c) of subsection 3; and*

24 *(e) The date on which his civil right to serve as a juror in a*
25 *criminal action will be restored to him pursuant to paragraph (d)*
26 *of subsection 3.*

27 *6. Subject to the limitations set forth in subsection 4, a person*
28 *who has been dishonorably discharged from parole for failing to*
29 *make full restitution as ordered by the court in this State or*
30 *elsewhere and whose official documentation of his dishonorable*
31 *discharge from parole is lost, damaged or destroyed may file a*
32 *written request with a court of competent jurisdiction to restore his*
33 *civil rights pursuant to this section. Upon verification that the*
34 *person has been dishonorably discharged from parole for failing*
35 *to make full restitution as ordered by the court and is eligible to be*
36 *restored to the civil rights set forth in subsection 3, the court shall*
37 *issue an order restoring the person to the civil rights set forth in*
38 *subsection 3. A person must not be required to pay a fee to receive*
39 *such an order.*

40 *7. A person who has been dishonorably discharged from*
41 *parole for failing to make full restitution as ordered by the court in*
42 *this State or elsewhere must not be required to present:*

43 *(a) Official documentation of his dishonorable discharge from*
44 *parole; or*

45 *(b) A court order restoring his civil rights,*



1 ↪ *as proof that he has been restored to the civil right to vote.*

2 **8. The Board may adopt regulations necessary or convenient**
3 **for the purposes of this section.**

4 **Sec. 9.** NRS 213.155 is hereby amended to read as follows:

5 213.155 1. **The Division shall issue an honorable discharge**
6 **to a parolee whose term of sentence has expired if the parolee has:**

7 (a) **Fulfilled the conditions of his parole for the entire period**
8 **of his parole; or**

9 (b) **Demonstrated his fitness for honorable discharge but**
10 **because of economic hardship, verified by a parole and probation**
11 **officer, has been unable to make restitution as ordered by the**
12 **court.**

13 2. **Any amount of restitution that remains unpaid by a person**
14 **after he has been honorably discharged from parole constitutes a**
15 **civil liability as of the date of discharge.**

16 3. Except as otherwise provided in subsection ~~[2.]~~ 4, a person
17 who receives an honorable discharge from parole : ~~[pursuant to~~
18 ~~NRS 213.154:]~~

19 (a) Is immediately restored to the following civil rights:

20 (1) The right to vote; and

21 (2) The right to serve as a juror in a civil action.

22 (b) Four years after the date of his honorable discharge from
23 parole, is restored to the right to hold office.

24 (c) Six years after the date of his honorable discharge from
25 parole, is restored to the right to serve as a juror in a criminal action.

26 ~~[2.]~~ 4. Except as otherwise provided in this subsection, the civil
27 rights set forth in subsection ~~[1.]~~ 3 are not restored to a person who
28 has received an honorable discharge from parole if the person has
29 previously been convicted in this State:

30 (a) Of a category A felony.

31 (b) Of an offense that would constitute a category A felony if
32 committed as of the date of his honorable discharge from parole.

33 (c) Of a category B felony involving the use of force or violence
34 that resulted in substantial bodily harm to the victim.

35 (d) Of an offense involving the use of force or violence that
36 resulted in substantial bodily harm to the victim and that would
37 constitute a category B felony if committed as of the date of his
38 honorable discharge from parole.

39 (e) Two or more times of a felony, unless a felony for which the
40 person has been convicted arose out of the same act, transaction or
41 occurrence as another felony, in which case the convictions for
42 those felonies shall be deemed to constitute a single conviction for
43 the purposes of this paragraph.

44 ↪ A person described in this subsection may petition ~~[the court in~~
45 ~~which the person was convicted]~~ **a court of competent jurisdiction**



1 for an order granting the restoration of his civil rights as set forth in
2 subsection ~~[1.]~~ 3.

3 ~~[3.]~~ 5. Except for a person subject to the limitations set forth in
4 subsection ~~[2.]~~ 4, upon his honorable discharge from parole, a
5 person so discharged must be given an official document which
6 provides:

7 (a) That he has received an honorable discharge from parole;

8 (b) That he has been restored to his civil rights to vote and to
9 serve as a juror in a civil action as of the date of his honorable
10 discharge from parole;

11 (c) The date on which his civil right to hold office will be
12 restored to him pursuant to paragraph (b) of subsection ~~[1.]~~ 3; and

13 (d) The date on which his civil right to serve as a juror in a
14 criminal action will be restored to him pursuant to paragraph (c) of
15 subsection ~~[1.]~~ 3.

16 ~~[4.]~~ 6. Subject to the limitations set forth in subsection ~~[2.]~~ 4, a
17 person who has been honorably discharged from parole in this State
18 or elsewhere and whose official documentation of his honorable
19 discharge from parole is lost, damaged or destroyed may file a
20 written request with a court of competent jurisdiction to restore his
21 civil rights pursuant to this section. Upon verification that the person
22 has been honorably discharged from parole and is eligible to be
23 restored to the civil rights set forth in subsection ~~[1.]~~ 3, the court
24 shall issue an order restoring the person to the civil rights set forth in
25 subsection ~~[1.]~~ 3. A person must not be required to pay a fee to
26 receive such an order.

27 ~~[5.]~~ 7. A person who has been honorably discharged from
28 parole in this State or elsewhere ~~[may]~~ *shall not be required to*
29 *present:*

30 (a) Official documentation of his honorable discharge from
31 parole ; ~~[, if it contains the provisions set forth in subsection 3;]~~ or

32 (b) A court order restoring his civil rights,
33 ~~↪ as proof that he has been restored to the civil [rights set forth in~~
34 ~~subsection 1-~~

35 ~~—6.] right to vote.~~

36 8. The Board may adopt regulations necessary or convenient
37 for the purposes of this section.

38 **Sec. 10.** NRS 213.157 is hereby amended to read as follows:

39 213.157 1. Except as otherwise provided in subsection 2, a
40 person convicted of a felony in the State of Nevada who has served
41 his sentence and has been released from prison:

42 (a) Is immediately restored to the following civil rights:

43 (1) The right to vote; and

44 (2) The right to serve as a juror in a civil action.



1 (b) Four years after the date of his release from prison, is
2 restored to the right to hold office.

3 (c) Six years after the date of his release from prison, is restored
4 to the right to serve as a juror in a criminal action.

5 2. Except as otherwise provided in this subsection, the civil
6 rights set forth in subsection 1 are not restored to a person who has
7 been released from prison if the person has previously been
8 convicted in this State:

9 (a) Of a category A felony.

10 (b) Of an offense that would constitute a category A felony if
11 committed as of the date of his release from prison.

12 (c) Of a category B felony involving the use of force or violence
13 that resulted in substantial bodily harm to the victim.

14 (d) Of an offense involving the use of force or violence that
15 resulted in substantial bodily harm to the victim and that would
16 constitute a category B felony if committed as of the date of his
17 release from prison.

18 (e) Two or more times of a felony, unless a felony for which the
19 person has been convicted arose out of the same act, transaction or
20 occurrence as another felony, in which case the convictions for
21 those felonies shall be deemed to constitute a single conviction for
22 the purposes of this paragraph.

23 ➔ A person described in this subsection may petition ~~[the court in~~
24 ~~which the person was convicted]~~ *a court of competent jurisdiction*
25 for an order granting the restoration of his civil rights as set forth in
26 subsection 1.

27 3. Except for a person subject to the limitations set forth in
28 subsection 2, upon his release from prison, a person so released
29 must be given an official document which provides:

30 (a) That he has been released from prison;

31 (b) That he has been restored to his civil rights to vote and to
32 serve as a juror in a civil action as of the date of his release from
33 prison;

34 (c) The date on which his civil right to hold office will be
35 restored to him pursuant to paragraph (b) of subsection 1; and

36 (d) The date on which his civil right to serve as a juror in a
37 criminal action will be restored to him pursuant to paragraph (c) of
38 subsection 1.

39 4. Subject to the limitations set forth in subsection 2, a person
40 who has been released from prison in this State or elsewhere and
41 whose official documentation of his release from prison is lost,
42 damaged or destroyed may file a written request with a court of
43 competent jurisdiction to restore his civil rights pursuant to this
44 section. Upon verification that the person has been released from
45 prison and is eligible to be restored to the civil rights set forth in



1 subsection 1, the court shall issue an order restoring the person to
2 the civil rights set forth in subsection 1. A person must not be
3 required to pay a fee to receive such an order.

4 5. A person who has been released from prison in this State or
5 elsewhere ~~[may]~~ **shall not be required to** present:

6 (a) Official documentation of his release from prison ; ~~[, if it~~
7 ~~contains the provisions set forth in subsection 3:]~~ or

8 (b) A court order restoring his civil rights,
9 → as proof that he has been restored to the civil ~~[rights set forth in~~
10 ~~subsection 1.]~~ **right to vote.**

11 **Sec. 11.** Section 71 of chapter 447, Statutes of Nevada 2003,
12 at page 2735, is hereby amended to read as follows:

13 Sec. 71. 1. Any person residing in this State who,
14 before July 1, 2003, was:

15 (a) Honorably discharged from probation pursuant to
16 NRS 176A.850;

17 (b) Pardoned pursuant to NRS 213.090;

18 (c) Honorably discharged from parole pursuant to NRS
19 213.154 and 213.155; or

20 (d) Released from prison pursuant to NRS 213.157,
21 → in this State or elsewhere, who is not on probation or
22 parole or serving a sentence of imprisonment on July 1, 2003,
23 and who has not had his civil rights restored is hereby
24 restored to the civil rights set forth in subsection 2.

25 2. A person listed in subsection 1:

26 (a) Is immediately restored to the following civil rights:

27 (1) The right to vote; and

28 (2) The right to serve as a juror in a civil action.

29 (b) Four years after the date on which he is released from
30 his sentence of imprisonment, is restored to the right to hold
31 office.

32 (c) Six years after the date on which he is released from
33 his sentence of imprisonment, is restored to the right to serve
34 as a juror in a criminal action.

35 3. A person who is restored to his civil rights pursuant to
36 this section and whose official documentation which
37 demonstrates that the person qualifies to have his civil rights
38 restored pursuant to subsection 1 is lost, damaged or
39 destroyed may file a written request with a court of competent
40 jurisdiction to restore his civil rights pursuant to this section.
41 Upon verification that the person qualifies to have his civil
42 rights restored pursuant to subsection 1, the court shall issue
43 an order restoring the person to the civil rights set forth in
44 subsection 2. A person must not be required to pay a fee to
45 receive such an order.



1 4. A person who is restored to his civil rights pursuant to
2 this section ~~[may]~~ *must not be required to* present official
3 documentation that he qualifies to have his civil rights
4 restored pursuant to subsection 1 or a court order restoring his
5 civil rights as proof that he has been restored to the civil
6 ~~[rights set forth in subsection 2.]~~ *right to vote.*

7 **Sec. 12.** 1. Any person residing in this State who:

8 (a) Before the effective date of this act, was dishonorably
9 discharged from probation for failing to make full restitution as
10 ordered by the court or was dishonorably discharged from parole for
11 failing to make full restitution as ordered by the court;

12 (b) Is not on probation or parole or serving a sentence of
13 imprisonment on the effective date of this act; and

14 (c) Has not been convicted in this State of an offense specified
15 in subsection 3 of NRS 176A.870, as amended by this act, or
16 subsection 4 of NRS 213.154, as amended by this act,

17 ↪ is hereby restored to the civil rights set forth in subsection 2.

18 2. A person described in subsection 1:

19 (a) Is immediately restored to the civil right to vote.

20 (b) Three years after the date on which he was released from his
21 sentence of imprisonment, is restored to the right to serve as a juror
22 in a civil action.

23 (c) Seven years after the date on which he was released from his
24 sentence of imprisonment, is restored to the right to hold office.

25 (d) Ten years after the date on which he was released from his
26 sentence of imprisonment, is restored to the right to serve as a juror
27 in a criminal action.

28 3. Any person residing in this State who:

29 (a) Before the effective date of this act, was dishonorably
30 discharged from probation for failing to make full restitution as
31 ordered by the court or was dishonorably discharged from parole for
32 failing to make full restitution;

33 (b) Is not on probation or parole or serving a sentence of
34 imprisonment on the effective date of this act; and

35 (c) Has not been convicted in this State of an offense specified
36 in subsection 3 of NRS 176A.870, as amended by this act, or
37 subsection 4 of NRS 213.154, as amended by this act,

38 ↪ may petition a court of competent jurisdiction for an order
39 granting the restoration of his civil rights as set forth in
40 subsection 2.

41 4. A person who is restored to his civil rights pursuant to this
42 section must not be required to present official documentation that
43 he qualifies to have his civil rights restored pursuant to subsection 1
44 or a court order restoring his civil rights as proof that he has been
45 restored to the civil right to vote.



1 **Sec. 13.** This act becomes effective upon passage and
2 approval.

⑩



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