
SENATE BILL NO. 360—SENATOR HORSFORD

MARCH 25, 2005

JOINT SPONSOR: ASSEMBLYMAN MUNFORD

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; revising the provisions pertaining to the restoration of civil rights pursuant to a pardon issued by the State Board of Pardons Commissioners; reducing the period that persons convicted of certain crimes must wait before petitioning to seal the records relating to their conviction; authorizing certain persons who were dishonorably discharged from probation or parole to apply, during a limited period, to change their dishonorable discharge to an honorable discharge under certain circumstances; 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 provides that a person whose civil rights are restored must not be
15 required to present documentation as proof of such restoration of civil rights. This
16 bill also authorizes certain persons who were dishonorably discharged from
17 probation or parole to apply to the Division of Parole and Probation of the
18 Department of Public Safety, during a limited period, to change their dishonorable
19 discharge to an honorable discharge under certain circumstances. Persons who were
20 dishonorably discharged for certain reasons would not be eligible to seek a change
21 of discharge under the bill. The bill further provides that if the discharge of the
22 person is changed from dishonorable to honorable, the provisions of law pertaining
23 to a person who received an honorable discharge would then apply to the person
24 and the civil rights of the person would be restored as if the person had received an
25 honorable discharge.

26 Under existing law, pardons issued by the State Board of Pardons
27 Commissioners are subject to the same restrictions and limitations on the
28 restoration of civil rights that are contained in the statutes pertaining to restoration
29 of civil rights following discharge from probation or parole or release from prison.
30 (NRS 176A.850, 213.090, 213.155, 213.157) Section 14 of Article 5 of the Nevada
31 Constitution vests the State Board of Pardons Commissioners with the
32 constitutional authority to grant pardons upon such conditions and with such
33 limitations and restrictions as thought proper, subject only to the laws enacted by
34 the Legislature that regulate the manner of applying for pardons. Consequently,
35 restrictions or limitations on the power of the Board to restore the civil rights of a
36 convicted person may infringe upon the constitutional authority of the Board.

37 This bill provides that if a person is granted a full, unconditional pardon by the
38 Board, the person is restored to all civil rights and is relieved of all disabilities
39 incurred upon conviction. This bill also provides that a pardon granted by the Board
40 shall be deemed to be a full, unconditional pardon unless the official document
41 issued by the Board explicitly limits the restoration of the civil rights of the person
42 or does not relieve the person of all disabilities incurred upon conviction.

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

51 This bill reduces the time before which a person may petition the court to have
52 his criminal records sealed for certain offenses. For a category E felony, the period
53 is reduced from 10 years to 7 years after release from custody or discharge from
54 parole or probation. For misdemeanors other than a battery that constitutes
55 domestic violence or a conviction for driving under the influence of alcohol or
56 drugs, the period is reduced from 3 years to 2 years.



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.
25 (e) If he meets the requirements of NRS 179.245, may apply to
26 the court for the sealing of records relating to his conviction.
27 (f) Must be informed of the provisions of this section and NRS
28 179.245 in his probation papers.
29 (g) Is exempt from the requirements of chapter 179C of NRS,
30 but is not exempt from the requirements of chapter 179D of NRS.
31 (h) Shall disclose the conviction to a gaming establishment and
32 to the State and its agencies, departments, boards, commissions and
33 political subdivisions, if required in an application for employment,
34 license or other permit. As used in this paragraph, "establishment"
35 has the meaning ascribed to it in NRS 463.0148.
36 (i) Except as otherwise provided in paragraph (h), need not
37 disclose the conviction to an employer or prospective employer.
38 4. Except as otherwise provided in this subsection, the civil
39 rights set forth in subsection 3 are not restored to a person honorably
40 discharged from probation if the person has previously been
41 convicted in this State:
42 (a) Of a category A felony.



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

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

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

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

14 ➤ A person described in this subsection may petition ~~[the court in~~
15 ~~which the person was convicted]~~ *a court of competent jurisdiction*
16 for an order granting the restoration of his civil rights as set forth in
17 subsection 3.

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

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

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

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

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

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

35 7. Subject to the limitations set forth in subsection 4, a person
36 who has been honorably discharged from probation in this State or
37 elsewhere and whose official documentation of his honorable
38 discharge from probation is lost, damaged or destroyed may file a
39 written request with a court of competent jurisdiction to restore his
40 civil rights pursuant to this section. Upon verification that the person
41 has been honorably discharged from probation and is eligible to be
42 restored to the civil rights set forth in subsection 3, the court shall
43 issue an order restoring the person to the civil rights set forth in
44 subsection 3. A person must not be required to pay a fee to receive
45 such an order.



1 8. A person who has been honorably discharged from
2 probation in this State or elsewhere ~~[may]~~ *must not be required to*
3 present:

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

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

10 **Sec. 2.** NRS 179.245 is hereby amended to read as follows:

11 179.245 1. Except as otherwise provided in subsection 5 and
12 NRS 176A.265, 179.259 and 453.3365, a person may petition the
13 court in which he was convicted for the sealing of all records
14 relating to a conviction of:

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

18 (b) A category C or D felony after 12 years from the date of his
19 release from actual custody or discharge from parole or probation,
20 whichever occurs later;

21 (c) A category E felony after ~~[10]~~ 7 years from the date of his
22 release from actual custody or discharge from parole or probation,
23 whichever occurs later;

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

27 (e) A violation of NRS 484.379 other than a felony, or a battery
28 which constitutes domestic violence pursuant to NRS 33.018 other
29 than a felony, after 7 years from the date of his release from actual
30 custody or from the date when he is no longer under a suspended
31 sentence, whichever occurs later; or

32 (f) Any other misdemeanor after ~~[3 years]~~ 2 years from the date
33 of his release from actual custody or from the date when he is no
34 longer under a suspended sentence, whichever occurs later.

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

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

38 (1) The Central Repository for Nevada Records of Criminal
39 History; and

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

42 (b) Include a list of any other public or private agency,
43 company, official or other custodian of records that is reasonably
44 known to the petitioner to have possession of records of the



1 conviction and to whom the order to seal records, if issued, will be
2 directed; and

3 (c) Include information that, to the best knowledge and belief of
4 the petitioner, accurately and completely identifies the records to be
5 sealed.

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

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

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

13 ↪ The prosecuting attorney and any person having relevant
14 evidence may testify and present evidence at the hearing on the
15 petition.

16 4. If, after the hearing, the court finds that, in the period
17 prescribed in subsection 1, the petitioner has not been charged with
18 any offense for which the charges are pending or convicted of any
19 offense, except for minor moving or standing traffic violations, the
20 court may order sealed all records of the conviction which are in the
21 custody of the court, of another court in the State of Nevada or of a
22 public or private agency, company or official in the State of Nevada,
23 and may also order all such criminal identification records of the
24 petitioner returned to the file of the court where the proceeding was
25 commenced from, including, but not limited to, the Federal Bureau
26 of Investigation, the California Bureau of *Criminal* Identification
27 and Information, sheriffs' offices and all other law enforcement
28 agencies reasonably known by either the petitioner or the court to
29 have possession of such records.

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

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

36 7. As used in this section:

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

39 (b) "Sexual offense" means:

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

44 (2) Sexual assault pursuant to NRS 200.366.



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

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

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

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

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

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

17 (9) Incest pursuant to NRS 201.180.

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

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

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

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

25 (14) Sexual penetration of a dead human body pursuant to
26 NRS 201.450.

27 (15) Luring a child or mentally ill person pursuant to NRS
28 201.560, if punishable as a felony.

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

31 **Sec. 3.** NRS 179.285 is hereby amended to read as follows:

32 179.285 **1.** Except as otherwise provided in NRS 179.301 ~~1:~~
33 ~~1. If~~, *if* the court orders a record sealed pursuant to NRS
34 176A.265, 179.245, 179.255, 179.259 or 453.3365:

35 (a) All proceedings recounted in the record are deemed never to
36 have occurred, and the person to whom the order pertains may
37 properly answer accordingly to any inquiry, including, without
38 limitation, an inquiry relating to an application for employment,
39 concerning the arrest, conviction, dismissal or acquittal and the
40 events and proceedings relating to the arrest, conviction, dismissal
41 or acquittal.

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

- 44 (1) The right to vote;
45 (2) The right to hold office; and



1 (3) The right to serve on a jury.

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

6 3. A person who has had his records sealed in this State or any
7 other state and whose official documentation of the restoration of
8 his civil rights is lost, damaged or destroyed may file a written
9 request with a court of competent jurisdiction to restore his civil
10 rights pursuant to this section. Upon verification that the person has
11 had his records sealed, the court shall issue an order restoring the
12 person to the civil rights to vote, to hold office and to serve on a
13 jury. A person must not be required to pay a fee to receive such an
14 order.

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

20 **Sec. 4.** NRS 213.090 is hereby amended to read as follows:

21 213.090 1. ~~[Except as otherwise provided in subsection 2, a~~
22 ~~person who is granted a pardon for any offense committed:~~

23 ~~— (a) Is immediately restored to the following civil rights:~~

24 ~~— (1) The right to vote; and~~

25 ~~— (2) The right to serve as a juror in a civil action.~~

26 ~~— (b) Four years after the date that his pardon is granted, is~~
27 ~~restored to the right to hold office.~~

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

30 ~~— 2. Except as otherwise provided in this subsection, the civil~~
31 ~~rights set forth in subsection 1 are not restored to a person who has~~
32 ~~been granted a pardon if the person has previously been convicted in~~
33 ~~this State:~~

34 ~~— (a) Of a category A felony.~~

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

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

39 ~~— (d) Of an offense involving the use of force or violence that~~
40 ~~resulted in substantial bodily harm to the victim and that would~~
41 ~~constitute a category B felony if committed as of the date that his~~
42 ~~pardon is granted.~~

43 ~~— (e) Two or more times of a felony, unless a felony for which the~~
44 ~~person has been convicted arose out of the same act, transaction or~~
45 ~~occurrence as another felony, in which case the convictions for~~



1 ~~those felonies shall be deemed to constitute a single conviction for~~
2 ~~the purposes of this paragraph.~~

3 ~~↪ A person described in this subsection may petition the court in~~
4 ~~which the person was convicted for an order granting the restoration~~
5 ~~of his civil rights as set forth in subsection 1.~~

6 ~~— 3. Except for a person subject to the limitations set forth in~~
7 ~~subsection 2, upon receiving a pardon, a person so pardoned must be~~
8 ~~given an official document which provides:~~

9 ~~— (a) That he has been granted a pardon;~~

10 ~~— (b) That he has been restored to his civil rights to vote and to~~
11 ~~serve as a juror in a civil action as of the date that his pardon is~~
12 ~~granted;~~

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

15 ~~— (d) The date on which his civil right to serve as a juror in a~~
16 ~~criminal action will be restored to him pursuant to paragraph (c) of~~
17 ~~subsection 1.~~

18 ~~— 4. Subject to the limitations set forth in subsection 2, a] A~~
19 ~~person who is granted a full, unconditional pardon by the Board is~~
20 ~~restored to all civil rights and is relieved of all disabilities incurred~~
21 ~~upon conviction.~~

22 *2. A pardon granted by the Board shall be deemed to be a*
23 *full, unconditional pardon unless the official document issued*
24 *pursuant to subsection 3 explicitly limits the restoration of the civil*
25 *rights of the person or does not relieve the person of all disabilities*
26 *incurred upon conviction.*

27 *3. Upon being granted a pardon by the Board, a person so*
28 *pardoned must be given an official document which provides that*
29 *he has been granted a pardon. If the person has not been granted*
30 *a full, unconditional pardon, the official document must explicitly*
31 *state all limitations on the restoration of the civil rights of the*
32 *person and all disabilities incurred upon conviction from which*
33 *the person is not relieved.*

34 *4. A person who has been granted a pardon in this State or*
35 *elsewhere and whose official documentation of his pardon is lost,*
36 *damaged or destroyed may file a written request with a court of*
37 *competent jurisdiction to restore his civil rights pursuant to this*
38 *section. Upon verification that the person has been granted a pardon*
39 *and is eligible to be restored to the civil rights set forth in subsection*
40 *1, the court shall issue an order restoring the person to the civil*
41 *rights set forth in subsection 1. A person must not be required to pay*
42 *a fee to receive such an order.*

43 *5. A person who has been granted a pardon in this State or*
44 *elsewhere **[may]** must not be required to* present:



1 (a) Official documentation of his pardon ; ~~[-, if it contains the~~
2 ~~provisions set forth in subsection 3;]~~ or

3 (b) A court order restoring his civil rights,
4 ↪ as proof that he has been restored to the civil ~~[rights set forth in~~
5 ~~subsection 1.] right to vote.~~

6 **Sec. 5.** NRS 213.154 is hereby amended to read as follows:

7 213.154 1. ~~[The Division shall issue an honorable discharge~~
8 ~~to a parolee whose term of sentence has expired if the parolee has:~~

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

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

14 ~~—2.]~~ The Division shall issue a dishonorable discharge to a
15 parolee whose term of sentence has expired if:

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

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

19 (c) The parolee has otherwise failed to qualify for an honorable
20 discharge pursuant to ~~[subsection 1.~~

21 ~~—3.] NRS 213.155.~~

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

25 3. *A dishonorable discharge from parole releases the parolee*
26 *from any further obligation, except a civil liability arising on the*
27 *date of discharge for any unpaid restitution, but does not entitle*
28 *the parolee to any privilege conferred by NRS 213.155.*

29 **Sec. 6.** NRS 213.155 is hereby amended to read as follows:

30 213.155 1. *The Division shall issue an honorable discharge*
31 *to a parolee whose term of sentence has expired if the parolee has:*

32 (a) *Fulfilled the conditions of his parole for the entire period*
33 *of his parole; or*

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

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

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

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

45 (1) The right to vote; and



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

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

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

6 ~~[2.] 4.~~ Except as otherwise provided in this subsection, the civil
7 rights set forth in subsection ~~[1.] 3~~ are not restored to a person who
8 has received an honorable discharge from parole if the person has
9 previously been convicted in this State:

10 (a) Of a category A felony.

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

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

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

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

24 ➔ A person described in this subsection may petition ~~[the court in~~
25 ~~which the person was convicted]~~ *a court of competent jurisdiction*
26 for an order granting the restoration of his civil rights as set forth in
27 subsection ~~[1.] 3~~.

28 ~~[3.] 5.~~ Except for a person subject to the limitations set forth in
29 subsection ~~[2.] 4~~, upon his honorable discharge from parole, a
30 person so discharged must be given an official document which
31 provides:

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

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

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

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

41 ~~[4.] 6.~~ Subject to the limitations set forth in subsection ~~[2.] 4~~, a
42 person who has been honorably discharged from parole in this State
43 or elsewhere and whose official documentation of his honorable
44 discharge from parole is lost, damaged or destroyed may file a
45 written request with a court of competent jurisdiction to restore his



1 civil rights pursuant to this section. Upon verification that the person
2 has been honorably discharged from parole and is eligible to be
3 restored to the civil rights set forth in subsection ~~[4.]~~ 3, the court
4 shall issue an order restoring the person to the civil rights set forth in
5 subsection ~~[4.]~~ 3. A person must not be required to pay a fee to
6 receive such an order.

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

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

12 (b) A court order restoring his civil rights,
13 ↪ as proof that he has been restored to the civil ~~[rights set forth in~~
14 ~~subsection 1.~~

15 ~~—6.] right to vote.~~

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

18 **Sec. 7.** NRS 213.157 is hereby amended to read as follows:

19 213.157 1. Except as otherwise provided in subsection 2, a
20 person convicted of a felony in the State of Nevada who has served
21 his sentence and has been released from prison:

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

23 (1) The right to vote; and

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

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

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

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

33 (a) Of a category A felony.

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

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

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

42 (e) Two or more times of a felony, unless a felony for which the
43 person has been convicted arose out of the same act, transaction or
44 occurrence as another felony, in which case the convictions for



1 those felonies shall be deemed to constitute a single conviction for
2 the purposes of this paragraph.

3 ↪ A person described in this subsection may petition ~~[the court in~~
4 ~~which the person was convicted]~~ *a court of competent jurisdiction*
5 for an order granting the restoration of his civil rights as set forth in
6 subsection 1.

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

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

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

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

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

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

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

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

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

34 ↪ as proof that he has been restored to the civil ~~[rights set forth in~~
35 ~~subsection 1.]~~ *right to vote.*

36 **Sec. 8.** Section 71 of chapter 447, Statutes of Nevada 2003, at
37 page 2735, is hereby amended to read as follows:

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

40 (a) Honorably discharged from probation pursuant to
41 NRS 176A.850;

42 (b) Pardoned pursuant to NRS 213.090;

43 (c) Honorably discharged from parole pursuant to NRS
44 213.154 and 213.155; or

45 (d) Released from prison pursuant to NRS 213.157,



1 ↳ in this State or elsewhere, who is not on probation or
2 parole or serving a sentence of imprisonment on July 1, 2003,
3 and who has not had his civil rights restored is hereby
4 restored to the civil rights set forth in subsection 2.

5 2. A person listed in subsection 1:

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

7 (1) The right to vote; and

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

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

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

15 3. A person who is restored to his civil rights pursuant to
16 this section and whose official documentation which
17 demonstrates that the person qualifies to have his civil rights
18 restored pursuant to subsection 1 is lost, damaged or
19 destroyed may file a written request with a court of competent
20 jurisdiction to restore his civil rights pursuant to this section.
21 Upon verification that the person qualifies to have his civil
22 rights restored pursuant to subsection 1, the court shall issue
23 an order restoring the person to the civil rights set forth in
24 subsection 2. A person must not be required to pay a fee to
25 receive such an order.

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

32 **Sec. 9.** 1. Notwithstanding any other provision of law,
33 except as otherwise provided in subsection 2, a person who was
34 dishonorably discharged from probation or parole before the
35 effective date of this act may, until July 1, 2008, apply to the
36 Division of Parole and Probation of the Department of Public
37 Safety, in accordance with the regulations adopted by the Division
38 pursuant to this section, to request that his dishonorable discharge
39 from probation or parole be changed to an honorable discharge from
40 probation or parole.

41 2. A person who was dishonorably discharged from probation
42 or parole may not apply to change his discharge to an honorable
43 discharge pursuant to this section if his dishonorable discharge was
44 based, in whole or in part, upon:



1 (a) The fact that he committed a new crime during the period of
2 his probation or parole;

3 (b) The fact that his whereabouts were unknown at the time of
4 his discharge from probation or parole; or

5 (c) Any incident involving his commission of a violent act or an
6 act that threatened public safety during the period of his probation or
7 parole.

8 3. The Division shall adopt regulations establishing guidelines
9 and procedures to be used to carry out the provisions of this section.
10 The regulations must include, without limitation, provisions
11 requiring that to be granted a change of discharge pursuant to this
12 section, if an applicant failed to make full restitution as ordered by
13 the court or failed to pay the fees to defray the cost of his
14 supervision as required pursuant to NRS 213.1076, the applicant
15 must have made or must be making an effort in good faith and
16 satisfactory progress towards paying the restitution ordered or fees
17 owed, as determined by the Division.

18 4. A person whose application for a change of discharge is
19 granted by the Division and whose discharge from probation or
20 parole is changed to an honorable discharge from probation or
21 parole pursuant to this section:

22 (a) Shall be deemed to have been issued an honorable discharge
23 from probation or parole effective as of the date of his original
24 dishonorable discharge from probation or parole;

25 (b) Is subject to, and must be restored to his civil rights in
26 accordance with, the provisions of NRS 176A.850 or 213.155, as
27 amended by this act; and

28 (c) Must be given an official document which:

29 (1) Provides that he has received an honorable discharge
30 from probation or parole; and

31 (2) States, as applicable, the dates on which his civil rights to
32 vote, to serve as a juror in a civil action, to hold office and to serve
33 as a juror in a criminal action will be restored to him.

34 5. The Division shall, on or before January 1, 2008, submit a
35 written report to the Director of the Legislative Counsel Bureau that
36 includes, without limitation, the following information:

37 (a) The number of persons who applied for a change of
38 discharge pursuant to this section;

39 (b) The number of applications that were granted or denied and
40 the general reasons for denial of the applications;

41 (c) The estimated amount of restitution and fees for supervision
42 paid as the result of the enactment of this section;

43 (d) Any recommendations and conclusions concerning the
44 desirability of extending the application of the provisions of this
45 section; and



1 (e) Any other information deemed appropriate by the Division.
2 **Sec. 10.** This act becomes effective upon passage and
3 approval.

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