

SUMMARY—Revises provisions relating to records of criminal history. (BDR 14-676)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: Yes.

AN ACT relating to records of criminal history; requiring a court to order certain records of criminal history sealed under certain circumstances; eliminating the authority for a court to consider a proceeding for which records have been sealed in determining whether to grant a petition to seal records relating to a conviction of another offense; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a person who was arrested for alleged criminal conduct to file a petition for the sealing of certain records relating to the arrest if: (1) the charges are dismissed; or (2) the person is acquitted of the charges. (NRS 179.255) **Section 1** of this bill removes the requirement for such a person to file a petition and instead requires the court in which the charges were dismissed or the acquittal was entered, as applicable, to order the sealing of the records. **Section 1** also provides that if a person has been arrested for alleged criminal conduct and the prosecuting attorney having jurisdiction declines prosecution of the charges, the person may petition the court having jurisdiction in which the charges are declined for prosecution: (1) any time after the



applicable statute of limitations has run; (2) any time 8 years after the arrest; or (3) pursuant to a stipulation between the parties.

Under existing law, if a court orders a record sealed, the proceedings recounted in the record are deemed never to have occurred for most purposes. (NRS 179.285) Although existing law generally deems a proceeding for which records have been sealed never to have occurred, existing law authorizes a court to consider any such proceeding in determining whether to grant a petition to seal records relating to a conviction of another offense. (NRS 179.295) **Section 2** of this bill eliminates this authorization and instead prohibits a court from considering any such proceeding in determining whether to grant a petition to seal records relating to a conviction of another offense.

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

**Section 1.** NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and ~~the~~:

~~(a) The~~ charges are dismissed, the ~~prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition: —(a) The~~ court in which the charges were dismissed ~~[, at any time after the date the charges were dismissed;]~~ *shall order the sealing of all records relating to the arrest and the proceedings leading to the dismissal; or*



(b) The ~~court having jurisdiction in which the charges were declined for prosecution:~~

~~— (1) Any time after the applicable statute of limitations has run;~~

~~— (2) Any time 8 years after the arrest; or~~

~~— (3) Pursuant to a stipulation between the parties; or~~

~~— (c) The] person is acquitted of the charges, the court in which the acquittal was entered [, at any time after the date of the acquittal,~~

~~→ for] shall order~~ the sealing of all records relating to the arrest and the proceedings leading to the ~~[dismissal, declination or]~~ acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. *If a person has been arrested for alleged criminal conduct and the prosecuting attorney having jurisdiction declines prosecution of the charges, the person may petition the court having jurisdiction in which the charges are declined for prosecution for the sealing of all records relating to the charges that were declined for prosecution:*

*(a) Any time after the applicable statute of limitations has run;*

*(b) Any time 8 years after the arrest; or*

*(c) Pursuant to a stipulation between the parties.*

4. A petition filed pursuant to subsection ~~[1 or]~~ 2 *or* 3 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;



(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the ~~[dismissal,]~~ declination ~~[or acquittal]~~ and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were ~~[dismissed or of which the petitioner was acquitted,]~~ *declined for prosecution*; and

(3) Date of arrest relating to the specific charges that were ~~[dismissed or of which the petitioner was acquitted.~~

~~—4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:~~

~~—(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or~~



~~—(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.~~

~~↪ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.] *declined for prosecution.*~~

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

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

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

*(a) If the charges were declined for prosecution in a district court or justice court, the prosecuting attorney for the county; or*

*(b) If the charges were declined for prosecution in a municipal court, the prosecuting attorney for the city.*

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

7. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of



the records or does not file a written objection within 30 days after receiving notification pursuant to subsection ~~[4-0:]~~ 5 or 6 and the court makes the findings set forth in subsection ~~[7:]~~ 8 or ~~[8:]~~ 9, as applicable, the court may order the sealing of the records in accordance with subsection ~~[7:]~~ 8 or ~~[8:]~~ 9, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

~~[7:]~~ 8. If the court finds ~~[-~~

~~—(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or~~

~~—(b) That] that~~ prosecution was declined ~~[or that the charges were dismissed]~~ and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination ~~[or dismissal]~~ which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

~~[8:]~~ 9. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.



~~9.1~~ 10. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection ~~7.1~~ 8, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

**Sec. 2.** NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection ~~9.1~~ 10 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.



3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. ~~[This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 in]~~ ***In*** determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense ~~[,]~~, ***the court shall not consider a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365.***

**Sec. 3.** The amendatory provisions this act apply to a petition for the sealing of a record that is filed on or after October 1, 2025.

