
ASSEMBLY BILL NO. 13—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE NEVADA SUPREME COURT)

PREFILED OCTOBER 30, 2024

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to criminal justice.
(BDR 14-475)

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

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

AN ACT relating to criminal justice; clarifying provisions concerning certain civil liabilities that arise upon the discharge of a person from probation; authorizing a court to grant a general discharge from probation under certain circumstances; clarifying provisions relating to the enforcement of a judgment which imposes certain monetary penalties or requires a defendant to pay restitution; providing that the rebuttable presumption that records of criminal history should be sealed applies at the discretion of the court to a defendant who is given a general discharge from probation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law: (1) authorizes a court to grant certain persons an honorable
2 discharge from probation; and (2) requires the court to dishonorably discharge any
3 person who is not eligible for an honorable discharge from probation. (NRS
4 176A.850) **Section 2** of this bill authorizes a court to grant a person who is not
5 eligible for an honorable discharge a general discharge if the court determines,
6 based on the nature and extent of compliance with the conditions of probation, that
7 a general discharge is appropriate.

8 Existing law: (1) provides that, upon the filing of a petition for the sealing of
9 certain criminal records, a rebuttable presumption exists that the records should be
10 sealed; and (2) makes the presumption inapplicable to a defendant who is
11 dishonorably discharged from probation. (NRS 179.2445) **Section 3** of this bill
12 provides that the rebuttable presumption that records of criminal history should be



13 sealed applies at the discretion of the court to a defendant who is given a general
14 discharge from probation pursuant to **section 2**.
15 Existing law provides that a judgment which requires a defendant in a criminal
16 action to pay certain monetary penalties or restitution constitutes a lien which is
17 enforceable as a judgment in a civil action. (NRS 176.275) **Section 2** clarifies that
18 the unpaid balance of any fine, fee, cost or assessment and any requirement to pay
19 restitution included in the judgment entered against a person who has been
20 discharged from probation constitutes a civil liability that: (1) arises upon the date
21 of discharge; and (2) is enforceable on the basis of the judgment. **Section 1** of this
22 bill clarifies that independent actions may be commenced to enforce the provisions
23 of a judgment which: (1) impose a fine, fee, cost or assessment; or (2) require a
24 defendant to pay restitution.

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

1 **Section 1.** NRS 176.275 is hereby amended to read as follows:
2 176.275 1. A judgment which imposes a fine or
3 administrative assessment or requires a defendant to pay restitution
4 or repay the expenses of a defense constitutes a lien in like manner
5 as a judgment for money rendered in a civil action.
6 2. *Independent actions may be commenced to enforce the*
7 *provisions of a judgment which:*
8 (a) *Impose a fine, fee, cost or assessment; or*
9 (b) *Require a defendant to pay restitution.*
10 3. A judgment which requires a defendant to pay restitution:
11 (a) May be recorded, docketed and enforced as any other
12 judgment for money rendered in a civil action.
13 (b) Does not expire until the judgment is satisfied.
14 ~~3.~~ 4. An independent action to enforce a judgment which
15 requires a defendant to pay restitution may be commenced at any
16 time.
17 **Sec. 2.** NRS 176A.850 is hereby amended to read as follows:
18 176A.850 1. A person who:
19 (a) Has fulfilled the conditions of probation for the entire period
20 thereof;
21 (b) Is recommended for earlier discharge by the Division; or
22 (c) Has demonstrated fitness for honorable discharge but
23 because of economic hardship, verified by the Division, has been
24 unable to make restitution as ordered by the court,
25 ↪ may be granted an honorable discharge from probation by order
26 of the court.
27 2. ~~1.A~~ *Except as otherwise provided in subsection 3, a person*
28 whose term of probation has expired and:
29 (a) Whose whereabouts are unknown;



1 (b) Who has failed to make restitution in full as ordered by the
2 court, without a verified showing of economic hardship; or

3 (c) Who has otherwise failed to qualify for an honorable
4 discharge as provided in subsection 1,

5 **↳** is not eligible for an honorable discharge and must be given a
6 dishonorable discharge.

7 **3. The court may, at its discretion, grant a person whose term
8 of probation has expired and who is not eligible for an honorable
9 discharge a general discharge if the court determines, based upon
10 the nature and extent of compliance of the person with the
11 conditions of probation, that a general discharge is appropriate.**

12 **4. A dishonorable discharge or general discharge releases the
13 person from any further obligation, except as otherwise provided in
14 subsection ~~3~~.**

15 ~~—3.~~ **5.**

16 **5. Any unpaid fine, fee, cost or assessment and any amount of
17 restitution remaining unpaid on the date of discharge constitutes a
18 civil liability ~~arising~~ that:**

19 **(a) Arises** upon the date of discharge ; and ~~is~~

20 **(b) Is** enforceable pursuant to NRS 176.275 ~~H~~ **on the basis of
21 the judgment which imposes the fine, fee, cost or assessment or
22 requires the payment of restitution.**

23 ~~4.~~ **6. A person who has been discharged from probation:**

24 **(a) Is** free from the terms and conditions of probation.

25 **(b) Is** immediately restored to the right to serve as a juror in a
26 civil action.

27 **(c) Four** years after the date of discharge from probation, is
28 restored to the right to hold office.

29 **(d) Six** years after the date of discharge from probation, is
30 restored to the right to serve as a juror in a criminal action.

31 **(e) If** the person meets the requirements of NRS 179.245, may
32 apply to the court for the sealing of records relating to the
33 conviction.

34 **(f) Must** be informed of the provisions of this section and NRS
35 179.245 in the person's probation papers.

36 **(g) Is** exempt from the requirements of chapter 179C of NRS,
37 but is not exempt from the requirements of chapter 179D of NRS.

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

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



1 ~~[5.]~~ 7. The prior conviction of a person who has been
2 discharged from probation may be used for purposes of
3 impeachment. In any subsequent prosecution of the person, the prior
4 conviction may be pleaded and proved if otherwise admissible.

5 ~~[6.]~~ 8. Upon discharge from probation, the person so
6 discharged must be given an official document which provides:

7 (a) That the person has received an honorable discharge ,
8 *general discharge* or dishonorable discharge, as applicable, from
9 probation;

10 (b) That the person is restored to his or her civil right to serve as
11 a juror in a civil action as of the date of his or her discharge from
12 probation;

13 (c) The date on which the person's civil right to hold office will
14 be restored pursuant to paragraph (c) of subsection ~~[4.]~~ 6; and

15 (d) The date on which the person's civil right to serve as a juror
16 in a criminal action will be restored pursuant to paragraph (d) of
17 subsection ~~[4.]~~

18 ~~—7.]~~ 6.

19 9. A person who has been discharged from probation in this
20 State or elsewhere and whose official documentation of discharge
21 from probation is lost, damaged or destroyed may file a written
22 request with a court of competent jurisdiction to restore the person's
23 civil rights pursuant to this section. Upon verification that the person
24 has been discharged from probation and is eligible to be restored to
25 the civil rights set forth in subsection ~~[4.]~~ 6, the court shall issue an
26 order restoring the person to the civil rights set forth in subsection
27 ~~[4.]~~ 6. A person must not be required to pay a fee to receive such an
28 order.

29 ~~[8.]~~ 10. A person who has been discharged from probation in
30 this State or elsewhere may present:

31 (a) Official documentation of discharge from probation, if it
32 contains the provisions set forth in subsection ~~[6.]~~ 8; or

33 (b) A court order restoring the person's civil rights,
34 ➔ as proof that the person has been restored to the civil rights set
35 forth in subsection ~~[4.]~~ 6.

36 **Sec. 3.** NRS 179.2445 is hereby amended to read as follows:

37 179.2445 1. Except as otherwise provided in subsection 2,
38 upon the filing of a petition for the sealing of records pursuant to
39 NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a
40 rebuttable presumption that the records should be sealed if the
41 applicant satisfies all statutory requirements for the sealing of the
42 records.

43 2. The presumption set forth in subsection 1 ~~[does]~~ :

44 (a) *Applies at the discretion of the court to a defendant*
45 *who is given a general discharge from probation pursuant to*



1 *NRS 176A.850 and applies to the court for the sealing of records*
2 *relating to the conviction.*

3 *(b) Does* not apply to a defendant who is given a dishonorable
4 discharge from probation pursuant to NRS 176A.850 and applies to
5 the court for the sealing of records relating to the conviction.

6 **Sec. 4.** The amendatory provisions of this act apply to any
7 judgment which imposes a fine, fee, cost or assessment or requires a
8 defendant to pay restitution which is rendered before, on or after
9 July 1, 2025.

10 **Sec. 5.** This act becomes effective on July 1, 2025.



