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THIRD REPRINT

A.B. 160

ASSEMBLY BILL NO. 160—ASSEMBLYMEN C.H. MILLER, YEAGER,
MONROE-MORENO, JAUREGUI AND BRITTNEY MILLER

FEBRUARY 14, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the sealing of certain criminal records. (BDR 14-634)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

1 Existing law establishes certain procedures pursuant to which a person is
2 authorized to petition a court for the sealing of criminal records relating to: (1)
3 convictions for certain offenses; (2) charges against a person that were dismissed or
4 declined for prosecution or for which the person was acquitted; (3) a conviction
5 which has been set aside; and (4) a conviction for an offense that has been
6 decriminalized. Existing law: (1) establishes certain requirements concerning
7 the amount of time that must elapse after a person was convicted or charged before
8 the records relating to the conviction or charge are eligible to be sealed through the
9 filing of such a petition; and (2) sets forth the circumstances under which a court is
10 authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

11 **Section 1.3** of this bill requires the Records, Communications and Compliance
12 Division of the Department of Public Safety, not later than January 1, 2027, to
13 develop and implement a process to identify each: (1) conviction of a person and
14 each charge against a person that becomes an eligible conviction and eligible
15 charge; and (2) agency of criminal justice or public or private company, agency,
16 officer or other custodian of records that may reasonably be identified as having
17 possession of records relating to an eligible conviction or eligible charge. **Section**
18 **1.3** defines "eligible conviction" and "eligible charge" to mean, in general, certain
19 convictions of or charges against a person after January 1, 2027, if the records
20 relating to the conviction or charge are eligible to be sealed pursuant to the
21 provisions of existing law governing the sealing of records. After the development
22 and implementation of the process of identifying eligible convictions and eligible
23 charges, **section 1.3** requires the Division to, each month: (1) identify and compile
24 a list of each conviction or charge that has become an eligible conviction or eligible
25 charge in the immediately preceding month and each person or governmental entity
26 identified as having possession of records relating to those eligible convictions and
27 eligible charges; and (2) transmit the list to the Administrative Office of the Courts
28 to recommend the sealing of the records relating to a listed eligible conviction or
29 eligible charge.

30 **Section 1.3** requires the Administrative Office of the Courts, not later than
31 January 1, 2027, to develop and implement a process to review such a list received
32 from the Division and to transmit to every court having jurisdiction each conviction
33 of a person or charge against a person that has become an eligible conviction or
34 eligible charge. **Section 1.3** also requires the Administrative Office of the Courts,
35 upon receiving such a list from the Division, to confirm each eligible conviction
36 and eligible charge and notify every court having jurisdiction over the sealing of
37 each eligible conviction or eligible charge. **Section 1.3** requires a court that
38 receives such a notification from the Administrative Office of the Courts to then
39 provide notice to the appropriate prosecuting attorney or agency and authorizes the
40 prosecuting attorney or agency to object to the sealing of the records relating to
41 each listed eligible conviction or eligible charge. **Section 1.3** further establishes the
42 circumstances in which the court may order the records to be sealed. **Section 5** of
43 this bill requires the order to be sent to the persons and governmental entities
44 named in the order, who are then required to seal records relating to the eligible
45 conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division and the
46 Administrative Office of the Courts to adopt any rules or regulations, as applicable,
47 that are necessary to carry out the provisions of **section 1.3**; and (2) requires the
48 Administrative Office of the Courts to submit certain annual reports to the
49 Legislature beginning on January 31, 2028.

50 Existing law provides, in general, that there is a rebuttable presumption that
51 certain records of a person should be sealed if the person petitions the court for the
52 sealing of such records and satisfies all statutory requirements. (NRS 179.2445)
53 **Section 3.5** of this bill provides that there is also a rebuttable presumption that
54 certain records of a person should be sealed if a court receives a list of confirmed



55 eligible convictions or charges from the Administrative Office of the Courts
56 pursuant to **section 1.3** and the records relate to such confirmed eligible convictions
57 or charges. **Sections 3.7 and 3.9** of this bill make conforming changes to reflect the
58 change in **section 3.5**.

59 Existing law provides that if a court seals certain records of a person, certain
60 civil rights of the person are restored. Existing law requires the person to be given
61 documentation demonstrating that fact. If the documentation is lost, damaged or
62 destroyed, the person is authorized to request that a court issue an order to restore
63 his or her civil rights. (NRS 179.285) **Section 6** of this bill makes a technical,
64 nonsubstantive change to existing law by reorganizing the language in existing law.
65 **Section 6.5** of this bill provides for the restoration of civil rights if the records of a
66 person are sealed pursuant to **section 1.3**. However, under **section 6.5**, the person is
67 not required to be given documentation demonstrating that fact. Instead, **section 6.5**
68 authorizes a person who was not given documentation of the restoration of his or
69 her civil rights to request that a court issue an order in the same manner as a person
70 whose documentation is lost, damaged or destroyed.

71 **Section 7** of this bill authorizes a person who is the subject of records that are
72 sealed pursuant to **section 1.3** to petition a court to allow for the inspection of the
73 records. **Section 8** of this bill authorizes certain other governmental entities to
74 inspect such records under certain circumstances. **Section 7.5** of this bill authorizes
75 the Central Repository for Nevada Records of Criminal History and its employees
76 to inspect certain sealed records relating to a violation or alleged violation of the
77 prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

78 **Sections 5-7** of this bill also apply provisions relating to records that have been
79 sealed pursuant to certain provisions of law to records that are sealed after a court
80 finds that a person was wrongfully convicted of a felony and enters a certificate of
81 innocence.

82 If a person is arrested and the charges against the person are dismissed or
83 declined for prosecution or the person is acquitted of the charges, existing law
84 authorizes the person to petition a court for the sealing of all records relating to the
85 arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS
86 179.255) **Section 4** of this bill authorizes a person against whom multiple charges
87 were brought, consisting of both charges for which the person was convicted and
88 charges which were disposed of by dismissal, declination or acquittal, to petition
89 for the sealing of those portions of the records relating to the arrest of the person
90 and the subsequent proceedings that relate to the charges which were disposed of
91 by dismissal, declination or acquittal.

92 **Section 2** of this bill provides that it is the public policy of this State to enhance
93 and modernize the sharing of information between agencies of criminal justice by
94 having records shared in a timely manner in accordance with statutory
95 requirements.

96 **Section 1.7** of this bill creates the Advisory Task Force on Automatic Record
97 Sealing and establishes requirements concerning the membership of the Task Force.
98 **Section 1.7** establishes the general duties of the Task Force, including reviewing
99 the current petition-based process for the sealing of records and identifying the
100 ways in which the process can be streamlined to simplify the process for
101 petitioners. **Section 1.7** also requires the Task Force to prepare and submit a report
102 to the Administrative Office of the Courts and the Legislature: (1) on or before
103 July 1, 2024, that sets forth the initial activities and findings of the Task Force; (2)
104 on or before July 1, 2025, that sets forth the activities, findings and initial
105 recommendations of the Task Force; and (3) on or before July 1, 2026, that sets
106 forth the final activities, findings and recommendations of the Task Force to
107 support the implementation of the automatic sealing of records of criminal history.

108 **Section 8.3** of this bill requires the Administrative Office of the Courts, before



109 January 1, 2025, to adopt rules to streamline the process for filing a petition for the
110 sealing of records, as recommended by the Task Force.

111 **Sections 2-3.3** of this bill make conforming changes to indicate the proper
112 placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

113 **Section 8.1** of this bill makes an appropriation from the State General Fund to
114 the Department of Public Safety for the technology costs associated with complying
115 with the provisions of **section 1.3**. **Section 8.15** of this bill makes an appropriation
116 from the State General Fund to the Department for the provision of support to the
117 Task Force, including for the administrative costs of supporting the Task Force.

118 **Section 8.2** of this bill makes an appropriation from the State General Fund to the
119 Interim Finance Committee for allocation to the Department for employing or
120 contracting with persons to perform certain functions and, to the extent that money
121 from the appropriation is available, for the Department to award of grants of money
122 to criminal justice agencies to support technology or system upgrades for the
123 purpose of complying with the provisions of **section 1.3**.

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

1 **Section 1.** Chapter 179 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.3 and 1.7 of this act.

3 **Sec. 1.3. 1. Not later than January 1, 2027, the Division**
4 **shall develop and implement a process to identify, based on data**
5 **maintained in the records of the Division, each:**

6 (a) *Conviction of a person that becomes an eligible conviction;*

7 (b) *Charge against a person that becomes an eligible charge;*

8 *and*

9 (c) *Agency of criminal justice or public or private company,*
10 *agency, officer and other custodian of records that may*
11 *reasonably be identified as having possession of records relating*
12 *to a conviction or charge that becomes an eligible conviction or*
13 *eligible charge.*

14 **2. After the development and implementation of the process**
15 **described in subsection 1, the Division shall, each month:**

16 (a) *Identify each:*

17 (1) *Conviction of a person or charge against a person that*
18 *has become an eligible conviction or eligible charge in the*
19 *immediately preceding month; and*

20 (2) *Agency of criminal justice or public or private company,*
21 *agency, officer or other custodian of records that may reasonably*
22 *be identified as having possession of records relating to an eligible*
23 *conviction or eligible charge identified pursuant to*
24 *subparagraph (1);*

25 (b) *Compile a list of each eligible conviction, eligible charge*
26 *and person or governmental entity identified pursuant to*
27 *paragraph (a); and*



1 (c) Transmit the list compiled pursuant to paragraph (b) to the
2 Administrative Office of the Courts to recommend the sealing of
3 records relating to an eligible conviction or eligible charge
4 identified on the list.

5 3. Not later than January 1, 2027, the Administrative Office
6 of the Courts shall develop and implement a process to review the
7 list received from the Division pursuant to paragraph (c) of
8 subsection 2 and transmit to every court having jurisdiction each:

9 (a) Conviction of a person that has become an eligible
10 conviction; and

11 (b) Charge against a person that has become an eligible
12 charge.

13 4. Upon receiving a list transmitted by the Division pursuant
14 to paragraph (c) of subsection 2, the Administrative Office of the
15 Courts shall confirm each eligible conviction and eligible charge
16 and, not later than 30 business days after receiving the list from
17 the Division, notify every court having jurisdiction over the sealing
18 of records relating to each confirmed eligible conviction and
19 eligible charge to order the sealing of such records.

20 5. A court that receives notification from the Administrative
21 Office of the Courts pursuant to subsection 4 shall, not later than
22 15 calendar days after receiving such notification, provide notice
23 to the appropriate prosecuting attorney or agency. The
24 prosecuting attorney or agency may object to the sealing of such
25 records not later than 30 calendar days after receiving notice from
26 the court.

27 6. If, not later than 30 calendar days after receiving notice
28 from the court pursuant to subsection 5, a prosecuting attorney or
29 agency:

30 (a) Stipulates to the sealing of the records, the court shall
31 apply the presumption set forth in NRS 179.2445 and order the
32 sealing of the records.

33 (b) Does not stipulate to the sealing of the records, the court
34 shall apply the presumption set forth in NRS 179.2445 and order
35 the sealing of the records without a hearing. Each person or
36 governmental entity identified on the list as having possession of
37 records relating to an eligible conviction or eligible charge to
38 which the order applies must be named in the order.

39 (c) Objects to the sealing of the records, the court may conduct
40 a hearing on the matter. At the hearing, unless an objecting party
41 presents evidence sufficient to rebut the presumption set forth in
42 NRS 179.2445, the court shall apply the presumption and order
43 the sealing of the records.

44 7. The Division and the Administrative Office of the Courts
45 shall take such actions as are necessary to ensure public



1 awareness of the provisions of this section. Such actions may
2 include, without limitation, the posting of appropriate information
3 on an Internet website maintained by the Division or the
4 Administrative Office of the Courts or the conducting of a public
5 awareness campaign.

6 8. The Division and the Administrative Office of the Courts
7 may adopt any rules or regulations, as applicable, that are
8 necessary to carry out the provisions of this section, including,
9 without limitation, rules or regulations concerning:

10 (a) Contracting with any vendors to update any necessary
11 technology; and

12 (b) Applying for any grants available to carry out the
13 provisions of this section.

14 9. The provisions of this section do not prohibit a person from
15 petitioning the court for the sealing of any eligible records in
16 accordance with any other applicable provision of law.

17 10. If a person believes that his or her records have been
18 sealed, the person may make a written request to the appropriate
19 court to confirm that his or her records have been sealed and
20 review such records.

21 11. On or before January 31, 2028, and each year thereafter,
22 the Administrative Office of the Courts shall submit a report to the
23 Director of the Legislative Counsel Bureau for transmittal to
24 Legislature that sets forth, to the extent possible, the number of
25 records that were identified to be eligible for sealing and the
26 number of records that were ordered to be sealed during the
27 previous calendar year.

28 12. As used in this section:

29 (a) "Division" means the Records, Communications and
30 Compliance Division of the Department of Public Safety.

31 (b) "Eligible charge" means any charge against a person on or
32 after January 1, 2027, if the records relating to the charge are
33 eligible to be sealed pursuant to subsection 1 of NRS 179.255 for a
34 drug-related charge that is punishable as a category E felony or a
35 misdemeanor, including, without limitation, a charge pursuant to
36 paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of
37 NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or
38 454.351.

39 (c) "Eligible conviction" means any conviction of a person on
40 or after January 1, 2027, if the records relating to the conviction
41 are eligible to be sealed pursuant to paragraph (c) or (g) of
42 subsection 1 of NRS 179.245 for a drug-related conviction,
43 including, without limitation, a conviction pursuant to paragraph
44 (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS
45 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or



1 454.351, and the person has not been, in the time period
2 prescribed in the applicable provision, charged with any offense
3 for which the charges are pending or convicted of any offense,
4 except for minor moving or standing traffic violations.

5 **Sec. 1.7. 1. The Advisory Task Force on Automatic Record**
6 **Sealing is hereby created. The Task Force consists of:**

7 (a) Fifteen members appointed by the Legislative Commission
8 from recommendations submitted by the applicable participating
9 entities consisting of:

10 (1) One member who is a representative of the
11 Administrative Office of the Courts;

12 (2) One member who is a representative of the Nevada
13 Supreme Court or his or her designee;

14 (3) One member who is a representative of a district court;

15 (4) One member who is a representative of a justice court;

16 (5) One member who is a representative of a municipal
17 court;

18 (6) One member who is a representative of a district
19 attorney's office;

20 (7) One member who is a representative of the Office of the
21 Attorney General;

22 (8) One member who is a representative of the Office of the
23 Clark County Public Defender or the Office of the Washoe County
24 Public Defender or who is an attorney in private practice and
25 experienced in defending criminal actions;

26 (9) One member who is a representative of an urban law
27 enforcement agency;

28 (10) One member who is a representative of a rural law
29 enforcement agency;

30 (11) One member who is a representative of the Division of
31 Parole and Probation of the Department of Public Safety;

32 (12) One member who is a representative of the Department
33 of Corrections;

34 (13) One member who is a representative of the Records,
35 Communications and Compliance Division of the Department of
36 Public Safety; and

37 (14) Two members who are representatives from nonprofit
38 organizations focused on issues relating to criminal justice;

39 (b) One member of the Senate who is appointed by the
40 Majority Leader of the Senate; and

41 (c) One member of the Assembly who is appointed by the
42 Speaker of the Assembly.

43 2. When appointing members to the Task Force pursuant to
44 paragraph (a) of subsection 1, the Legislative Commission shall
45 ensure that all regions of this State are represented.



1 3. *At the first meeting of the Task Force, the members shall*
2 *elect a Chair and Vice Chair by a majority vote.*

3 4. *The Department of Public Safety shall provide the Task*
4 *Force with such staff as is necessary for the Task Force to carry*
5 *out its duties pursuant to this section.*

6 5. *The members of the Task Force serve without*
7 *compensation or per diem allowance. If sufficient money is*
8 *available, a member of the Task Force may, upon written request,*
9 *receive reimbursement for travel expenses provided for state*
10 *officers and employees generally while engaged in the business of*
11 *the Task Force.*

12 6. *The Task Force:*

13 (a) *Shall:*

14 (1) *Review the current petition-based process for the*
15 *sealing of records and identify the ways in which the process can*
16 *be streamlined to simplify the process for petitioners;*

17 (2) *Conduct research on methods to implement the*
18 *provisions of section 1.3 of this act, including, without limitation,*
19 *necessary technology and system upgrades within the criminal*
20 *justice system of this State;*

21 (3) *Identify and assess any technology and system gaps,*
22 *necessary infrastructure and policy constraints to support the*
23 *implementation of the automatic sealing of records;*

24 (4) *Develop a timeline for implementation that includes*
25 *benchmarks to implement the provisions of section 1.3 of this act;*
26 *and*

27 (5) *Recommend approaches to improve the ability of this*
28 *State to expand future provisions concerning the automatic*
29 *sealing of records, including, without limitation, the feasibility of*
30 *retroactively sealing eligible charges and convictions; and*

31 (b) *May consider, in its discretion, any other matters submitted*
32 *by a member of the Task Force.*

33 7. *The Department of Public Safety may:*

34 (a) *Enter into a contract with a consultant or vendor to*
35 *perform the research necessary for the Task Force to carry out its*
36 *duties; and*

37 (b) *Apply for and accept any gift, donation, bequest, grant or*
38 *other source of money to assist the Task Force in carrying out its*
39 *duties.*

40 8. *The Task Force shall:*

41 (a) *On or before July 1, 2024, prepare and submit a report to*
42 *the Administrative Office of the Courts and the Director of the*
43 *Legislative Counsel Bureau, for transmittal to the Legislature, that*
44 *sets forth the initial activities and findings of the Task Force,*



1 *including, without limitation, the ways in which the petition-based*
2 *process for the sealing of records can be streamlined;*

3 *(b) On or before July 1, 2025, prepare and submit a report to*
4 *the Administrative Office of the Courts and the Director of the*
5 *Legislative Counsel Bureau, for transmittal to the Legislature, that*
6 *sets forth the activities, findings and initial recommendations of*
7 *the Task Force; and*

8 *(c) On or before July 1, 2026, prepare and submit a report to*
9 *the Administrative Office of the Courts and the Director of the*
10 *Legislative Counsel Bureau, for transmittal to the Legislature, that*
11 *sets forth the final activities, findings and recommendations of the*
12 *Task Force to support the implementation of the automatic sealing*
13 *of records.*

14 *9. The meetings of the Task Force are closed to the public*
15 *and are not subject to the provisions of chapter 241 of NRS.*

16 **Sec. 2.** NRS 179.2405 is hereby amended to read as follows:

17 179.2405 The Legislature hereby declares that the public
18 policy of this State is to **[favor]** :

19 *1. Favor* the giving of second chances to offenders who are
20 rehabilitated and the sealing of the records of such persons in
21 accordance with NRS 179.2405 to 179.301, inclusive **[]** , *and*
22 *section 1.7 of this act; and*

23 *2. Enhance and modernize the sharing of information*
24 *between agencies of criminal justice by having records shared in a*
25 *timely manner in accordance with statutory requirements.*

26 **Sec. 2.3.** NRS 179.2405 is hereby amended to read as follows:

27 179.2405 The Legislature hereby declares that the public
28 policy of this State is to:

29 1. Favor the giving of second chances to offenders who are
30 rehabilitated and the sealing of the records of such persons in
31 accordance with NRS 179.2405 to 179.301, inclusive, and **[section]**
32 *sections 1.3 and 1.7* of this act; and

33 2. Enhance and modernize the sharing of information between
34 agencies of criminal justice by having records shared in a timely
35 manner in accordance with statutory requirements.

36 **Sec. 2.7.** NRS 179.2405 is hereby amended to read as follows:

37 179.2405 The Legislature hereby declares that the public
38 policy of this State is to:

39 1. Favor the giving of second chances to offenders who are
40 rehabilitated and the sealing of the records of such persons in
41 accordance with NRS 179.2405 to 179.301, inclusive, and **[sections]**
42 *section 1.3 [and 1.7]* of this act; and

43 2. Enhance and modernize the sharing of information between
44 agencies of criminal justice by having records shared in a timely
45 manner in accordance with statutory requirements.



1 **Sec. 3.** NRS 179.241 is hereby amended to read as follows:
2 179.241 As used in NRS 179.2405 to 179.301, inclusive, *and*
3 *section 1.7 of this act*, unless the context otherwise requires, the
4 words and terms defined in NRS 179.242, 179.243 and 179.244
5 have the meanings ascribed to them in those sections.

6 **Sec. 3.1.** NRS 179.241 is hereby amended to read as follows:
7 179.241 As used in NRS 179.2405 to 179.301, inclusive, and
8 ~~[section]~~ *sections 1.3 and* 1.7 of this act, unless the context
9 otherwise requires, the words and terms defined in NRS 179.242,
10 179.243 and 179.244 have the meanings ascribed to them in those
11 sections.

12 **Sec. 3.3.** NRS 179.241 is hereby amended to read as follows:
13 179.241 As used in NRS 179.2405 to 179.301, inclusive, and
14 ~~[sections]~~ *section* 1.3 ~~[and 1.7]~~ of this act, unless the context
15 otherwise requires, the words and terms defined in NRS 179.242,
16 179.243 and 179.244 have the meanings ascribed to them in those
17 sections.

18 **Sec. 3.5.** NRS 179.2445 is hereby amended to read as follows:
19 179.2445 1. Except as otherwise provided in subsection 2,
20 upon the ~~[filing]~~ :

21 (a) *Filing* of a petition for the sealing of records pursuant to
22 NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a
23 rebuttable presumption that the records should be sealed if the
24 applicant satisfies all statutory requirements for the sealing of the
25 records.

26 (b) *Receipt by a court of the list of confirmed eligible*
27 *convictions or eligible charges from the Administrative Office of*
28 *the Courts pursuant to section 1.3 of this act, there is a rebuttable*
29 *presumption that the records relating to the confirmed eligible*
30 *convictions or eligible charges should be sealed.*

31 2. The presumption set forth in *paragraph (a) of* subsection 1
32 does not apply to a defendant who is given a dishonorable discharge
33 from probation pursuant to NRS 176A.850 and applies to the court
34 for the sealing of records relating to the conviction.

35 **Sec. 3.7.** NRS 179.245 is hereby amended to read as follows:
36 179.245 1. Except as otherwise provided in subsection 6 and
37 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
38 201.354 and 453.3365, a person may petition the court in which the
39 person was convicted for the sealing of all records relating to a
40 conviction of:

41 (a) A category A felony, a crime of violence or residential
42 burglary pursuant to NRS 205.060 after 10 years from the date of
43 release from actual custody or discharge from parole or probation,
44 whichever occurs later;



1 (b) Except as otherwise provided in paragraphs (a) and (e), a
2 category B, C or D felony after 5 years from the date of release from
3 actual custody or discharge from parole or probation, whichever
4 occurs later;

5 (c) A category E felony after 2 years from the date of release
6 from actual custody or discharge from parole or probation,
7 whichever occurs later;

8 (d) Except as otherwise provided in paragraph (e), any gross
9 misdemeanor after 2 years from the date of release from actual
10 custody or discharge from probation, whichever occurs later;

11 (e) A violation of NRS 422.540 to 422.570, inclusive, a
12 violation of NRS 484C.110 or 484C.120 other than a felony, or a
13 battery which constitutes domestic violence pursuant to NRS 33.018
14 other than a felony, after 7 years from the date of release from actual
15 custody or from the date when the person is no longer under a
16 suspended sentence, whichever occurs later;

17 (f) Except as otherwise provided in paragraph (e), if the offense
18 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
19 harassment pursuant to NRS 200.571, stalking pursuant to NRS
20 200.575 or a violation of a temporary or extended order for
21 protection, after 2 years from the date of release from actual custody
22 or from the date when the person is no longer under a suspended
23 sentence, whichever occurs later; or

24 (g) Any other misdemeanor after 1 year from the date of release
25 from actual custody or from the date when the person is no longer
26 under a suspended sentence, whichever occurs later.

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

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

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

35 (c) Include a list of any other public or private agency, company,
36 official or other custodian of records that is reasonably known to the
37 petitioner to have possession of records of the conviction and to
38 whom the order to seal records, if issued, will be directed; and

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

42 (1) Date of birth of the petitioner;

43 (2) Specific conviction to which the records to be sealed
44 pertain; and



1 (3) Date of arrest relating to the specific conviction to which
2 the records to be sealed pertain.

3 3. Upon receiving a petition pursuant to this section, the court
4 shall notify the law enforcement agency that arrested the petitioner
5 for the crime and the prosecuting attorney, including, without
6 limitation, the Attorney General, who prosecuted the petitioner for
7 the crime. The prosecuting attorney and any person having relevant
8 evidence may testify and present evidence at any hearing on the
9 petition.

10 4. If the prosecuting agency that prosecuted the petitioner for
11 the crime stipulates to the sealing of the records, the court shall
12 apply the presumption set forth in *paragraph (a) of subsection 1 of*
13 *NRS 179.2445* and seal the records. If the prosecuting agency does
14 not stipulate to the sealing of the records or does not file a written
15 objection within 30 days after receiving notification pursuant to
16 subsection 3 and the court makes the findings set forth in subsection
17 5, the court may order the sealing of the records in accordance with
18 subsection 5 without a hearing. If the court does not order the
19 sealing of the records or the prosecuting agency files a written
20 objection, a hearing on the petition must be conducted. At the
21 hearing, unless an objecting party presents evidence sufficient to
22 rebut the presumption set forth in *paragraph (a) of subsection 1 of*
23 *NRS 179.2445*, the court shall apply the presumption and seal the
24 records.

25 5. If the court finds that, in the period prescribed in subsection
26 1, the petitioner has not been charged with any offense for which the
27 charges are pending or convicted of any offense, except for minor
28 moving or standing traffic violations, the court may order sealed all
29 records of the conviction which are in the custody of any agency of
30 criminal justice or any public or private agency, company, official
31 or other custodian of records in the State of Nevada, and may also
32 order all such records of the petitioner returned to the file of the
33 court where the proceeding was commenced from, including,
34 without limitation, the Federal Bureau of Investigation and all other
35 agencies of criminal justice which maintain such records and which
36 are reasonably known by either the petitioner or the court to have
37 possession of such records.

38 6. A person may not petition the court to seal records relating
39 to a conviction of:

40 (a) A crime against a child;

41 (b) A sexual offense;

42 (c) Invasion of the home with a deadly weapon pursuant to
43 NRS 205.067;



1 (d) A violation of NRS 484C.110 or 484C.120 that is punishable
2 as a felony pursuant to paragraph (c) of subsection 1 of
3 NRS 484C.400;

4 (e) A violation of NRS 484C.430;

5 (f) A homicide resulting from driving or being in actual physical
6 control of a vehicle while under the influence of intoxicating liquor
7 or a controlled substance or resulting from any other conduct
8 prohibited by NRS 484C.110, 484C.130 or 484C.430;

9 (g) A violation of NRS 488.410 that is punishable as a felony
10 pursuant to NRS 488.427; or

11 (h) A violation of NRS 488.420 or 488.425.

12 7. The provisions of paragraph (e) of subsection 1 and
13 paragraph (d) of subsection 6 must not be construed to preclude a
14 person from being able to petition the court to seal records relating
15 to a conviction for a violation of NRS 484C.110 or 484C.120
16 pursuant to this section if the person was found guilty of a violation
17 of NRS 484C.110 or 484C.120 that is punishable pursuant to:

18 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or

19 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a
20 judgment of conviction entered against him or her for a violation of
21 paragraph (b) of subsection 1 of NRS 484C.400 because the person
22 participated in the statewide sobriety and drug monitoring program
23 established pursuant to NRS 484C.392.

24 8. If the court grants a petition for the sealing of records
25 pursuant to this section, upon the request of the person whose
26 records are sealed, the court may order sealed all records of the civil
27 proceeding in which the records were sealed.

28 9. As used in this section:

29 (a) "Crime against a child" has the meaning ascribed to it in
30 NRS 179D.0357.

31 (b) "Sexual offense" means:

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

36 (2) Sexual assault pursuant to NRS 200.366.

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

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

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



1 (6) An offense involving the administration of a controlled
2 substance to another person with the intent to enable or assist the
3 commission of a crime of violence, if the crime of violence is an
4 offense listed in this paragraph.

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

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

9 (9) Incest pursuant to NRS 201.180.

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

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

14 (12) Lewdness with a child pursuant to NRS 201.230.

15 (13) Sexual penetration of a dead human body pursuant to
16 NRS 201.450.

17 (14) Sexual conduct between certain employees of a school
18 or volunteers at a school and a pupil pursuant to NRS 201.540.

19 (15) Sexual conduct between certain employees of a college
20 or university and a student pursuant to NRS 201.550.

21 (16) Luring a child or a person with mental illness pursuant
22 to NRS 201.560, if punishable as a felony.

23 (17) An attempt to commit an offense listed in this
24 paragraph.

25 **Sec. 3.9.** NRS 179.247 is hereby amended to read as follows:

26 179.247 1. If a person has been convicted of any offense
27 listed in subsection 2, the person may petition the court in which he
28 or she was convicted or, if the person wishes to file more than one
29 petition and would otherwise need to file a petition in more than one
30 court, the district court, for an order:

31 (a) Vacating the judgment; and

32 (b) Sealing all documents, papers and exhibits in the person's
33 record, minute book entries and entries on dockets, and other
34 documents relating to the case in the custody of such other agencies
35 and officers as are named in the court's order.

36 2. A person may file a petition pursuant to subsection 1 if the
37 person was convicted of:

38 (a) A violation of NRS 201.353 or 201.354, for engaging in
39 prostitution or solicitation for prostitution, provided that the person
40 was not alleged to be a customer of a prostitute;

41 (b) A crime under the laws of this State, other than a crime of
42 violence; or

43 (c) A violation of a county, city or town ordinance, for loitering
44 for the purpose of solicitation or prostitution.



1 3. A petition filed pursuant to subsection 1 must satisfy the
2 requirements of NRS 179.245.

3 4. The court may grant a petition filed pursuant to subsection 1
4 if:

5 (a) The petitioner was convicted of a violation of an offense
6 described in subsection 2;

7 (b) The participation of the petitioner in the offense was the
8 result of the petitioner having been a victim of:

9 (1) Trafficking in persons as described in the Trafficking
10 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

11 (2) Involuntary servitude as described in NRS 200.463 or
12 200.4631; and

13 (c) The petitioner files a petition pursuant to subsection 1 with
14 due diligence after the petitioner has ceased being a victim of
15 trafficking or involuntary servitude or has sought services for
16 victims of such trafficking or involuntary servitude.

17 5. Before the court decides whether to grant a petition filed
18 pursuant to subsection 1, the court shall:

19 (a) Notify the Central Repository for Nevada Records of
20 Criminal History, the Office of the Attorney General and each office
21 of the district attorney and law enforcement agency in the county in
22 which the petitioner was convicted and allow the prosecuting
23 attorney who prosecuted the petitioner for the crime and any person
24 to testify and present evidence on behalf of any such entity; and

25 (b) Take into consideration any reasonable concerns for the
26 safety of the defendant, family members of the defendant or other
27 victims that may be jeopardized by the granting of the petition.

28 6. If the prosecuting agency that prosecuted the petitioner for
29 the crime stipulates to vacating the judgment of the petitioner and
30 sealing all documents, papers and exhibits related to the case, the
31 court shall apply the presumption set forth in *paragraph (a) of*
32 *subsection 1 of* NRS 179.2445, vacate the judgment and seal all
33 documents, papers and exhibits related to the case. If the
34 prosecuting agency does not stipulate to vacating the judgment of
35 the petitioner and sealing all documents, papers and exhibits related
36 to the case or does not file a written objection within 30 days after
37 receiving notification pursuant to subsection 5 and the court makes
38 the findings set forth in subsection 4, the court may vacate the
39 judgment and seal all documents, papers and exhibits in accordance
40 with subsection 7 without a hearing. If the court does not order the
41 sealing of the records or the prosecuting agency files a written
42 objection, a hearing on the petition must be conducted. At the
43 hearing, unless an objecting party presents evidence sufficient to
44 rebut the presumption set forth in *paragraph (a) of subsection 1 of*
45 NRS 179.2445, the court shall vacate the judgment, apply the



1 presumption and seal all documents, papers and exhibits related to
2 the case.

3 7. If the court grants a petition filed pursuant to subsection 1,
4 the court shall:

5 (a) Vacate the judgment and dismiss the accusatory pleading;
6 and

7 (b) Order sealed all documents, papers and exhibits in the
8 petitioner's record, minute book entries and entries on dockets, and
9 other documents relating to the case in the custody of such other
10 agencies and officers as are named in the court's order.

11 8. If a petition filed pursuant to subsection 1 does not satisfy
12 the requirements of NRS 179.245 or the court determines that
13 the petition is otherwise deficient with respect to the sealing of the
14 petitioner's record, the court may enter an order to vacate the
15 judgment and dismiss the accusatory pleading if the petitioner
16 satisfies all requirements necessary for the judgment to be vacated.

17 9. If the court enters an order pursuant to subsection 8, the
18 court shall also order sealed the records of the petitioner which
19 relate to the judgment being vacated in accordance with paragraph
20 (b) of subsection 7, regardless of whether any records relating to
21 other convictions are ineligible for sealing either by operation of law
22 or because of a deficiency in the petition.

23 **Sec. 4.** NRS 179.255 is hereby amended to read as follows:

24 179.255 1. If a person has been arrested for alleged criminal
25 conduct and the charges are dismissed, the prosecuting attorney
26 having jurisdiction declined prosecution of the charges or such
27 person is acquitted of the charges, the person may petition:

28 (a) The court in which the charges were dismissed, at any time
29 after the date the charges were dismissed;

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

32 (1) Any time after the applicable statute of limitations has
33 run;

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

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

36 (c) The court in which the acquittal was entered, at any time
37 after the date of the acquittal,

38 ↪ for the sealing of all records relating to the arrest and the
39 proceedings leading to the dismissal, declination or acquittal. *If a*
40 *person has been arrested for alleged criminal conduct and*
41 *multiple charges were brought against the person, consisting of*
42 *both charges for which the person was convicted and charges*
43 *which were disposed of by dismissal, declination or acquittal, a*
44 *petition filed pursuant to this subsection may request the sealing*
45 *of those portions of the records relating to the arrest and the*



1 *subsequent proceedings that relate to the charges which were*
2 *disposed of by dismissal, declination or acquittal.*

3 2. If the conviction of a person is set aside pursuant to NRS
4 458A.240, the person may petition the court that set aside the
5 conviction, at any time after the conviction has been set aside, for
6 the sealing of all records relating to the setting aside of the
7 conviction.

8 3. A petition filed pursuant to subsection 1 or 2 must:

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

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

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

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

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

27 (1) Date of birth of the petitioner;

28 (2) Specific charges that were dismissed or of which the
29 petitioner was acquitted; and

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

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

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

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

41 ➔ The prosecuting attorney and any person having relevant
42 evidence may testify and present evidence at any hearing on the
43 petition.

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



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

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

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

8 6. If the prosecuting agency that prosecuted or declined to
9 prosecute the petitioner for the crime stipulates to the sealing of the
10 records, the court shall apply the presumption set forth in *paragraph*
11 *(a) of subsection 1 of* NRS 179.2445 and seal the records. If the
12 prosecuting agency does not stipulate to the sealing of the records or
13 does not file a written objection within 30 days after receiving
14 notification pursuant to subsection 4 or 5 and the court makes the
15 findings set forth in subsection 7 or 8, as applicable, the court may
16 order the sealing of the records in accordance with subsection 7 or 8,
17 as applicable, without a hearing. If the court does not order the
18 sealing of the records or the prosecuting agency files a written
19 objection, a hearing on the petition must be conducted. At the
20 hearing, unless an objecting party presents evidence sufficient to
21 rebut the presumption set forth in *paragraph (a) of subsection 1 of*
22 NRS 179.2445, the court shall apply the presumption and seal the
23 records.

24 7. If the court finds:

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

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

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

44 9. If the prosecuting attorney having jurisdiction previously
45 declined prosecution of the charges and the records of the arrest



1 have been sealed pursuant to subsection 7, the prosecuting attorney
2 may subsequently file the charges at any time before the running of
3 the statute of limitations for those charges. If such charges are filed
4 with the court, the court shall order the inspection of the records
5 without the prosecuting attorney having to petition the court
6 pursuant to NRS 179.295.

7 **Sec. 5.** NRS 179.275 is hereby amended to read as follows:

8 179.275 Where the court orders the sealing of a record
9 pursuant to NRS 34.970, **41.910**, 174.034, 176.211, 176A.245,
10 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259,
11 179.2595, 179.271, 201.354 or 453.3365 **§** or **section 1.3 of this**
12 **act**, a copy of the order must be sent to:

13 1. The Central Repository for Nevada Records of Criminal
14 History; and

15 2. Each agency of criminal justice and each public or private
16 company, agency, official or other custodian of records named in
17 the order, and that person shall seal the records in his or her custody
18 which relate to the matters contained in the order, shall advise the
19 court of compliance and shall then seal the order.

20 **Sec. 6.** NRS 179.285 is hereby amended to read as follows:

21 179.285 Except as otherwise provided in NRS 179.301:

22 1. If the court orders a record sealed pursuant to NRS 34.970,
23 **41.910**, 174.034, 176.211, 176A.245, 176A.265, 176A.295,
24 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
25 453.3365:

26 (a) All proceedings recounted in the record are deemed never to
27 have occurred, and the person to whom the order pertains may
28 properly answer accordingly to any inquiry, including, without
29 limitation, an inquiry relating to an application for employment,
30 concerning the arrest, conviction, dismissal or acquittal and the
31 events and proceedings relating to the arrest, conviction, dismissal
32 or acquittal.

33 (b) The person is immediately restored to the following civil
34 rights if the person's civil rights previously have not been restored:

- 35 (1) The right to vote;
36 (2) The right to hold office; and
37 (3) The right to serve on a jury.

38 2. Upon the sealing of the person's records, a person who is
39 restored to his or her civil rights pursuant to subsection 1 must be
40 given:

41 (a) An official document which demonstrates that the person has
42 been restored to the civil rights set forth in paragraph (b) of
43 subsection 1; and

44 (b) A written notice informing the person that he or she has not
45 been restored to the right to bear arms, unless the person has



1 received a pardon and the pardon does not restrict his or her right to
2 bear arms.

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

13 4. A person who has had his or her records sealed in this State
14 or any other state may present official documentation that the person
15 has been restored to his or her civil rights or a court order restoring
16 civil rights as proof that the person has been restored to the right to
17 vote, to hold office and to serve as a juror.

18 **Sec. 6.5.** NRS 179.285 is hereby amended to read as follows:

19 179.285 Except as otherwise provided in NRS 179.301:

20 1. If the court orders a record sealed pursuant to NRS 34.970,
21 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295,
22 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
23 453.3365 ~~[]~~ *or section 1.3 of this act:*

24 (a) All proceedings recounted in the record are deemed never to
25 have occurred, and the person to whom the order pertains may
26 properly answer accordingly to any inquiry, including, without
27 limitation, an inquiry relating to an application for employment,
28 concerning the arrest, conviction, dismissal or acquittal and the
29 events and proceedings relating to the arrest, conviction, dismissal
30 or acquittal.

31 (b) The person is immediately restored to the following civil
32 rights if the person's civil rights previously have not been restored:

- 33 (1) The right to vote;
34 (2) The right to hold office; and
35 (3) The right to serve on a jury.

36 2. Upon the sealing of the person's records, *except if the*
37 *person's records were sealed pursuant to section 1.3 of this act,* a
38 person who is restored to his or her civil rights pursuant to
39 subsection 1 must be given:

40 (a) An official document which demonstrates that the person has
41 been restored to the civil rights set forth in paragraph (b) of
42 subsection 1; and

43 (b) A written notice informing the person that he or she has not
44 been restored to the right to bear arms, unless the person has



1 received a pardon and the pardon does not restrict his or her right to
2 bear arms.

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

12 4. A person who has had his or her records sealed in this State
13 or any other state may present official documentation that the person
14 has been restored to his or her civil rights or a court order restoring
15 civil rights as proof that the person has been restored to the right to
16 vote, to hold office and to serve as a juror.

17 **Sec. 7.** NRS 179.295 is hereby amended to read as follows:

18 179.295 1. The person who is the subject of the records that
19 are sealed pursuant to NRS 34.970, **41.910**, 174.034, 176.211,
20 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255,
21 179.259, 179.2595, 179.271, 201.354 or 453.3365 **or section 1.3 of**
22 **this act** may petition the court that ordered the records sealed to
23 permit inspection of the records by a person named in the petition,
24 and the court may order such inspection. Except as otherwise
25 provided in this section, subsection 9 of NRS 179.255 and NRS
26 179.259 and 179.301, the court may not order the inspection of the
27 records under any other circumstances.

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

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

40 4. This section does not prohibit a court from considering a
41 proceeding for which records have been sealed pursuant to NRS
42 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245,
43 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
44 453.3365 **or section 1.3 of this act** in determining whether to grant a
45 petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295,



1 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction
2 of another offense.

3 **Sec. 7.5.** NRS 179.301 is hereby amended to read as follows:

4 179.301 1. The Nevada Gaming Control Board and the
5 Nevada Gaming Commission and their employees, agents and
6 representatives may inquire into and inspect any records sealed
7 pursuant to NRS 179.245 or 179.255, if the event or conviction was
8 related to gaming, to determine the suitability or qualifications of
9 any person to hold a state gaming license, manufacturer's, seller's or
10 distributor's license or registration as a gaming employee pursuant
11 to chapter 463 of NRS. Events and convictions, if any, which are the
12 subject of an order sealing records:

13 (a) May form the basis for recommendation, denial or
14 revocation of those licenses.

15 (b) Must not form the basis for denial or rejection of a gaming
16 work permit unless the event or conviction relates to the applicant's
17 suitability or qualifications to hold the work permit.

18 2. The Division of Insurance of the Department of Business
19 and Industry and its employees may inquire into and inspect any
20 records sealed pursuant to NRS 179.245 or 179.255, if the event
21 or conviction was related to insurance, to determine the suitability or
22 qualifications of any person to hold a license, certification or
23 authorization issued in accordance with title 57 of NRS. Events and
24 convictions, if any, which are the subject of an order sealing records
25 may form the basis for recommendation, denial or revocation of
26 those licenses, certifications and authorizations.

27 3. A prosecuting attorney may inquire into and inspect any
28 records sealed pursuant to NRS 179.245 or 179.255 if:

29 (a) The records relate to a violation or alleged violation of NRS
30 202.485; and

31 (b) The person who is the subject of the records has been
32 arrested or issued a citation for violating NRS 202.485.

33 4. The Central Repository for Nevada Records of Criminal
34 History and its employees may inquire into and inspect any records
35 sealed pursuant to NRS 179.245 or 179.255 that constitute
36 information relating to **[sexual]**:

37 (a) **Sexual** offenses, and may notify employers of the
38 information in accordance with federal laws and regulations.

39 (b) **A violation or alleged violation of NRS 202.360.**

40 5. Records which have been sealed pursuant to NRS 179.245
41 or 179.255 and which are retained in the statewide registry
42 established pursuant to NRS 179B.200 may be inspected pursuant to
43 chapter 179B of NRS by an officer or employee of the Central
44 Repository for Nevada Records of Criminal History or a law
45 enforcement officer in the regular course of his or her duties.



1 6. The State Board of Pardons Commissioners and its agents
2 and representatives may inquire into and inspect any records sealed
3 pursuant to NRS 179.245 or 179.255 if the person who is the subject
4 of the records has applied for a pardon from the Board.

5 7. As used in this section:

6 (a) "Information relating to sexual offenses" means information
7 contained in or concerning a record relating in any way to a sexual
8 offense.

9 (b) "Sexual offense" has the meaning ascribed to it in
10 NRS 179A.073.

11 **Sec. 8.** NRS 179.301 is hereby amended to read as follows:

12 179.301 1. The Nevada Gaming Control Board and the
13 Nevada Gaming Commission and their employees, agents and
14 representatives may inquire into and inspect any records sealed
15 pursuant to NRS 179.245 or 179.255, *or section 1.3 of this act*, if
16 the event or conviction was related to gaming, to determine the
17 suitability or qualifications of any person to hold a state gaming
18 license, manufacturer's, seller's or distributor's license or
19 registration as a gaming employee pursuant to chapter 463 of NRS.
20 Events and convictions, if any, which are the subject of an order
21 sealing records:

22 (a) May form the basis for recommendation, denial or
23 revocation of those licenses.

24 (b) Must not form the basis for denial or rejection of a gaming
25 work permit unless the event or conviction relates to the applicant's
26 suitability or qualifications to hold the work permit.

27 2. The Division of Insurance of the Department of Business
28 and Industry and its employees may inquire into and inspect any
29 records sealed pursuant to NRS 179.245 or 179.255, *or section 1.3*
30 *of this act*, if the event or conviction was related to insurance, to
31 determine the suitability or qualifications of any person to hold a
32 license, certification or authorization issued in accordance with title
33 57 of NRS. Events and convictions, if any, which are the subject of
34 an order sealing records may form the basis for recommendation,
35 denial or revocation of those licenses, certifications and
36 authorizations.

37 3. A prosecuting attorney may inquire into and inspect any
38 records sealed pursuant to NRS 179.245 or 179.255 *or section 1.3*
39 *of this act* if:

40 (a) The records relate to a violation or alleged violation of NRS
41 202.485; and

42 (b) The person who is the subject of the records has been
43 arrested or issued a citation for violating NRS 202.485.

44 4. The Central Repository for Nevada Records of Criminal
45 History and its employees may inquire into and inspect any records



1 sealed pursuant to NRS 179.245 or 179.255 *or section 1.3 of this*
2 *act* that constitute information relating to:

3 (a) Sexual offenses, and may notify employers of the
4 information in accordance with federal laws and regulations.

5 (b) A violation or alleged violation of NRS 202.360.

6 5. Records which have been sealed pursuant to NRS 179.245
7 or 179.255 *or section 1.3 of this act* and which are retained in the
8 statewide registry established pursuant to NRS 179B.200 may be
9 inspected pursuant to chapter 179B of NRS by an officer or
10 employee of the Central Repository for Nevada Records of Criminal
11 History or a law enforcement officer in the regular course of his or
12 her duties.

13 6. The State Board of Pardons Commissioners and its agents
14 and representatives may inquire into and inspect any records sealed
15 pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* if the
16 person who is the subject of the records has applied for a pardon
17 from the Board.

18 7. As used in this section:

19 (a) "Information relating to sexual offenses" means information
20 contained in or concerning a record relating in any way to a sexual
21 offense.

22 (b) "Sexual offense" has the meaning ascribed to it in
23 NRS 179A.073.

24 **Sec. 8.1.** There is hereby appropriated from the State General
25 Fund to the Department of Public Safety the sum of \$1,000,000 for
26 the technology costs associated with complying with the provisions
27 of section 1.3 of this act.

28 **Sec. 8.15.** There is hereby appropriated from the State General
29 Fund to the Department of Public Safety the sum of \$500,000 for
30 the provision of support to the Advisory Task Force on Automatic
31 Record Sealing pursuant to section 1.7 of this act, including, without
32 limitation, for the administrative costs of supporting the Task Force.

33 **Sec. 8.2.** There is hereby appropriated from the State General
34 Fund to the Interim Finance Committee the sum of \$1,000,000 for
35 allocation to the Department of Public Safety for employing or
36 contracting with persons to perform the functions described in
37 paragraph (a) of subsection 6 of section 1.7 of this act. To the extent
38 that money appropriated pursuant to this section is available, the
39 Department may award grants of money to criminal justice agencies
40 to support technology or system upgrades for the purpose of
41 complying with the provisions of section 1.3 of this act.

42 **Sec. 8.25.** Any remaining balance of the appropriations made
43 by sections 8.1, 8.15 and 8.2 of this act must not be committed for
44 expenditure after June 30, 2025, by the entity to which the
45 appropriation is made or any entity to which money from the



1 appropriation is granted or otherwise transferred in any manner, and
2 any portion of the appropriated money remaining must not be spent
3 for any purpose after September 19, 2025, by either the entity to
4 which the money was appropriated or the entity to which the money
5 was subsequently granted or transferred, and must be reverted to the
6 State General Fund on or before September 19, 2025.

7 **Sec. 8.3.** 1. Before January 1, 2025, the Administrative
8 Office of the Courts shall adopt rules to streamline the process for
9 filing a petition for the sealing of records of criminal history, as
10 recommended by the Advisory Task Force on Automatic Record
11 Sealing pursuant to section 1.7 of this act, including, without
12 limitation, rules regarding:

13 (a) A standard order for the sealing of records of criminal
14 history to be used by all courts having jurisdiction over the sealing
15 of records of criminal history;

16 (b) The authority for a petitioner to file a request for the sealing
17 of records of criminal history with one court; and

18 (c) Any other changes that will expedite or simplify the process
19 for petitioners to seal records of criminal history.

20 2. As used in this section, "record of criminal history" has the
21 meaning ascribed to it in NRS 179A.070.

22 **Sec. 8.7.** The provisions of subsection 1 of NRS 218D.380 do
23 not apply to any provision of this act which adds or revises a
24 requirement to submit a report to the Legislature.

25 **Sec. 9.** 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and
26 8.7 of this act become effective upon passage and approval.

27 2. Sections 8.1 to 8.25, inclusive, of this act become effective
28 on July 1, 2023.

29 3. Section 1.3 of this act becomes effective:

30 (a) Upon passage and approval for the purpose of:

31 (1) The Division developing and implementing the process
32 required pursuant to subsection 1 of that section;

33 (2) The Administrative Office of the Courts developing and
34 implementing the process required pursuant to subsection 3 of that
35 section; and

36 (3) The Division and the Administrative Office of the Courts
37 adopting any rules or regulations, as applicable, and performing any
38 other preparatory administrative tasks that are necessary to carry out
39 the provisions of this act; and

40 (b) On January 1, 2027, for all other purposes.

41 4. Section 1.7 of this act becomes effective upon passage and
42 approval and expires by limitation on June 30, 2027.

43 5. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become
44 effective on January 1, 2027.



1 6. Sections 2.3 and 3.1 of this act become effective on
2 January 1, 2027, and expire by limitation on June 30, 2027.

3 7. Sections 2.7 and 3.3 of this act become effective on July 1,
4 2027.

5 8. As used in this section, “Division” means the Records,
6 Communications and Compliance Division of the Department of
7 Public Safety.

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