

Amendment No. 259

Assembly Amendment to Assembly Bill No. 160	(BDR 14-634)
Proposed by: Assembly Committee on Judiciary	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of **green bold underlining** is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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.

~

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; 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; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

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

8 through the filing of such a petition; and (2) sets forth the circumstances under which a court
9 is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

10 **Section ~~HH~~ 1.3** of this bill requires the Records, Communications and Compliance
11 Division of the Department of Public Safety, not later than January 1, 2026, to develop and
12 implement a process to identify each: (1) conviction of a person and each charge against a
13 person that becomes an eligible conviction and eligible charge; and (2) agency of criminal
14 justice or public or private company, agency, officer or other custodian of records that may
15 reasonably be identified as having possession of records relating to an eligible conviction or
16 eligible charge. **Section ~~HH~~ 1.3** defines “eligible conviction” and “eligible charge” to mean, in
17 general, certain convictions or charges if the records relating to the conviction or charge are
18 eligible to be sealed pursuant to the provisions of existing law governing the sealing of
19 records. After the development and implementation of the process of identifying eligible
20 convictions and eligible charges, **section ~~HH~~ 1.3** requires the Division to, each month: (1)
21 identify and compile a list of each conviction or charge that has become an eligible conviction
22 or eligible charge in the immediately preceding month and each person or governmental entity
23 identified as having possession of records relating to those eligible convictions and eligible
24 charges; and (2) transmit the list to ~~each court having jurisdiction to order sealed~~ **the**
25 **Administrative Office of the Courts to recommend the sealing of** the records relating to a
26 listed eligible conviction or eligible charge.

27 **Section 1.3 requires the Administrative Office of the Courts, not later than January**
28 **1, 2026, to develop and implement a process to review and approve such a list received**
29 **from the Division and to transmit to every court having jurisdiction each conviction of a**
30 **person or charge against a person that has become an eligible conviction or eligible**
31 **charge. Section 1.3 also requires the Administrative Office of the Courts, upon receiving**
32 **such a list from the Division, to confirm each eligible conviction and eligible charge and**
33 **notify every court having jurisdiction over the sealing of each eligible conviction or**
34 **eligible charge. Section ~~HH~~ 1.3** requires a court that receives such a ~~list~~ **notification from**
35 **the Administrative Office of the Courts to ~~order sealed all~~ then provide notice to the**
36 **appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or**
37 **agency to object to the sealing of** the records relating to each listed eligible conviction or
38 eligible charge. ~~For each court having jurisdiction to order the sealing of records,~~ **Section**
39 **1.3 further establishes the circumstances in which the court may order the records to be**
40 **sealed. Section 5** of this bill requires the order to be sent to the persons and governmental
41 entities named in the order, who are then required to seal records relating to the eligible
42 conviction or eligible charge. **Section 1.3 also: (1) authorizes the Division and the**
43 **Administrative Office of the Courts to adopt any rules or regulations, as applicable, that**
44 **are necessary to carry out the provisions of section 1.3; and (2) requires the**
45 **Administrative Office of the Courts to submit certain annual reports to the Legislature**
46 **beginning on January 31, 2027.**

47 **Existing law provides, in general, that there is a rebuttable presumption that certain**
48 **records of a person should be sealed if the person petitions the court for the sealing of**
49 **such records and satisfies all statutory requirements. (NRS 179.2445) Section 3.5 of this**
50 **bill provides that there is also a rebuttable presumption that certain records of a person**
51 **should be sealed if a court receives a list of confirmed eligible convictions or charges**
52 **from the Administrative Office of the Courts pursuant to section 1.3 and the records**
53 **relate to such confirmed eligible convictions or charges. Sections 3.7 and 3.9 of this bill**
54 **make conforming changes to reflect the change in section 3.5.**

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

66 **Section 7** of this bill authorizes a person who is the subject of records that are sealed
 67 pursuant to **section ~~4~~ 1.3** to petition a court to allow for the inspection of the records.
 68 **Section 8** of this bill authorizes certain other governmental entities to inspect such records
 69 under certain circumstances. **Section 7.5 of this bill authorizes the Central Repository for**
 70 **Nevada Records of Criminal History and its employees to inspect certain sealed records**
 71 **relating to a violation or alleged violation of the prohibition against certain persons**
 72 **owning or possessing a firearm. (NRS 202.360)**

73 If a person is arrested and the charges against the person are dismissed or declined for
 74 prosecution or the person is acquitted of the charges, existing law authorizes the person to
 75 petition a court for the sealing of all records relating to the arrest and the proceedings leading
 76 to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a
 77 person against whom multiple charges were brought, consisting of both charges for which the
 78 person was convicted and charges which were disposed of by dismissal, declination or
 79 acquittal, to petition for the sealing of those portions of the records relating to the arrest of the
 80 person and the subsequent proceedings that relate to the charges which were disposed of by
 81 dismissal, declination or acquittal.

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

85 **Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing**
 86 **and establishes requirements concerning the membership of the Task Force. Section 1.7**
 87 **establishes the general duties of the Task Force, including reviewing the current**
 88 **petition-based process for the sealing of records and identifying the ways in which the**
 89 **process can be streamlined to simplify the process for petitioners. Section 1.7 also**
 90 **requires the Task Force to prepare and submit a report to the Administrative Office of**
 91 **the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial**
 92 **activities and findings of the Task Force; and (2) on or before July 1, 2025, that sets**
 93 **forth the final activities, findings and recommendations of the Task Force to support the**
 94 **implementation of the automatic sealing of records of criminal history. Section 8.3 of this**
 95 **bill requires the Administrative Office of the Courts, before January 1, 2025, to adopt**
 96 **rules to streamline the process for filing a petition for the sealing of records, as**
 97 **recommended by the Task Force.**

98 **Sections ~~2 and 3~~ 2-3.3** of this bill make conforming changes to indicate the proper
 99 placement of **~~section 1~~ sections 1.3 and 1.7** in the Nevada Revised Statutes.

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 thereto ~~a new~~
 2 ~~section to read as follows:~~ **the provisions set forth as sections 1.3 and 1.7 of this**
 3 **act.**

4 **Sec. 1.3. 1. Not later than January 1, 2026, the Division shall develop and**
 5 **implement a process to identify, based on data maintained in the records of the**
 6 **Division, each:**

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

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

- 15 (a) **Identify each:**
- 16 (1) **Conviction of a person or charge against a person that has become**
 17 **an eligible conviction or eligible charge in the immediately preceding month; and**

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

5 (b) Compile a list of each eligible conviction, eligible charge and person or
6 governmental entity identified pursuant to paragraph (a); and

7 (c) Transmit the list compiled pursuant to paragraph (b) to ~~each court~~
8 ~~having jurisdiction pursuant to NRS 179.245, 179.255 or 179.271~~ the
9 Administrative Office of the Courts to ~~order~~ recommend the sealing of records
10 relating to an eligible conviction or eligible charge identified on the list.

11 3. ~~[A court that receives]~~ Not later than January 1, 2026, the Administrative
12 Office of the Courts shall develop and implement a process to review and approve
13 the list received from the Division pursuant to paragraph (c) of subsection 2 and
14 transmit to every court having jurisdiction each:

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

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

17 4. Upon receiving a list transmitted by the Division pursuant to paragraph
18 (c) of subsection 2, the Administrative Office of the Courts shall ~~order sealed~~
19 ~~and~~ confirm each eligible conviction and eligible charge and, not later than 30
20 business days after receiving the list from the Division, notify every court having
21 jurisdiction over the sealing of records relating to each confirmed eligible
22 conviction ~~or~~ and eligible charge ~~over which the court has jurisdiction~~
23 pursuant to NRS 179.245, 179.255 or 179.271 to order the sealing of such
24 records. ~~The~~

25 5. A court that receives notification from the Administrative Office of the
26 Courts pursuant to subsection 4 shall, ~~issue the order without a hearing and~~
27 not later than 15 calendar days after ~~the receipt of the list,~~ receiving such
28 notification, provide notice to the appropriate prosecuting attorney or agency.
29 The prosecuting attorney or agency may object to the sealing of such records not
30 later than 30 calendar days after receiving notice from the court.

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

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

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

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

44 7. The Division and the Administrative Office of the Courts shall take such
45 actions as are necessary to ensure public awareness of the provisions of this
46 section. Such actions may include, without limitation, the posting of appropriate
47 information on an Internet website maintained by the Division or the
48 Administrative Office of the Courts or the conducting of a public awareness
49 campaign.

50 ~~5.~~ 8. The Division and the Administrative Office of the Courts may adopt
51 any rules or regulations, as applicable, that are necessary to carry out the
52 provisions of this section.
53 ~~6.~~ , including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and
(b) Applying for any grants available to carry out the provisions of this section.

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

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

11. On or before January 31, 2027, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

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

(b) "Eligible charge" means any charge against a person if the records relating to the charge are eligible to be sealed pursuant to subsection 1 of NRS 179.255.

(c) "Eligible conviction" means any conviction of a person if the records relating to the conviction are eligible to be sealed pursuant to ~~§~~

~~subsection 2 of NRS 179.255 or NRS 179.271; and~~

~~(2) Subsection 1 of NRS 179.245;~~ for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in ~~that subsection,~~ the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

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

(a) Fifteen members appointed by the Department of Public Safety in accordance with subsection 2, consisting of:

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

(2) One member who is a representative of the Nevada Supreme Court;

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

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

(5) One member who is a representative of an outlying justice court;

(6) One member who is a representative of a municipal court;

(7) One member who is a representative of a district attorney's office;

(8) One member who is a representative of the Office of the Attorney

General;

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

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

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

1 (12) One member who is a representative of the Department of
2 Corrections; and

3 (13) Three members who are representatives from nonprofit
4 organizations focused on issues relating to criminal justice;

5 (b) Two members who are Senators, one of whom is appointed by the
6 Majority Leader of the Senate and one of whom is appointed by the Minority
7 Leader of the Senate; and

8 (c) Two members who are members of the Assembly, one of whom is
9 appointed by the Speaker of the Assembly and one of whom is appointed by the
10 Minority Leader of the Assembly.

11 2. The Department of Public Safety shall solicit applications for
12 appointment to the Task Force pursuant to paragraph (a) of subsection 1. When
13 appointing members to the Task Force pursuant to paragraph (a) of subsection 1,
14 the Department shall ensure that all regions of this State are represented.

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

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

20 5. The members of the Task Force serve without compensation or per diem
21 allowance. If sufficient money is available, a member of the Task Force may,
22 upon written request, receive reimbursement for travel expenses provided for
23 state officers and employees generally while engaged in the business of the Task
24 Force.

25 6. The Task Force shall:

26 (a) Review the current petition-based process for the sealing of records and
27 identify the ways in which the process can be streamlined to simplify the process
28 for petitioners;

29 (b) Conduct research on methods to implement the provisions of section 1.3
30 of this act, including, without limitation, necessary technology and system
31 upgrades within the criminal justice system of this State;

32 (c) Identify and assess any technology and system gaps, necessary
33 infrastructure and policy constraints to support the implementation of the
34 automatic sealing of records; and

35 (d) Recommend approaches to improve the ability of this State to expand
36 future provisions concerning the automatic sealing of records, including, without
37 limitation, the feasibility of retroactively sealing eligible charges and convictions.

38 7. The Task Force may:

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

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

43 8. The Task Force shall:

44 (a) On or before July 1, 2024, prepare and submit a report to the
45 Administrative Office of the Courts and the Director of the Legislative Counsel
46 Bureau, for transmittal to the Legislature, that sets forth the initial activities and
47 findings of the Task Force, including, without limitation, the ways in which the
48 petition-based process for the sealing of records can be streamlined; and

49 (b) On or before July 1, 2025, prepare and submit a report to the
50 Administrative Office of the Courts and the Director of the Legislative Counsel
51 Bureau, for transmittal to the Legislature, that sets forth the final activities,
52 findings and recommendations of the Task Force to support the implementation
53 of the automatic sealing of records.

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

179.2405 The Legislature hereby declares that the public policy of this State is to ~~favor~~ :

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, ~~and section 1.7 of this act~~ ; and

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

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

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

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

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

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

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

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

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

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and section 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~section~~ sections 1.3 and 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~sections~~ section 1.3 [and 1.7] of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~filing~~

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

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

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

5 **Sec. 3.7. NRS 179.245 is hereby amended to read as follows:**

6 179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211,
7 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a
8 person may petition the court in which the person was convicted for the sealing of
9 all records relating to a conviction of:

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

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

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

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

21 (e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS
22 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic
23 violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of
24 release from actual custody or from the date when the person is no longer under a
25 suspended sentence, whichever occurs later;

26 (f) Except as otherwise provided in paragraph (e), if the offense is punished as
27 a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS
28 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or
29 extended order for protection, after 2 years from the date of release from actual
30 custody or from the date when the person is no longer under a suspended sentence,
31 whichever occurs later; or

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

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

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

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

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

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

48 (1) Date of birth of the petitioner;

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

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

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

1 prosecuting attorney, including, without limitation, the Attorney General, who
2 prosecuted the petitioner for the crime. The prosecuting attorney and any person
3 having relevant evidence may testify and present evidence at any hearing on the
4 petition.

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

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

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

- 30 (a) A crime against a child;
31 (b) A sexual offense;
32 (c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;
33 (d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony
34 pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
35 (e) A violation of NRS 484C.430;
36 (f) A homicide resulting from driving or being in actual physical control of a
37 vehicle while under the influence of intoxicating liquor or a controlled substance or
38 resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or
39 484C.430;
40 (g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS
41 488.427; or
42 (h) A violation of NRS 488.420 or 488.425.

43 7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of
44 subsection 6 must not be construed to preclude a person from being able to petition
45 the court to seal records relating to a conviction for a violation of NRS 484C.110 or
46 484C.120 pursuant to this section if the person was found guilty of a violation of
47 NRS 484C.110 or 484C.120 that is punishable pursuant to:

- 48 (a) Paragraph (b) of subsection 1 of NRS 484C.400; or
49 (b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of
50 conviction entered against him or her for a violation of paragraph (b) of subsection
51 1 of NRS 484C.400 because the person participated in the statewide sobriety and
52 drug monitoring program established pursuant to NRS 484C.392.

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

4 9. As used in this section:

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

6 (b) "Sexual offense" means:

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

10 (2) Sexual assault pursuant to NRS 200.366.

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

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

14 (5) An offense involving the administration of a drug to another person
15 with the intent to enable or assist the commission of a felony pursuant to NRS
16 200.405, if the felony is an offense listed in this paragraph.

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

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

22 (8) An offense involving pornography and a minor pursuant to NRS
23 200.710 to 200.730, inclusive.

24 (9) Incest pursuant to NRS 201.180.

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

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

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

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

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

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

35 (16) Luring a child or a person with mental illness pursuant to NRS
36 201.560, if punishable as a felony.

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

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

39 179.247 1. If a person has been convicted of any offense listed in subsection
40 2, the person may petition the court in which he or she was convicted or, if the
41 person wishes to file more than one petition and would otherwise need to file a
42 petition in more than one court, the district court, for an order:

43 (a) Vacating the judgment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 (a) Vacate the judgment and dismiss the accusatory pleading; and

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

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

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

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

7 179.255 1. If a person has been arrested for alleged criminal conduct and
8 the charges are dismissed, the prosecuting attorney having jurisdiction declined
9 prosecution of the charges or such person is acquitted of the charges, the person
10 may petition:

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

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

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

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

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

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

20 **➤** for the sealing of all records relating to the arrest and the proceedings leading to
21 the dismissal, declination or acquittal. ***If a person has been arrested for alleged
22 criminal conduct and multiple charges were brought against the person,
23 consisting of both charges for which the person was convicted and charges which
24 were disposed of by dismissal, declination or acquittal, a petition filed pursuant to
25 this subsection may request the sealing of those portions of the records relating to
26 the arrest and the subsequent proceedings that relate to the charges which were
27 disposed of by dismissal, declination or acquittal.***

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

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

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

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

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

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

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

48 (1) Date of birth of the petitioner;

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

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

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

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

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

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

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

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

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

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

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

29 7. If the court finds:

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

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

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

46 9. If the prosecuting attorney having jurisdiction previously declined
47 prosecution of the charges and the records of the arrest have been sealed pursuant to
48 subsection 7, the prosecuting attorney may subsequently file the charges at any time
49 before the running of the statute of limitations for those charges. If such charges are
50 filed with the court, the court shall order the inspection of the records without the
51 prosecuting attorney having to petition the court pursuant to NRS 179.295.

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

2 179.275 Where the court orders the sealing of a record pursuant to NRS
3 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247,
4 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~§~~ **or section ~~§~~ 1.3 of**
5 **this act**, a copy of the order must be sent to:

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

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

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

12 179.285 Except as otherwise provided in NRS 179.301:

13 1. If the court orders a record sealed pursuant to NRS 34.970, 174.034,
14 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259,
15 179.2595, 179.271, 201.354 or 453.3365 ~~;~~ **for section 1 of this act;**

16 (a) All proceedings recounted in the record are deemed never to have occurred,
17 and the person to whom the order pertains may properly answer accordingly to any
18 inquiry, including, without limitation, an inquiry relating to an application for
19 employment, concerning the arrest, conviction, dismissal or acquittal and the events
20 and proceedings relating to the arrest, conviction, dismissal or acquittal.

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

23 (1) The right to vote;

24 (2) The right to hold office; and

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

26 2. Upon the sealing of the person's records, ~~[except if the person's records~~
27 ~~were sealed pursuant to section 1 of this act.]~~ a person who is restored to his or her
28 civil rights pursuant to subsection 1 must be given:

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

31 (b) A written notice informing the person that he or she has not been restored
32 to the right to bear arms, unless the person has received a pardon and the pardon
33 does not restrict his or her right to bear arms.

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

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

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

47 179.285 Except as otherwise provided in NRS 179.301:

48 1. If the court orders a record sealed pursuant to NRS 34.970, 174.034,
49 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259,
50 179.2595, 179.271, 201.354 or 453.3365 ~~;~~ **or section 1.3 of this act;**

51 (a) All proceedings recounted in the record are deemed never to have occurred,
52 and the person to whom the order pertains may properly answer accordingly to any
53 inquiry, including, without limitation, an inquiry relating to an application for

1 employment, concerning the arrest, conviction, dismissal or acquittal and the events
2 and proceedings relating to the arrest, conviction, dismissal or acquittal.

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

- 5 (1) The right to vote;
- 6 (2) The right to hold office; and
- 7 (3) The right to serve on a jury.

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

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

13 (b) A written notice informing the person that he or she has not been restored
14 to the right to bear arms, unless the person has received a pardon and the pardon
15 does not restrict his or her right to bear arms.

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

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

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

29 179.295 1. The person who is the subject of the records that are sealed
30 pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265, 176A.295,
31 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 *or*
32 *section ~~4~~ 1.3 of this act* may petition the court that ordered the records sealed to
33 permit inspection of the records by a person named in the petition, and the court
34 may order such inspection. Except as otherwise provided in this section, subsection
35 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the
36 inspection of the records under any other circumstances.

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

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

47 4. This section does not prohibit a court from considering a proceeding for
48 which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245,
49 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271,
50 201.354 or 453.3365 *or section ~~4~~ 1.3 of this act* in determining whether to grant a
51 petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245,
52 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

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

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

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

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

13 2. The Division of Insurance of the Department of Business and Industry and
14 its employees may inquire into and inspect any records sealed pursuant to NRS
15 179.245 or 179.255, if the event or conviction was related to insurance, to
16 determine the suitability or qualifications of any person to hold a license,
17 certification or authorization issued in accordance with title 57 of NRS. Events and
18 convictions, if any, which are the subject of an order sealing records may form the
19 basis for recommendation, denial or revocation of those licenses, certifications and
20 authorizations.

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

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

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

26 4. The Central Repository for Nevada Records of Criminal History and its
27 employees may inquire into and inspect any records sealed pursuant to NRS
28 179.245 or 179.255 that constitute information relating to ~~sexual~~ :

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

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

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

37 6. The State Board of Pardons Commissioners and its agents and
38 representatives may inquire into and inspect any records sealed pursuant to NRS
39 179.245 or 179.255 if the person who is the subject of the records has applied for a
40 pardon from the Board.

41 7. As used in this section:

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

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

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

46 179.301 1. The Nevada Gaming Control Board and the Nevada Gaming
47 Commission and their employees, agents and representatives may inquire into and
48 inspect any records sealed pursuant to NRS 179.245 or 179.255, **or section ~~44~~ 1.3**
49 **of this act**, if the event or conviction was related to gaming, to determine the
50 suitability or qualifications of any person to hold a state gaming license,
51 manufacturer's, seller's or distributor's license or registration as a gaming
52 employee pursuant to chapter 463 of NRS. Events and convictions, if any, which
53 are the subject of an order sealing records:

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

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

6 2. The Division of Insurance of the Department of Business and Industry and
7 its employees may inquire into and inspect any records sealed pursuant to NRS
8 179.245 or 179.255, *or section ~~##~~ 1.3 of this act*, if the event or conviction was
9 related to insurance, to determine the suitability or qualifications of any person to
10 hold a license, certification or authorization issued in accordance with title 57 of
11 NRS. Events and convictions, if any, which are the subject of an order sealing
12 records may form the basis for recommendation, denial or revocation of those
13 licenses, certifications and authorizations.

14 3. A prosecuting attorney 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 (a) The records relate to a violation or alleged violation of NRS 202.485; and

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

19 4. The Central Repository for Nevada Records of Criminal History and its
20 employees may inquire into and inspect any records sealed pursuant to NRS
21 179.245 or 179.255 *or section ~~##~~ 1.3 of this act* that constitute information relating
22 to:

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

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

26 5. Records which have been sealed pursuant to NRS 179.245 or 179.255 *or*
27 *section ~~##~~ 1.3 of this act* and which are retained in the statewide registry
28 established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B
29 of NRS by an officer or employee of the Central Repository for Nevada Records of
30 Criminal History or a law enforcement officer in the regular course of his or her
31 duties.

32 6. The State Board of Pardons Commissioners and its agents and
33 representatives may inquire into and inspect any records sealed pursuant to NRS
34 179.245 or 179.255 *or section ~~##~~ 1.3 of this act* if the person who is the subject of
35 the records has applied for a pardon from the Board.

36 7. As used in this section:

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

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

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

45 **(a) A standard order for the sealing of records of criminal history to be**
46 **used by all courts having jurisdiction over the sealing of records of criminal**
47 **history;**

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

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

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

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

4 Sec. 9. 1. This section ~~becomes~~ and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7
5 become effective upon passage and approval.

6 2. ~~Sections 1 to 8, inclusive,~~ Section 1.3 of this act ~~become~~ becomes
7 effective:

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

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

11 (2) The Administrative Office of the Courts developing and
12 implementing the process required pursuant to subsection 3 of that section;
13 and

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

17 (b) On January 1, ~~2024,~~ 2026, for all other purposes.

18 3. Section 1.7 of this act becomes effective upon passage and approval
19 and expires by limitation on June 30, 2026.

20 4. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on
21 January 1, 2026.

22 5. Sections 2.3 and 3.1 of this act become effective on January 1, 2026,
23 and expire by limitation on June 30, 2026.

24 6. Sections 2.7 and 3.3 of this act become effective on July 1, 2026.

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