

ASSEMBLY BILL NO. 452—ASSEMBLYMEN
MUNFORD AND ANDERSON

MARCH 25, 2005

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to restoration of certain civil rights to certain convicted persons. (BDR 14-1124)

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

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

AN ACT relating to convicted persons; providing that certain ex-felons who have been dishonorably discharged from probation or parole may petition for the restoration of certain civil rights; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 176A.850 is hereby amended to read as
2 follows:
3 176A.850 1. A person who:
4 (a) Has fulfilled the conditions of his probation for the entire
5 period thereof;
6 (b) Is recommended for earlier discharge by the Division; or
7 (c) Has demonstrated his fitness for honorable discharge but
8 because of economic hardship, verified by a parole and probation
9 officer, has been unable to make restitution as ordered by the court,
10 ➤ may be granted an honorable discharge from probation by order
11 of the court.
12 2. Any amount of restitution remaining unpaid constitutes a
13 civil liability arising upon the date of discharge.
14 3. Except as otherwise provided in subsection 4, a person who
15 has been honorably discharged from probation:
16 (a) Is free from the terms and conditions of his probation.



(b) Is immediately restored to the following civil rights:

(1) The right to vote; and

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

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

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

(e) If he meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to his conviction.

(f) Must be informed of the provisions of this section and NRS 179.245 in his probation papers.

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

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

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

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

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

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

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

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

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

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of



1 impeachment. In any subsequent prosecution of the person, the prior
2 conviction may be pleaded and proved if otherwise admissible.

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

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

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

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

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

16 7. Subject to the limitations set forth in subsection 4, a person
17 who has been honorably discharged from probation in this State or
18 elsewhere and whose official documentation of his honorable
19 discharge from probation is lost, damaged or destroyed may file a
20 written request with a court of competent jurisdiction to restore his
21 civil rights pursuant to this section. Upon verification that the person
22 has been honorably discharged from probation and is eligible to be
23 restored to the civil rights set forth in subsection 3, the court shall
24 issue an order restoring the person to the civil rights set forth in
25 subsection 3. A person must not be required to pay a fee to receive
26 such an order.

27 8. A person who has been honorably discharged from
28 probation in this State or elsewhere may present:

29 (a) Official documentation of his honorable discharge from
30 probation, if it contains the provisions set forth in subsection 6; or

31 (b) A court order restoring his civil rights,
32 ➤ as proof that he has been restored to the civil rights set forth in
33 subsection 3.

34 **Sec. 2.** NRS 176A.870 is hereby amended to read as follows:

35 176A.870 **1.** A defendant whose term of probation has
36 expired and:

37 ~~1-1~~ (a) Whose whereabouts are unknown;

38 ~~1-2~~ (b) Who has failed to make restitution in full as ordered by
39 the court, without a verified showing of economic hardship; or

40 ~~1-3~~ (c) Who has otherwise failed to qualify for an honorable
41 discharge as provided in NRS 176A.850,

42 ➤ is not eligible for an honorable discharge and must be given a
43 dishonorable discharge.

44 **2.** A dishonorable discharge releases the probationer from any
45 further obligation, except a civil liability arising on the date of



1 discharge for any unpaid restitution . ~~[, but does not entitle the~~
2 ~~probationer to any privilege conferred by NRS 176A.850.]~~

3 3. A person who has been dishonorably discharged from
4 probation may petition a court of competent jurisdiction for an
5 order granting the restoration of his civil rights. Except as
6 otherwise provided in subsection 5, the court shall restore the civil
7 rights of the person in the manner set forth in subsection 4 if the
8 court finds that the person:

9 (a) Has completed payment of any unpaid restitution; and

10 (b) Has removed or satisfied any other condition which caused
11 the dishonorable discharge.

12 4. If a court issues an order restoring the civil rights of a
13 person pursuant to subsection 3, the person:

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

15 (1) The right to vote; and

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

17 (b) Four years after the date on which the order restoring his
18 civil rights is issued, is restored to the right to hold office.

19 (c) Six years after the date on which the order restoring his
20 civil rights is issued, is restored to the right to serve as a juror in a
21 criminal action.

22 5. A court shall not issue an order restoring the civil rights
23 set forth in subsection 4 of a person dishonorably discharged from
24 probation if the person has previously been convicted in this State:

25 (a) Of a category A felony.

26 (b) Of an offense that would constitute a category A felony if
27 committed as of the date of his dishonorable discharge from
28 probation.

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

31 (d) Of an offense involving the use of force or violence that
32 resulted in substantial bodily harm to the victim and that would
33 constitute a category B felony if committed as of the date of his
34 dishonorable discharge from probation.

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

40 6. An order issued by a court pursuant to this section
41 restoring the civil rights of a person must include:

42 (a) A statement that the person has been restored to his civil
43 rights to vote and to serve as a juror in a civil action as of the date
44 on which the order restoring his civil rights is issued;



(b) The date on which his civil right to hold office will be restored to him pursuant to paragraph (b) of subsection 4; and

(c) The date on which his civil right to serve as a juror in a criminal action will be restored to him pursuant to paragraph (c) of subsection 4.

7. Subject to the limitations set forth in subsection 5, a person who has been dishonorably discharged from probation in this State or elsewhere and whose official documentation of his dishonorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his civil rights pursuant to this section. Upon verification that the person has been dishonorably discharged from probation and is eligible to be restored to his civil rights pursuant to subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

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

Sec. 3. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his term of sentence, by pardon or by parole, the Director:

(a) May furnish him with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give him notice of the provisions of chapter 179C of NRS and NRS 202.360;

(c) Shall require him to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give him notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, **213.154**, 213.155 or 213.157, as applicable;

(e) May provide him with clothing suitable for reentering society;

(f) May provide him with the cost of transportation to his place of residence anywhere within the continental United States, or to the place of his conviction; and

(g) Shall require him to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (e), (f) and (g) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.



1 **Sec. 4.** NRS 213.090 is hereby amended to read as follows:
2 213.090 1. Except as otherwise provided in subsection 2, a
3 person who is granted a pardon for any offense committed:
4 (a) Is immediately restored to the following civil rights:
5 (1) The right to vote; and
6 (2) The right to serve as a juror in a civil action.
7 (b) Four years after the date that his pardon is granted, is
8 restored to the right to hold office.
9 (c) Six years after the date that his pardon is granted, is restored
10 to the right to serve as a juror in a criminal action.
11 2. Except as otherwise provided in this subsection, the civil
12 rights set forth in subsection 1 are not restored to a person who has
13 been granted a pardon if the person has previously been convicted in
14 this State:
15 (a) Of a category A felony.
16 (b) Of an offense that would constitute a category A felony if
17 committed as of the date that his pardon is granted.
18 (c) Of a category B felony involving the use of force or violence
19 that resulted in substantial bodily harm to the victim.
20 (d) Of an offense involving the use of force or violence that
21 resulted in substantial bodily harm to the victim and that would
22 constitute a category B felony if committed as of the date that his
23 pardon is granted.
24 (e) Two or more times of a felony, unless a felony for which the
25 person has been convicted arose out of the same act, transaction or
26 occurrence as another felony, in which case the convictions for
27 those felonies shall be deemed to constitute a single conviction for
28 the purposes of this paragraph.
29 ➡ A person described in this subsection may petition ~~the court in~~
30 ~~which the person was convicted~~ *a court of competent jurisdiction*
31 for an order granting the restoration of his civil rights as set forth in
32 subsection 1.
33 3. Except for a person subject to the limitations set forth in
34 subsection 2, upon receiving a pardon, a person so pardoned must be
35 given an official document which provides:
36 (a) That he has been granted a pardon;
37 (b) That he has been restored to his civil rights to vote and to
38 serve as a juror in a civil action as of the date that his pardon is
39 granted;
40 (c) The date on which his civil right to hold office will be
41 restored to him pursuant to paragraph (b) of subsection 1; and
42 (d) The date on which his civil right to serve as a juror in a
43 criminal action will be restored to him pursuant to paragraph (c) of
44 subsection 1.



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

5. A person who has been granted a pardon in this State or elsewhere may present:

(a) Official documentation of his pardon, if it contains the provisions set forth in subsection 3; or

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

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

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

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

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

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

(a) The whereabouts of the parolee are unknown;

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

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

~~—3.]~~ **NRS 213.155.**

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

3. *A person who has been dishonorably discharged from parole and who has met any other conditions imposed by the court, may petition a court of competent jurisdiction for an order granting the restoration of his civil rights. Except as otherwise provided in subsection 5, the court shall restore the civil rights of a person in the manner set forth in subsection 4 if the court finds that the person has:*

(a) *Completed payment of any unpaid restitution; and*

(b) *Removed or satisfied any other condition which caused the dishonorable discharge.*



1 4. *If a court issues an order restoring the civil rights of a*
2 *person pursuant to subsection 3, the person:*

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

4 (1) *The right to vote; and*

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

6 (b) *Four years after the date on which the order restoring his*
7 *civil rights is issued, is restored to the right to hold office.*

8 (c) *Six years after the date on which the order restoring his*
9 *civil rights is issued, is restored to the right to serve as a juror in a*
10 *criminal action.*

11 5. *A court shall not issue an order restoring the civil rights*
12 *set forth in subsection 4 of a person dishonorably discharged from*
13 *parole if the person has previously been convicted in this State:*

14 (a) *Of a category A felony.*

15 (b) *Of an offense that would constitute a category A felony if*
16 *committed as of the date of his dishonorable discharge from*
17 *probation.*

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

20 (d) *Of an offense involving the use of force or violence that*
21 *resulted in substantial bodily harm to the victim and that would*
22 *constitute a category B felony if committed as of the date of his*
23 *dishonorable discharge from probation.*

24 (e) *Two or more times of a felony, unless a felony for which*
25 *the person has been convicted arose out of the same act,*
26 *transaction or occurrence as another felony, in which case the*
27 *convictions for those felonies shall be deemed to constitute a*
28 *single conviction for the purposes of this paragraph.*

29 6. *An order issued by a court pursuant to this section*
30 *restoring the civil rights of a person must include:*

31 (a) *A statement that the person has been restored to his civil*
32 *rights to vote and to serve as a juror in a civil action as of the date*
33 *on which the order restoring his civil rights is issued;*

34 (b) *The date on which his civil right to hold office will be*
35 *restored to him pursuant to paragraph (b) of subsection 3; and*

36 (c) *The date on which his civil right to serve as a juror in a*
37 *criminal action will be restored to him pursuant to paragraph (c)*
38 *of subsection 3.*

39 7. *Subject to the limitations set forth in subsection 5, a person*
40 *who has been dishonorably discharged from parole in this State or*
41 *elsewhere and whose official documentation of his dishonorable*
42 *discharge from parole is lost, damaged or destroyed may file a*
43 *written request with a court of competent jurisdiction to restore his*
44 *civil rights pursuant to this section. Upon verification that the*
45 *person has been dishonorably discharged from parole and is*



1 *eligible to be restored to his civil rights pursuant to subsection 3,*
2 *the court shall issue an order restoring the person to the civil*
3 *rights set forth in subsection 4. A person must not be required to*
4 *pay a fee to receive such an order.*

5 *8. The Board may adopt regulations necessary or convenient*
6 *for the purposes of this section.*

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

8 213.155 1. *The Division shall issue an honorable discharge*
9 *to a parolee whose term of sentence has expired if the parolee has:*

10 (a) *Fulfilled the conditions of his parole for the entire period*
11 *of his parole; or*

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

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

19 3. Except as otherwise provided in subsection ~~[2.]~~ 4, a person
20 who receives an honorable discharge from parole : ~~{pursuant to~~
21 ~~NRS 213.154.}~~

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

23 (1) The right to vote; and

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

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

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

29 ~~[2.]~~ 4. Except as otherwise provided in this subsection, the
30 civil rights set forth in subsection ~~[1.]~~ 3 are not restored to a person
31 who has received an honorable discharge from parole if the person
32 has previously been convicted in this State:

33 (a) Of a category A felony.

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

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

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

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



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

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

7 ~~3~~ 5. Except for a person subject to the limitations set forth in
8 subsection ~~2~~ 4, upon his honorable discharge from parole, a
9 person so discharged must be given an official document which
10 provides:

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

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

15 (c) The date on which his civil right to hold office will be
16 restored to him pursuant to paragraph (b) of subsection ~~4~~ 3; and

17 (d) The date on which his civil right to serve as a juror in a
18 criminal action will be restored to him pursuant to paragraph (c) of
19 subsection ~~4~~ 3.

20 ~~4~~ 6. Subject to the limitations set forth in subsection ~~2~~ 4, a
21 person who has been honorably discharged from parole in this State
22 or elsewhere and whose official documentation of his honorable
23 discharge from parole is lost, damaged or destroyed may file a
24 written request with a court of competent jurisdiction to restore his
25 civil rights pursuant to this section. Upon verification that the person
26 has been honorably discharged from parole and is eligible to be
27 restored to the civil rights set forth in subsection ~~4~~ 3, the court
28 shall issue an order restoring the person to the civil rights set forth in
29 subsection ~~4~~ 3. A person must not be required to pay a fee to
30 receive such an order.

31 ~~5~~ 7. A person who has been honorably discharged from
32 parole in this State or elsewhere may present:

33 (a) Official documentation of his honorable discharge from
34 parole, if it contains the provisions set forth in subsection ~~3~~ 5; or

35 (b) A court order restoring his civil rights,
36 ➔ as proof that he has been restored to the civil rights set forth in
37 subsection ~~4~~ 3.

38 ~~6~~ 8. The Board may adopt regulations necessary or
39 convenient for the purposes of this section.

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

41 213.157 1. Except as otherwise provided in subsection 2, a
42 person convicted of a felony in the State of Nevada who has served
43 his sentence and has been released from prison:

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

45 (1) The right to vote; and



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

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

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

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

10 (a) Of a category A felony.

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

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

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

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

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

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

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

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

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

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

40 4. Subject to the limitations set forth in subsection 2, a person
41 who has been released from prison in this State or elsewhere and
42 whose official documentation of his release from prison is lost,
43 damaged or destroyed may file a written request with a court of
44 competent jurisdiction to restore his civil rights pursuant to this
45 section. Upon verification that the person has been released from



1 prison and is eligible to be restored to the civil rights set forth in
2 subsection 1, the court shall issue an order restoring the person to
3 the civil rights set forth in subsection 1. A person must not be
4 required to pay a fee to receive such an order.

5 5. A person who has been released from prison in this State or
6 elsewhere may present:

7 (a) Official documentation of his release from prison, if it
8 contains the provisions set forth in subsection 3; or

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

10 ➔ as proof that he has been restored to the civil rights set forth in
11 subsection 1.

12 **Sec. 8.** This act becomes effective on July 1, 2005.

