

Amendment No. 411

Assembly Amendment to Assembly Bill No. 452

(BDR 14-1124)

Proposed by: Committee on Judiciary**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: No

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"/>	_____

Amend section 1, page 2, line 26, by deleting “, *except for the civil right to vote*,”.

Amend section 1, page 2, by deleting lines 34 through 38 and inserting:

“(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”.

Amend sec. 2, page 4, by deleting lines 2 through 34 and inserting:

“dishonorable discharge.

2. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution . ~~[, but does not entitle the probationer to any privilege conferred by NRS 176A.850.]~~

MSN/RBL

Date: 4/22/2005

A.B. No. 452—Revises provisions relating to restoration of certain civil rights to certain convicted persons.



3. *A person who has been dishonorably discharged from probation 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 the person in the manner set forth in subsection 4 if the court finds that the person:*

- (a) Has completed payment of any unpaid restitution; and*
- (b) Has removed or satisfied any other condition which caused the dishonorable discharge.*

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

- (a) 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.*
- (b) Four years after the date on which the order restoring his civil rights is issued, is restored to the right to hold office.*
- (c) Six years after the date on which the order restoring his civil rights is issued, is restored to the right to serve as a juror in a criminal action.*

5. *A court shall not issue an order restoring the civil rights set forth in subsection 4 of a person dishonorably 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 dishonorable 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 dishonorable 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.

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

(a) A statement that the person has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date 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.”.

Amend sec. 4, page 5, line 28, by deleting “, *except for the civil right to vote,*”.

Amend sec. 4, page 5, by deleting lines 36 through 40 and inserting:

“(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 that his pardon is granted.

(e) Two or more times of a felony, unless a felony for which”.

Amend sec. 5, page 7, by deleting lines 7 through 36 and inserting:

“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.

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

(a) 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.

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

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

5. A court shall not issue an order restoring the civil rights set forth in subsection 4 of a person dishonorably discharged from parole 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 dishonorable 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 dishonorable 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.

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

(a) A statement that the person has been restored to his civil rights to vote and to serve as a juror in a civil action as of the date 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 3; 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 3.

7. Subject to the limitations set forth in subsection 5, a person who has been dishonorably discharged from parole in this State or elsewhere and whose official documentation of his dishonorable discharge from parole 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 parole 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.”.

Amend sec. 6, page 8, lines 15 and 16, by deleting:

“3, except for the civil right to vote” and inserting *“3”*.

Amend sec. 6, page 8, lines 24 through 28, by deleting the brackets and strike-through.

Amend sec. 7, page 9, line 38, by deleting:

“, *except for the civil right to vote*,”.

Amend sec. 7, page 10, lines 1 through 5, by deleting the brackets and strike-through.

Amend the bill as a whole by deleting sections 8 through 10 and renumbering sec. 11 as sec. 8.

Amend the title of the bill to read as follows:

“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.”.