

SENATE BILL NO. 282—SENATOR WASHINGTON

MARCH 23, 2005

Referred to Committee on Judiciary

SUMMARY—Makes various changes concerning convicted persons. (BDR 40-622)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.  
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 convicted persons; prohibiting a person other than a state or local government or agency thereof from operating or maintaining a facility for transitional living for released offenders without licensure by the State Board of Health; providing that each alcohol and drug abuse program operated by such a facility must be certified by the Health Division of the Department of Human Resources; providing that such facilities are facilities for the dependent; revising the definition of “halfway house for recovering alcohol and drug abusers”; requiring the Board to adopt standards and regulations governing the licensure and operation of such facilities; authorizing the Board to impose fees for the issuance and renewal of a license to operate such a facility; providing that the fact that a facility for transitional living for released offenders is located near real property which is the subject of a sale, lease or rental is not material to the transaction and is not required to be disclosed by the seller, lessor or landlord; revising the provisions governing the sealing of records of convictions pertaining to certain crimes; making various changes concerning the restoration of civil rights of certain persons; allowing certain persons who have been dishonorably discharged from probation or parole to apply, for a limited period, to



the Division of Parole and Probation of the Department of Public Safety to request that their dishonorable discharge be changed to an honorable discharge; providing a penalty; and providing other matters properly relating thereto.

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

**Section 1.** Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1.** *“Facility for transitional living for released offenders” means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs.*

**2.** *As used in this section, “person who has been released from prison” means:*

*(a) A parolee.*

*(b) A person who is participating in:*

*(1) A judicial program pursuant to NRS 209.4886 or 213.625; or*

*(2) A correctional program pursuant to NRS 209.4888 or 213.632.*

*(c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement pursuant to NRS 213.371 to 213.410, inclusive.*

*(d) A person who has been released from prison by expiration of his term of sentence.*

**Sec. 3.** *Each alcohol and drug abuse program operated or provided by a facility for transitional living for released offenders must be certified by the Health Division in accordance with the requirements set forth in chapter 458 of NRS and any regulations adopted pursuant thereto. As used in this section, “alcohol and drug abuse program” has the meaning ascribed to it in NRS 458.010.*

**Sec. 4.** NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.019, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.



**Sec. 5.** NRS 449.0045 is hereby amended to read as follows:

449.0045 “Facility for the dependent” includes a facility for the treatment of abuse of alcohol or drugs, halfway house for recovering alcohol and drug abusers, *facility for transitional living for released offenders*, facility for the care of adults during the day or residential facility for groups.

**Sec. 6.** NRS 449.008 is hereby amended to read as follows:

449.008 “Halfway house for recovering alcohol and drug abusers” means a residence that provides housing and a living environment for *recovering* alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. *The term does not include a facility for transitional living for released offenders.*

**Sec. 7.** NRS 449.037 is hereby amended to read as follows:

449.037 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.001 to 449.240, inclusive, *and sections 2 and 3 of this act*, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Health Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive laser surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.001 to 449.240, inclusive *and sections 2 and 3 of this act.*

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➔ which provide care to persons with Alzheimer’s disease.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.



(b) The licensure of facilities for refractive laser surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. The Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) The prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Health Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The regulations must prohibit a residential facility for groups from claiming that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what



1 services of personalized care will be available to the person and the  
2 amount that will be charged for those services throughout the  
3 resident's stay at the facility.

4 (b) The residents of the facility reside in their own living units  
5 which:

6 (1) Contain toilet facilities and a sleeping area or bedroom;  
7 and

8 (2) Are shared with another occupant only upon consent of  
9 both occupants.

10 (c) The facility provides personalized care to the residents of the  
11 facility and the general approach to operating the facility  
12 incorporates these core principles:

13 (1) The facility is designed to create a residential  
14 environment that actively supports and promotes each resident's  
15 quality of life and right to privacy;

16 (2) The facility is committed to offering high-quality  
17 supportive services that are developed by the facility in  
18 collaboration with the resident to meet the resident's individual  
19 needs;

20 (3) The facility provides a variety of creative and innovative  
21 services that emphasize the particular needs of each individual  
22 resident and his personal choice of lifestyle;

23 (4) The operation of the facility and its interaction with its  
24 residents supports, to the maximum extent possible, each resident's  
25 need for autonomy and the right to make decisions regarding his  
26 own life;

27 (5) The operation of the facility is designed to foster a social  
28 climate that allows the resident to develop and maintain personal  
29 relationships with fellow residents and with persons in the general  
30 community;

31 (6) The facility is designed to minimize and is operated in a  
32 manner which minimizes the need for its residents to move out of  
33 the facility as their respective physical and mental conditions change  
34 over time; and

35 (7) The facility is operated in such a manner as to foster a  
36 culture that provides a high-quality environment for the residents,  
37 their families, the staff, any volunteers and the community at large.

38 8. The Board shall, if it determines necessary, adopt  
39 regulations and requirements to ensure that each residential facility  
40 for groups and its staff are prepared to respond to an emergency,  
41 including, without limitation:

42 (a) The adoption of plans to respond to a natural disaster and  
43 other types of emergency situations, including, without limitation,  
44 an emergency involving fire;



(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

*9. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:*

*(a) Facilities that only provide a housing and living environment;*

*(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and*

*(c) Facilities that provide or arrange for the provision of alcohol and drug abuse programs, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.*

**Sec. 8.** NRS 449.050 is hereby amended to read as follows:

449.050 1. Except as otherwise provided in subsection 2, each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

2. A facility for the care of adults during the day is exempt from the fees imposed by the Board pursuant to this section.

*3. The fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Health Division of issuing or renewing the license.*

*4. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.*



**Sec. 9.** NRS 40.770 is hereby amended to read as follows:

40.770 1. Except as otherwise provided in subsection ~~5~~ 6, in any sale, lease or rental of real property, the fact that the property is or has been:

(a) The site of a homicide, suicide or death by any other cause, except a death that results from a condition of the property;

(b) The site of any crime punishable as a felony other than a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine; or

(c) Occupied by a person exposed to the human immunodeficiency virus or suffering from acquired immune deficiency syndrome or any other disease that is not known to be transmitted through occupancy of the property,

→ is not material to the transaction.

2. In any sale, ~~lessor~~ lease or rental of real property, the fact that a sex offender, as defined in NRS 179D.400, resides or is expected to reside in the community is not material to the transaction, and the seller, lessor or landlord or any agent of the seller, lessor or landlord does not have a duty to disclose such a fact to a buyer, lessee or tenant or any agent of a buyer, lessee or tenant.

3. *In any sale, lease or rental of real property, the fact that a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS is located near the property being sold, leased or rented is not material to the transaction.*

4. A seller, lessor or landlord or any agent of the seller, lessor or landlord is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, ~~for~~ 2 or 3 that is not material to the transaction or of which the seller, lessor or landlord or agent of the seller, lessor or landlord had no actual knowledge.

~~4~~ 5. Except as otherwise provided in an agreement between a buyer, lessee or tenant and his agent, an agent of the buyer, lessee or tenant is not liable to the buyer, lessee or tenant in any action at law or in equity because of the failure to disclose any fact described in subsection 1, ~~for~~ 2 or 3 that is not material to the transaction or of which the agent of the buyer, lessee or tenant had no actual knowledge.

~~5~~ 6. For purposes of this section, the fact that the property is or has been the site of a crime that involves the manufacturing of any material, compound, mixture or preparation which contains any quantity of methamphetamine is not material to the transaction if:



1 (a) All materials and substances involving methamphetamine  
2 have been removed from or remediated on the property by an entity  
3 certified or licensed to do so; or

4 (b) The property has been deemed safe for habitation by a  
5 governmental entity.

6 **7. As used in this section, “facility for transitional living for**  
7 **released offenders” has the meaning ascribed to it in section 2 of**  
8 **this act.**

9 **Sec. 10.** NRS 176A.850 is hereby amended to read as follows:

10 176A.850 1. A person who:

11 (a) Has fulfilled the conditions of his probation for the entire  
12 period thereof;

13 (b) Is recommended for earlier discharge by the Division; or

14 (c) Has demonstrated his fitness for honorable discharge but  
15 because of economic hardship, verified by a parole and probation  
16 officer, has been unable to make restitution as ordered by the court,  
17 ➡ may be granted an honorable discharge from probation by order  
18 of the court.

19 2. Any amount of restitution remaining unpaid constitutes a  
20 civil liability arising upon the date of discharge.

21 3. Except as otherwise provided in subsection 4, a person who  
22 has been honorably discharged from probation:

23 (a) Is free from the terms and conditions of his probation.

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

25 (1) The right to vote; and

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

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

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

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

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

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

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

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





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

5 (a) Of a category A felony.

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

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

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

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

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

23 5. The prior conviction of a person who has been honorably  
24 discharged from probation may be used for purposes of  
25 impeachment. In any subsequent prosecution of the person, the prior  
26 conviction may be pleaded and proved if otherwise admissible.

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

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

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 honorable  
34 discharge from probation;

35 (c) The date on which his civil right to hold office will be  
36 restored to him pursuant to paragraph (c) of subsection 3; 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 (d) of  
39 subsection 3.

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



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

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

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

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

13 **Sec. 11.** NRS 179.245 is hereby amended to read as follows:

14 179.245 1. Except as otherwise provided in subsection 5 and  
15 NRS 176A.265, 179.259 and 453.3365, a person may petition the  
16 court in which he was convicted for the sealing of all records  
17 relating to a conviction of:

18 (a) A category A or B felony after 15 years from the date of his  
19 release from actual custody or discharge from parole or probation,  
20 whichever occurs later;

21 (b) A category C or D felony after 12 years from the date of his  
22 release from actual custody or discharge from parole or probation,  
23 whichever occurs later;

24 (c) A category E felony after ~~14~~ 7 years from the date of his  
25 release from actual custody or discharge from parole or probation,  
26 whichever occurs later;

27 (d) Any gross misdemeanor after 7 years from the date of his  
28 release from actual custody or discharge from probation, whichever  
29 occurs later;

30 (e) A violation of NRS 484.379 other than a felony, or a battery  
31 which constitutes domestic violence pursuant to NRS 33.018 other  
32 than a felony, after 7 years from the date of his release from actual  
33 custody or from the date when he is no longer under a suspended  
34 sentence, whichever occurs later; or

35 (f) Any other misdemeanor after ~~13~~ 2 years from the date of his  
36 release from actual custody or from the date when he is no longer  
37 under a suspended sentence, whichever occurs later.

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

39 (a) Be accompanied by current, verified records of the  
40 petitioner's criminal history received from:

41 (1) The Central Repository for Nevada Records of Criminal  
42 History; and

43 (2) The local law enforcement agency of the city or county in  
44 which the conviction was entered;



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

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

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

(a) If the person was convicted in a district court or justice's court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

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

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private agency, company or official in the State of Nevada, and may also order all such criminal identification records of the petitioner returned to the file of the court where the proceeding was commenced from, including, but not limited to, the Federal Bureau of Investigation, the California Bureau of Identification and Information, sheriffs' offices and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

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

7. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.210.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or



1 sexual molestation of a child less than 14 years of age pursuant to  
2 paragraph (b) of subsection 1 of NRS 200.030.

3 (2) Sexual assault pursuant to NRS 200.366.

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

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

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

12 (6) An offense involving the administration of a controlled  
13 substance to another person with the intent to enable or assist the  
14 commission of a crime of violence pursuant to NRS 200.408, if the  
15 crime of violence is an offense listed in this paragraph.

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

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

20 (9) Incest pursuant to NRS 201.180.

21 (10) Solicitation of a minor to engage in acts constituting the  
22 infamous crime against nature pursuant to NRS 201.195.

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

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

27 (13) Lewdness with a child pursuant to NRS 201.230.

28 (14) Sexual penetration of a dead human body pursuant to  
29 NRS 201.450.

30 (15) Luring a child or mentally ill person pursuant to NRS  
31 201.560, if punishable as a felony.

32 (16) An attempt to commit an offense listed in subparagraphs  
33 (1) to (15), inclusive.

34 **Sec. 12.** NRS 209.511 is hereby amended to read as follows:

35 209.511 1. When an offender is released from prison by  
36 expiration of his term of sentence, by pardon or by parole, the  
37 Director:

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

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

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



(d) Shall give him notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 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) *May, but is not required to, release him to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and*

(h) 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)~~ (h) 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.

*3. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in section 2 of this act.*

**Sec. 13.** NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2, a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(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 of his honorable discharge from parole, is restored to the right to hold office.

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

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge 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 honorable discharge from parole.

(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 parole.



(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 1.

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

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

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

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

(d) 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 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his honorable 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 honorably discharged from parole 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 honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his honorable discharge from parole, 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.

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

**Sec. 14.** NRS 213.157 is hereby amended to read as follows:

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



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

2 (1) The right to vote; and

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

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

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

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

12 (a) Of a category A felony.

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

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

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

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

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

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

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

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

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

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

42 4. Subject to the limitations set forth in subsection 2, a person  
43 who has been released from prison in this State or elsewhere and  
44 whose official documentation of his release from prison is lost,  
45 damaged or destroyed may file a written request with a court of



1 competent jurisdiction to restore his civil rights pursuant to this  
2 section. Upon verification that the person has been released from  
3 prison and is eligible to be restored to the civil rights set forth in  
4 subsection 1, the court shall issue an order restoring the person to  
5 the civil rights set forth in subsection 1. A person must not be  
6 required to pay a fee to receive such an order.

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

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

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

14 **Sec. 15.** Notwithstanding the provisions of sections 1 to 9,  
15 inclusive, and 12 of this act, a person is not required to possess a  
16 license issued by the State Board of Health to operate or maintain a  
17 facility for transitional living for released offenders in this State  
18 before January 1, 2006, unless the Board establishes, by regulation,  
19 an earlier date for compliance with the amendatory provisions of  
20 sections 1 to 9, inclusive, and 12 of this act.

21 **Sec. 16.** 1. Notwithstanding any other provision of law,  
22 except as otherwise provided in subsection 2, a person who was  
23 dishonorably discharged from probation or parole before the  
24 effective date of this section, until July 1, 2008, may apply to the  
25 Division of Parole and Probation of the Department of Public  
26 Safety, in accordance with the regulations adopted by the Division  
27 pursuant to the provisions of this section, to request that his  
28 dishonorable discharge from probation or parole be changed to an  
29 honorable discharge from probation or parole.

30 2. A person who was dishonorably discharged from probation  
31 or parole may not apply to change his discharge to an honorable  
32 discharge pursuant to this section if his dishonorable discharge was  
33 based, in whole or in part, upon:

34 (a) The fact that he committed a new crime, other than a  
35 violation of a traffic law for which he was issued a citation, during  
36 the period of his probation or parole;

37 (b) The fact that his whereabouts were unknown at the time of  
38 his discharge from probation or parole; or

39 (c) Any incident involving his commission of a violent act or an  
40 act that threatened public safety during the period of his probation or  
41 parole.

42 3. The Division shall adopt regulations establishing guidelines  
43 and procedures to be used to carry out the provisions of this section.  
44 The regulations must include, without limitation, provisions  
45 requiring that to be granted a change of discharge pursuant to this





1 section, if an applicant failed to make full restitution as ordered by  
2 the court or failed to pay the fees to defray the cost of his  
3 supervision as required pursuant to NRS 213.1076, the applicant  
4 must have made or must be making an effort in good faith and  
5 satisfactory progress towards paying the restitution ordered or fees  
6 owed, as determined by the Division.

7 4. A person whose application for a change of discharge is  
8 granted by the Division and whose discharge from probation or  
9 parole is changed to an honorable discharge from probation or  
10 parole pursuant to this section:

11 (a) Shall be deemed to have been issued an honorable discharge  
12 from probation or parole effective as of the date of his original  
13 dishonorable discharge from probation or parole;

14 (b) Is subject to, and must be restored to his civil rights in  
15 accordance with, the provisions of NRS 176A.850 or 213.155, as  
16 amended by this act; and

17 (c) Must be given an official document which:

18 (1) Provides that he has received an honorable discharge  
19 from probation or parole; and

20 (2) States, as applicable, the dates on which his civil rights to  
21 vote, to serve as a juror in a civil action, to hold office and to serve  
22 as a juror in a criminal action will be restored to him.

23 5. The Division shall, on or before January 1, 2009, submit a  
24 written report to the Director of the Legislative Counsel Bureau that  
25 includes, without limitation, the following information:

26 (a) The number of persons who applied for a change of  
27 discharge pursuant to this section;

28 (b) The number of applications that were granted or denied and  
29 the general reasons for denial of the applications;

30 (c) The estimated amount of restitution and fees for supervision  
31 paid as the result of the enactment of this section;

32 (d) Any recommendations and conclusions concerning the  
33 desirability of extending the application of the provisions of this  
34 section; and

35 (e) Any other information deemed appropriate by the Division.

36 **Sec. 17.** 1. This section and sections 10, 11 and 13 to 16,  
37 inclusive, of this act become effective upon passage and approval.

38 2. Sections 1 to 9, inclusive, and 12 of this act become  
39 effective upon passage and approval for the purpose of adopting  
40 regulations and on October 1, 2005, for all other purposes.







