

SENATE BILL NO. 445—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE STATE BOARD OF PAROLE COMMISSIONERS)

MARCH 29, 2005

Referred to Committee on Judiciary

SUMMARY—Revises various provisions related to granting of pardons and restoration of civil rights. (BDR 16-659)

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 rights of convicted persons; revising the procedures pertaining to applications for clemency submitted to the State Board of Pardons Commissioners; revising the provisions relating to the granting of pardons and restoration of civil rights by the Board; revising the provisions relating to the restoration of civil rights to persons who have been dishonorably discharged from parole and probation; allowing certain persons who have been dishonorably discharged from probation or parole to apply to the Division of Parole and Probation of the Department of Public Safety to request that his dishonorable discharge be changed to an honorable discharge for a limited period; 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 213.005 is hereby amended to read as follows:
2 213.005 As used in NRS 213.005 to 213.100, inclusive, unless
3 the context otherwise requires:
4 1. “Board” means the State Board of Pardons Commissioners.
5 2. *“Secretary” means the Secretary of the Board.*



3. "Victim" includes:

- (a) A person, including a governmental entity, against whom a crime has been committed;
- (b) A person who has been injured or killed as a direct result of the commission of a crime; or
- (c) A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a "relative" of a person includes:
 - (1) A spouse, parent, grandparent or stepparent;
 - (2) A natural born child, stepchild or adopted child;
 - (3) A grandchild, brother, sister, half brother or half sister; or
 - (4) A parent of a spouse.

Sec. 2. NRS 213.020 is hereby amended to read as follows:

213.020 1. Any person intending to apply to have a fine or forfeiture remitted, ~~for~~ a punishment commuted, ~~for~~ a pardon granted ~~[, or someone in]~~ *or his civil rights restored, or any person acting on* his behalf, ~~[shall make out a notice and four copies in writing of the application,]~~ *must submit an application to the Board, in accordance with the procedures established by the Secretary pursuant to NRS 213.017,* specifying therein:

- (a) The court in which the judgment was rendered;
- (b) The amount of the fine or forfeiture, or *the* kind or character of punishment;
- (c) The name of the person in whose favor the application is to be made;
- (d) The particular grounds upon which the application will be based; and
- (e) ~~[The time when it will be presented.~~

~~—2. Two of the copies must be served upon]~~ *Any other information deemed relevant by the Secretary.*

2. A person must not be required to pay a fee to have a fine or forfeiture remitted, a punishment commuted, a pardon granted or his civil rights restored pursuant to this section.

*3. The Secretary shall submit notice of the date, time and location of the meeting to consider the application and one copy of the application to the district attorney and ~~[one upon]~~ to the district judge of the county wherein the ~~[conviction was had. The fourth copy must be served upon the Director of the Department of Corrections and the original must be filed with the Clerk of the Board.]~~ *person was convicted.* In cases of fines and forfeitures, ~~[a similar]~~ *notice of the date, time and location of the meeting to consider the application* must also be served on the chairman of the board of county commissioners of the county wherein the ~~[conviction was had.~~*

~~—3. The notice must be served, as provided in]~~ *person was convicted.*



1 *4. Notice of the date, time and location of a meeting to*
2 *consider an application pursuant to this section [1] must be served*
3 *upon the appropriate persons as required in this section* at least 30
4 days before the presentation of the application, unless a member of
5 the Board, for good cause, prescribes a shorter time.

6 **Sec. 3.** NRS 213.090 is hereby amended to read as follows:

7 213.090 1. ~~[Except as otherwise provided in subsection 2, a~~
8 ~~person who is granted a pardon for any offense committed:~~

9 ~~—(a) Is immediately restored to the following civil rights:~~

10 ~~—(1) The right to vote; and~~

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

12 ~~—(b) Four years after the date that his pardon is granted, is~~
13 ~~restored to the right to hold office.~~

14 ~~—(c) Six years after the date that his pardon is granted, is restored~~
15 ~~to the right to serve as a juror in a criminal action.~~

16 ~~2. Except as otherwise provided in this subsection, the civil~~
17 ~~rights set forth in subsection 1 are not restored to a person who has~~
18 ~~been granted a pardon if the person has previously been convicted in~~
19 ~~this State:~~

20 ~~—(a) Of a category A felony.~~

21 ~~—(b) Of an offense that would constitute a category A felony if~~
22 ~~committed as of the date that his pardon is granted.~~

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

25 ~~—(d) Of an offense involving the use of force or violence that~~
26 ~~resulted in substantial bodily harm to the victim and that would~~
27 ~~constitute a category B felony if committed as of the date that his~~
28 ~~pardon is granted.~~

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

34 ~~➤ A person described in this subsection may petition the court in~~
35 ~~which the person was convicted for an order granting the restoration~~
36 ~~of his civil rights as set forth in subsection 1.~~

37 ~~3. Except for a person subject to the limitations set forth in~~
38 ~~subsection 2, upon receiving a pardon, a person so pardoned must be~~
39 ~~given an official document which provides:~~

40 ~~—(a) That he has been granted a pardon;~~

41 ~~—(b) That he has been restored to his civil rights to vote and to~~
42 ~~serve as a juror in a civil action as of the date that his pardon is~~
43 ~~granted;~~

44 ~~—(c) The date on which his civil right to hold office will be~~
45 ~~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] A person who is granted a full, unconditional pardon by the Board is restored to all civil rights and is relieved of all disabilities incurred upon conviction.~~

2. A pardon granted by the Board shall be deemed to be a full, unconditional pardon unless the official document issued pursuant to subsection 3 explicitly limits the restoration of the civil rights of the person or does not relieve the person of all disabilities incurred upon conviction.

3. Upon being granted a pardon by the Board, a person so pardoned must be given an official document which provides that he has been granted a pardon. If the person has not been granted a full, unconditional pardon, the official document must explicitly state all limitations on the restoration of the civil rights of the person and all disabilities incurred upon conviction from which the person is not relieved.

4. 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] his~~ civil rights, ~~[set forth in subsection 1.]~~ the court shall issue an order restoring the person to ~~[the] his~~ 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] must not be required to~~ 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.] his civil right to vote.~~

Sec. 4. 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:~~



- 1 (a) The whereabouts of the parolee are unknown;
- 2 (b) The parolee has failed to make full restitution as ordered by
- 3 the court, without a verified showing of economic hardship; or
- 4 (c) The parolee has otherwise failed to qualify for an honorable
- 5 discharge pursuant to ~~{subsection 1.~~
- 6 ~~—3—~~ **NRS 213.155.**

7 **2.** Any amount of restitution that remains unpaid by a person

8 after he has been *dishonorably* discharged from parole constitutes a

9 civil liability as of the date of discharge.

10 **3.** *A dishonorable discharge from parole releases the parolee*

11 *from any further obligation, except a civil liability arising on the*

12 *date of discharge for any unpaid restitution, but does not entitle*

13 *the parolee to any privilege conferred by NRS 213.155.*

14 **Sec. 5.** NRS 213.155 is hereby amended to read as follows:

15 213.155 1. *The Division shall issue an honorable discharge*

16 *to a parolee whose term of sentence has expired if the parolee has:*

17 (a) *Fulfilled the conditions of his parole for the entire period*

18 *of his parole; or*

19 (b) *Demonstrated his fitness for honorable discharge but*

20 *because of economic hardship, verified by a parole and probation*

21 *officer, has been unable to make restitution as ordered by the*

22 *court.*

23 **2.** *Any amount of restitution that remains unpaid by a person*

24 *after he has been honorably discharged from parole constitutes a*

25 *civil liability as of the date of discharge.*

26 **3.** Except as otherwise provided in subsection ~~{2.}~~ **4**, a person

27 who receives an honorable discharge from parole : ~~{pursuant to~~

28 ~~NRS 213.154.}~~

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

30 (1) The right to vote; and

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

32 (b) Four years after the date of his honorable discharge from

33 parole, is restored to the right to hold office.

34 (c) Six years after the date of his honorable discharge from

35 parole, is restored to the right to serve as a juror in a criminal action.

36 ~~{2.}~~ **4.** Except as otherwise provided in this subsection, the civil

37 rights set forth in subsection ~~{H}~~ **3** are not restored to a person who

38 has received an honorable discharge from parole if the person has

39 previously been convicted in this State:

40 (a) Of a category A felony.

41 (b) Of an offense that would constitute a category A felony if

42 committed as of the date of his honorable discharge from parole.

43 (c) Of a category B felony involving the use of force or violence

44 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 ~~4-1~~ 3.

~~3-1~~ 5. Except for a person subject to the limitations set forth in subsection ~~2-1~~ 4, 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 ~~4-1~~ 3; 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 ~~4-1~~ 3.

~~4-1~~ 6. Subject to the limitations set forth in subsection ~~2-1~~ 4, 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 ~~4-1~~ 3, the court shall issue an order restoring the person to the civil rights set forth in subsection ~~4-1~~ 3. A person must not be required to pay a fee to receive such an order.

~~5-1~~ 7. A person who has been honorably discharged from parole in this State or elsewhere ~~may~~ *must not be required to* present:

(a) Official documentation of his honorable discharge from parole ~~[, if it contains the provisions set forth in subsection 3-1;]~~ ; 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-~~



1 ~~6.] right to vote.~~

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

4 **Sec. 6.** NRS 213.157 is hereby amended to read as follows:

5 213.157 1. Except as otherwise provided in subsection 2, a
6 person convicted of a felony in the State of Nevada who has served
7 his sentence and has been released from prison:

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

9 (1) The right to vote; and

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

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

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

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

19 (a) Of a category A felony.

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

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

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

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

33 ➤ A person described in this subsection may petition ~~{the court in~~
34 ~~which the person was convicted}~~ *a court of competent jurisdiction*
35 for an order granting the restoration of his civil rights as set forth in
36 subsection 1.

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

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

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

44 (c) The date on which his civil right to hold office will be
45 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 released from prison in this State or elsewhere and whose official documentation of his release from prison 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 released from prison 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 released from prison in this State or elsewhere ~~may~~ *must not be required to* present:

(a) Official documentation of his release from prison ~~[, 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.]~~ *right to vote.*

Sec. 7. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

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

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

(c) Has 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,
➤ may be granted an honorable discharge from probation by order of the court.

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

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

(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.



1 (f) Must be informed of the provisions of this section and NRS
2 179.245 in his probation papers.

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

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

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

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

16 (a) Of a category A felony.

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

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

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

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

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

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

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

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

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



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

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of his honorable 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 honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere ~~[may]~~ *must not be required to* present:

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

(b) A court order restoring his civil rights,

➔ as proof that he has been restored to the civil ~~[rights set forth in subsection 3:]~~ *right to vote*.

Sec. 8. NRS 179.245 is hereby amended to read as follows:

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

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

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

(c) A category E felony after ~~[10]~~ 7 years from the date of his release from actual custody or discharge from parole or probation, whichever occurs later;

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

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of his release from actual



1 custody or from the date when he is no longer under a suspended
2 sentence, whichever occurs later; or

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

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

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

9 (1) The Central Repository for Nevada Records of Criminal
10 History; and

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

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

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

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

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

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

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

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



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

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

7 7. As used in this section:

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

10 (b) "Sexual offense" means:

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

15 (2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

32 (9) Incest pursuant to NRS 201.180.

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

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

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

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

40 (14) Sexual penetration of a dead human body pursuant to
41 NRS 201.450.

42 (15) Luring a child or mentally ill person pursuant to NRS
43 201.560, if punishable as a felony.

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



Sec. 9. NRS 179.285 is hereby amended to read as follows:

179.285 **1.** Except as otherwise provided in NRS 179.301 ~~1. If~~, *if* the court orders a record sealed pursuant to NRS 176A.265, 179.245, 179.255, 179.259 or 453.3365:

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

(b) The person is immediately restored to the following civil rights if his civil rights previously have not been restored:

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

2. Upon the sealing of his records, a person who is restored to his civil rights must be given an official document which demonstrates that he has been restored to the civil rights set forth in paragraph (b) of subsection 1.

3. A person who has had his records sealed in this State or any other state and whose official documentation of the restoration of his civil rights 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 had his records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his records sealed in this State or ~~any other state may~~ *elsewhere must not be required to* present official documentation that he has been restored to his civil rights or a court order restoring his civil rights as proof that he has been restored to the *civil* right to vote. ~~[, to hold office and to serve as a juror.]~~

Sec. 10. Section 71 of Chapter 447, Statutes of Nevada 2003, at page 2735, is hereby amended to read as follows:

Sec. 71. 1. Any person residing in this state who, before July 1, 2003, was:

(a) Honorably discharged from probation pursuant to NRS 176A.850;

(b) Pardoned pursuant to NRS 213.090;

(c) Honorably discharged from parole pursuant to NRS 213.154 and 213.155; or

(d) Released from prison pursuant to NRS 213.157,



1 in this state or elsewhere, who is not on probation or parole or
2 serving a sentence of imprisonment on July 1, 2003, and who
3 has not had his civil rights restored is hereby restored to the
4 civil rights set forth in subsection 2.

5 2. A person listed in subsection 1:

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

7 (1) The right to vote; and

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

9 (b) Four years after the date on which he is released from
10 his sentence of imprisonment, is restored to the right to hold
11 office.

12 (c) Six years after the date on which he is released from
13 his sentence of imprisonment, is restored to the right to serve
14 as a juror in a criminal action.

15 3. A person who is restored to his civil rights pursuant to
16 this section and whose official documentation which
17 demonstrates that the person qualifies to have his civil rights
18 restored pursuant to subsection 1 is lost, damaged or
19 destroyed may file a written request with a court of competent
20 jurisdiction to restore his civil rights pursuant to this section.
21 Upon verification that the person qualifies to have his civil
22 rights restored pursuant to subsection 1, the court shall issue
23 an order restoring the person to the civil rights set forth in
24 subsection 2. A person must not be required to pay a fee to
25 receive such an order.

26 4. A person who is restored to his civil rights pursuant to
27 this section ~~[may]~~ *must not be required to* present official
28 documentation that he qualifies to have his civil rights
29 restored pursuant to subsection 1 or a court order restoring his
30 civil rights as proof that he has been restored to the civil
31 ~~[rights set forth in subsection 2.]~~ *right to vote.*

32 **Sec. 11.** 1. Notwithstanding any other provision of law,
33 except as otherwise provided in subsection 2, a person who was
34 dishonorably discharged from probation or parole before the
35 effective date of this act, until July 1, 2008, may apply to the
36 Division of Parole and Probation of the Department of Public
37 Safety, in accordance with the regulations adopted by the Division
38 pursuant to the provisions of this section, to request that his
39 dishonorable discharge from probation or parole be changed to an
40 honorable discharge from probation or parole.

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



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

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

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

9 3. The Division shall adopt regulations establishing guidelines
10 and procedures to be used to carry out the provisions of this section.
11 The regulations must include, without limitation, provisions
12 requiring that to be granted a change of discharge pursuant to this
13 section, if an applicant failed to make full restitution as ordered by
14 the court or failed to pay the fees to defray the cost of his
15 supervision as required pursuant to NRS 213.1076, the applicant
16 must have made or must be making an effort in good faith and
17 satisfactory progress towards paying the restitution ordered or fees
18 owed, as determined by the Division.

19 4. A person whose application for a change of discharge is
20 granted by the Division and whose discharge from probation or
21 parole is changed to an honorable discharge from probation or
22 parole pursuant to this section:

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

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

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

30 (1) Provides that he has received an honorable discharge
31 from probation or parole;

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

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

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

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

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



1 (d) Any recommendations and conclusions concerning the
2 desirability of extending the application of the provisions of this
3 section; and

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

5 **Sec. 12.** This act becomes effective upon passage and
6 approval.

