

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 State Board of Pardons Commissioners. (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 the State Board of Pardons Commissioners; revising the procedures pertaining to applications for clemency submitted to the Board; revising the provisions pertaining to the granting of pardons and restoration of civil rights by the Board; 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.***
6 3. “Victim” includes:
7 (a) A person, including a governmental entity, against whom a
8 crime has been committed;
9 (b) A person who has been injured or killed as a direct result of
10 the commission of a crime; or
11 (c) A relative of a person described in paragraph (a) or (b). For
12 the purposes of this paragraph, a “relative” of a person includes:
13 (1) A spouse, parent, grandparent or stepparent;
14 (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.**

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

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

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



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 that his pardon is granted, is~~
5 ~~restored to the right to hold office.~~

6 ~~—(c) Six years after the date that his pardon is granted, 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 granted a pardon if the person has previously been convicted in~~
11 ~~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 that his pardon is granted.~~

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 that his~~
20 ~~pardon is granted.~~

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 for an order granting the restoration~~
28 ~~of his civil rights as set forth in subsection 1.~~

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

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

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

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

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

41 ~~—4. Subject to the limitations set forth in subsection 2, a] A~~
42 ~~person who is granted a full, unconditional pardon by the Board is~~
43 ~~restored to all civil rights and is relieved of all disabilities incurred~~
44 ~~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 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~~ his civil rights . ~~set forth in subsection 1.~~

Sec. 4. This act becomes effective upon passage and approval.

