

ASSEMBLY BILL NO. 490—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 22, 2007

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the sealing of records concerning a person's admission to a hospital or mental health facility under certain circumstances. (BDR 39-1376)

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 mentally ill persons; requiring a court to seal records relating to a person admitted to a public or private mental health facility or hospital under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a person who has been admitted to a mental health facility to file a petition to seal court and clinical records relating to his admission and treatment. (NRS 433A.703) If the court finds that the person has recovered or his illness is in substantial remission, the court must seal all court and clinical records relating to the person's admission and treatment. (NRS 433A.709) The effect of the sealing of such records is that the person's admission is deemed never to have occurred and the person may answer any question relating to the admission as if the admission had never occurred. (NRS 433A.711)

Section 1 of this bill requires a court to seal all court and clinical records relating to the admission and treatment of a person who has been admitted to a public or private hospital or mental health facility voluntarily or as the result of a noncriminal proceeding. However, under **section 1**, a court may order the inspection of these records under certain circumstances. The effect of the sealing of such records is that the person's admission is deemed never to have occurred and the person may answer any question relating to the admission as if the admission had never occurred, except in connection with an application for a permit to carry a concealed firearm.



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

Section 1. Chapter 433A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A court shall seal all court and clinical records relating to the admission and treatment of any person who was admitted to a public or private hospital or mental health facility in this State voluntarily or as the result of a noncriminal proceeding.

2. The court may order the inspection of records that are sealed pursuant to this section if:

(a) A law enforcement agency must obtain or maintain information concerning persons who have been admitted to a public or private hospital or mental health facility in this State pursuant to state or federal law;

(b) A prosecuting attorney or an attorney who is representing the person who is the subject of the records in a criminal action requests to inspect the records;

(c) The person who is the subject of the records petitions the court to permit the inspection of the records by a person named in the petition; or

(d) The person who is the subject of the records is being treated by a physician or licensed psychologist, and the physician or psychologist:

(1) Determines that it is necessary to obtain a copy of the person's records from the public or private hospital or mental health facility; and

(2) Agrees to use the records solely for the treatment of the person.

3. Following the sealing of records pursuant to this section, the admission of the person who is the subject of the records to the public or private hospital or mental health facility is deemed never to have occurred, and the person may answer accordingly any question related to its occurrence, except in connection with an application for a permit to carry a concealed firearm pursuant to the provisions of NRS 202.3653 to 202.369, inclusive.

4. As used in this section, "seal" means placing records in a separate file or other repository not accessible to the general public.

Sec. 2. NRS 433A.701, 433A.703, 433A.705, 433A.707, 433A.709 and 433A.711 are hereby repealed.

Sec. 3. This act becomes effective on July 1, 2007.



LEADLINES OF REPEALED SECTIONS

- 433A.701 Definitions.
433A.703 Right to petition for sealing of records.
433A.705 Petition: Filing, contents and supplemental documents.
433A.707 Notice of hearing on petition.
433A.709 Hearing; determination; court order.
433A.711 Effect of sealing records; inspection after sealing.

