

ASSEMBLY BILL NO. 519—COMMITTEE ON JUDICIARY

MARCH 23, 2007

Referred to Committee on Judiciary

SUMMARY—Enacts provisions concerning the sealing of certain court documents. (BDR 1-1404)

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 confidentiality; prohibiting a district court from sealing a judicial public record except in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill prohibits a district court from sealing a judicial public record unless a
2 preponderance of the evidence indicates the existence of certain factors. According
3 to this bill, before a district court seals a judicial public record, the district court
4 must hold a hearing, provide notice of the hearing to the parties and the public, and
5 allow both the parties and the public to present evidence and written briefs at the
6 hearing.

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

1 **Section 1.** Chapter 3 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. A district court may not seal a judicial public record unless***
4 ***a preponderance of the evidence indicates that:***

5 ***(a) Sealing the judicial public record does not have the***
6 ***purpose or effect of concealing a public hazard or information***
7 ***concerning a public hazard;***

8 ***(b) Sealing the judicial public record furthers a public interest;***

9 ***(c) Dissemination of the information contained in the judicial***
10 ***public record will create a serious and imminent danger to the***
11 ***public interest;***



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(d) There is no other reasonable method of avoiding any prejudicial effect created by dissemination of the information;

(e) There is a substantial probability that sealing the judicial public record will be effective in protecting the public interest against the perceived danger; and

(f) It is reasonably necessary for the judicial public record to remain sealed for a period of time.

2. Before a district court may seal a judicial public record, the court must hold a hearing at a date and time established by the court. The court shall send a notice of the hearing by certified mail, return receipt requested, to each party and shall post notice of the hearing at a place in the courthouse that is designated for the posting of notices.

3. At the hearing, the district court shall allow the parties and members of the public to present evidence and submit written briefs.

4. Any judicial public record that is sealed pursuant to this section must be unsealed at the earliest possible time after the circumstances necessitating the sealing no longer exist.

5. As used in this section:

(a) "Information concerning a public hazard" means any information concerning a public hazard that may be useful to members of the public in protecting themselves from substantial bodily harm or death which may result from the public hazard.

(b) "Judicial public record" means any writing, paper, report, study, map, photograph, book, card, tape recording or other material which is created, received, retained, maintained or filed by or with a district court and which is generated on paper, paper substitutes, photographic media, chemically based media, magnetic or machine readable media, electronically stored data or any other material, regardless of form or characteristics. The term does not include information:

(1) Declared confidential by other law of this State.

(2) Required to be kept confidential by federal law.

(3) Containing a trade secret. As used in this subparagraph, "trade secret" has the meaning ascribed to it in NRS 600A.030.

(4) Containing confidential financial information obtained, upon request, from a person and which is not information that is filed with or received by a district court pursuant to other law of this State.

(5) Concerning research conducted under the auspices of an institution of higher education, including, without limitation:

(I) Information concerning any negotiations made with respect to the research; and



1 *(II) Information received from another party involved in*
2 *the research.*

3 *(6) Containing grade transcripts and license examination*
4 *scores obtained as part of a licensure process.*

5 *(7) Containing medical records.*

6 *(8) Containing a photograph, video recording or audio*
7 *recording of an autopsy.*

8 *(9) Containing a social security number.*

9 *(c) “Public hazard” means any instrumentality, device,*
10 *procedure, product or condition of any instrumentality, device,*
11 *procedure or product that has caused or is likely to cause*
12 *substantial bodily harm or death.*

