

## Amendment No. 191

Senate Amendment to Senate Bill No. 238

(BDR 16-895)

**Proposed by:** Senate Committee on Judiciary**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

| ASSEMBLY ACTION |                          |      | Initial and Date               | SENATE ACTION |              |                          | Initial and Date |                                |
|-----------------|--------------------------|------|--------------------------------|---------------|--------------|--------------------------|------------------|--------------------------------|
| Adopted         | <input type="checkbox"/> | Lost | <input type="checkbox"/> _____ |               | Adopted      | <input type="checkbox"/> | Lost             | <input type="checkbox"/> _____ |
| Concurred In    | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |               | Concurred In | <input type="checkbox"/> | Not              | <input type="checkbox"/> _____ |
| Receded         | <input type="checkbox"/> | Not  | <input type="checkbox"/> _____ |               | Receded      | <input type="checkbox"/> | Not              | <input type="checkbox"/> _____ |

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

BAW



Date: 4/5/2009

S.B. No. 238—Revises certain provisions relating to the restoration of civil rights for certain criminal offenders. (BDR 16-895)



SENATE BILL NO. 238—SENATORS PARKS, HORSFORD; COFFIN, COPENING, LEE,  
WIENER AND WOODHOUSE

MARCH 13, 2009

JOINT SPONSOR: ASSEMBLYWOMAN PIERCE

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the restoration of civil rights  
for certain criminal offenders. (BDR 16-895)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 criminal procedure; authorizing the State Board of Pardons  
Commissioners to adopt a policy to provide an expedited process ~~for~~  
~~restoring~~ to take action, without holding a meeting, to restore the  
civil rights of certain persons under certain circumstances; and  
providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides for the automatic restoration of certain civil rights after honorable  
discharge from probation or parole, release from prison or the sealing of records. (NRS  
176A.850, 179.285, 213.090, 213.155, 213.157) Existing law also authorizes certain criminal  
offenders to apply to the State Board of Pardons Commissioners to have their civil rights  
restored. Existing law further provides for the Board to consider such applications at a  
meeting after providing notice to the district attorney, the district judge of the county where  
the person was convicted and, if requested, to each victim of a crime committed by the person  
whose application is being considered. (NRS 213.010, 213.020, 213.040) **Section 1** of this bill  
authorizes the Board to adopt a policy to provide for an expedited process ~~for restoring~~ to  
take action, without holding a meeting, to restore the civil rights of certain persons under  
certain circumstances.

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

**Section 1.** Chapter 213 of NRS is hereby amended by adding thereto a new  
section to read as follows:

*The Board may adopt a policy to provide an expedited process ~~for restoring~~  
to take action, without holding a meeting, to restore the civil rights, in whole or in*

part, of a person who submits an application to the Board to have his civil rights restored if certain conditions are met, including, without limitation, that:

1. There is no objection from the court in which the judgment was rendered;

2. There is no objection from the district attorney of the county wherein the person was convicted; and

3. The Board has not received a written request for notice concerning a meeting to consider an application for clemency from a victim of a crime committed by the person.

**Sec. 2.** NRS 213.005 is hereby amended to read as follows:

213.005 As used in NRS 213.005 to 213.100, inclusive, *and section 1 of this act*, unless the context otherwise requires:

1. "Board" means the State Board of Pardons Commissioners.

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. 3.** NRS 213.010 is hereby amended to read as follows:

213.010 1. The State Board of Pardons Commissioners consists of the Governor, the justices of the Supreme Court and the Attorney General.

2. Meetings of the Board for the purpose of considering applications for clemency may be held semiannually or oftener, on such dates as may be fixed by the Board.

3. ~~The~~ *Except as otherwise provided in a policy adopted pursuant to section 1 of this act, the* Board shall give written notice at least 15 days before a meeting to each victim of the crimes committed by each person whose application for clemency will be considered at the meeting, if the victim so requests in writing and provides his current address. If a current address is not provided, the Board may not be held responsible if the notice is not received by the victim. The victim may submit a written response to the Board at any time before the meeting. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Board pursuant to this subsection is confidential.

**Sec. 4.** 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, a punishment commuted, a pardon granted or his civil rights restored, or any person acting on his behalf, 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) Any other information deemed relevant by the Secretary.

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

4           3. ~~{The}~~ *Except as otherwise provided in a policy adopted pursuant to*  
5 *section 1 of this act, the* Secretary shall submit notice of the date, time and location  
6 of the meeting to consider the application and one copy of the application to the  
7 district attorney and to the district judge of the county wherein the person was  
8 convicted. In cases of fines and forfeitures, notice of the date, time and location of  
9 the meeting to consider the application must also be served on the chairman of the  
10 board of county commissioners of the county wherein the person was convicted.

11          4. ~~{Notice}~~ *Except as otherwise provided in a policy adopted pursuant to*  
12 *section 1 of this act, notice* of the date, time and location of a meeting to consider  
13 an application pursuant to this section must be served upon the appropriate persons  
14 as required in this section at least 30 days before the presentation of the application,  
15 unless a member of the Board, for good cause, prescribes a shorter time.