

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 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:

1 Existing law provides for the automatic restoration of certain civil rights after
2 honorable discharge from probation or parole, release from prison or the sealing of
3 records. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) Existing law also
4 authorizes certain criminal offenders to apply to the State Board of Pardons
5 Commissioners to have their civil rights restored. Existing law further provides for
6 the Board to consider such applications at a meeting after providing notice to the
7 district attorney, the district judge of the county where the person was convicted
8 and, if requested, to each victim of a crime committed by the person whose
9 application is being considered. (NRS 213.010, 213.020, 213.040) **Section 1** of this
10 bill authorizes the Board to adopt a policy to provide for an expedited process to
11 take action, without holding a meeting, to restore the civil rights of certain persons
12 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 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



1 provides his current address. If a current address is not provided, the
2 Board may not be held responsible if the notice is not received by
3 the victim. The victim may submit a written response to the Board at
4 any time before the meeting. All personal information, including,
5 but not limited to, a current or former address, which pertains to a
6 victim and which is received by the Board pursuant to this
7 subsection is confidential.

8 **Sec. 4.** NRS 213.020 is hereby amended to read as follows:

9 213.020 1. Any person intending to apply to have a fine or
10 forfeiture remitted, a punishment commuted, a pardon granted or his
11 civil rights restored, or any person acting on his behalf, must submit
12 an application to the Board, in accordance with the procedures
13 established by the Secretary pursuant to NRS 213.017, specifying
14 therein:

15 (a) The court in which the judgment was rendered;

16 (b) The amount of the fine or forfeiture, or the kind or character
17 of punishment;

18 (c) The name of the person in whose favor the application is to
19 be made;

20 (d) The particular grounds upon which the application will be
21 based; and

22 (e) Any other information deemed relevant by the Secretary.

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

26 3. ~~The~~ *Except as otherwise provided in a policy adopted*
27 *pursuant to section 1 of this act, the* Secretary shall submit notice
28 of the date, time and location of the meeting to consider the
29 application and one copy of the application to the district attorney
30 and to the district judge of the county wherein the person was
31 convicted. In cases of fines and forfeitures, notice of the date, time
32 and location of the meeting to consider the application must also be
33 served on the chairman of the board of county commissioners of the
34 county wherein the person was convicted.

35 4. ~~Notice~~ *Except as otherwise provided in a policy adopted*
36 *pursuant to section 1 of this act, notice* of the date, time and
37 location of a meeting to consider an application pursuant to this
38 section must be served upon the appropriate persons as required in
39 this section at least 30 days before the presentation of the
40 application, unless a member of the Board, for good cause,
41 prescribes a shorter time.

