

ASSEMBLY BILL NO. 66—COMMITTEE ON JUDICIARY
(ON BEHALF OF THE DEPARTMENT OF PUBLIC SAFETY)

PREFILED DECEMBER 15, 2010

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions concerning the restoration of a person's right to bear arms. (BDR 14-465)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 crimes; requiring written notice concerning a person's right to bear arms to be given to the person when his or her criminal records are sealed; authorizing the State Board of Pardons Commissioners to inquire into and inspect certain sealed records of a person who applies to the Board for a pardon; requiring the official document that is given to a person who is granted a pardon to include certain information concerning the person's right to bear arms; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, if a court orders the sealing of a person's criminal record,
2 the person's right to vote, right to hold office and right to serve on a jury are
3 immediately restored to the person if those rights have not previously been restored.
4 (NRS 179.285) However, the sealing of the record does not restore the person's
5 right to bear arms. Existing law prohibits a person who has been convicted of a
6 felony from owning or possessing a firearm unless the person has received a pardon
7 and the pardon does not restrict his or her right to bear arms. (NRS 202.360)
8 **Section 1** of this bill requires that upon the sealing of a person's criminal records,
9 the person be given a written notice informing the person that his or her right to
10 bear arms is not restored, unless the person has received a pardon and the pardon
11 does not restrict the person's right to bear arms.

12 Existing law authorizes certain agencies and persons to inquire into and inspect
13 certain criminal records which have been sealed. (NRS 179.301) **Section 2** of this
14 bill authorizes the State Board of Pardons Commissioners, which consists of the
15 Governor, justices of the Nevada Supreme Court and the Attorney General, to



16 inquire into and inspect certain sealed criminal records of a person who applies to
17 the Board for a pardon.

18 Under existing law, if a person is granted a full, unconditional pardon by the
19 State Board of Pardons Commissioners, all civil rights are restored to the person.
20 (NRS 213.090) **Section 3** of this bill clarifies that those civil rights include, without
21 limitation, the right to bear arms. Further, existing law requires that a person who is
22 granted a pardon by the Board be given an official document which provides that
23 the person has been granted a pardon. (NRS 213.090) **Section 3** requires that the
24 official document explicitly state that the person's right to bear arms is restored if
25 that right is restored to the person.

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

1 **Section 1.** NRS 179.285 is hereby amended to read as follows:

2 179.285 Except as otherwise provided in NRS 179.301:

3 1. If the court orders a record sealed pursuant to NRS
4 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or
5 458.330:

6 (a) All proceedings recounted in the record are deemed never to
7 have occurred, and the person to whom the order pertains may
8 properly answer accordingly to any inquiry, including, without
9 limitation, an inquiry relating to an application for employment,
10 concerning the arrest, conviction, dismissal or acquittal and the
11 events and proceedings relating to the arrest, conviction, dismissal
12 or acquittal.

13 (b) The person is immediately restored to the following civil
14 rights if the person's civil rights previously have not been restored:

- 15 (1) The right to vote;
16 (2) The right to hold office; and
17 (3) The right to serve on a jury.

18 2. Upon the sealing of the person's records, a person who is
19 restored to his or her civil rights *pursuant to subsection 1* must be
20 given ~~an~~ :

21 (a) *An* official document which demonstrates that the person has
22 been restored to the civil rights set forth in paragraph (b) of
23 subsection 1 ~~H~~ ; and

24 (b) *A written notice informing the person that he or she has*
25 *not been restored to the right to bear arms, unless the person has*
26 *received a pardon and the pardon does not restrict his or her right*
27 *to bear arms.*

28 3. A person who has had his or her records sealed in this State
29 or any other state and whose official documentation of the
30 restoration of civil rights is lost, damaged or destroyed may file a
31 written request with a court of competent jurisdiction to restore his
32 or her civil rights pursuant to this section. Upon verification that the



1 person has had his or her records sealed, the court shall issue a
2 order restoring the person to the civil rights to vote, to hold office
3 and to serve on a jury. A person must not be required to pay a fee to
4 receive such an order.

5 4. A person who has had his or her records sealed in this State
6 or any other state may present official documentation that the person
7 has been restored to his or her civil rights or a court order restoring
8 civil rights as proof that the person has been restored to the right to
9 vote, to hold office and to serve as a juror.

10 **Sec. 2.** NRS 179.301 is hereby amended to read as follows:

11 179.301 1. The State Gaming Control Board and the Nevada
12 Gaming Commission and their employees, agents and
13 representatives may inquire into and inspect any records sealed
14 pursuant to NRS 179.245 or 179.255, if the event or conviction was
15 related to gaming, to determine the suitability or qualifications of
16 any person to hold a state gaming license, manufacturer's, seller's or
17 distributor's license or registration as a gaming employee pursuant
18 to chapter 463 of NRS. Events and convictions, if any, which are the
19 subject of an order sealing records:

20 (a) May form the basis for recommendation, denial or
21 revocation of those licenses.

22 (b) Must not form the basis for denial or rejection of a gaming
23 work permit unless the event or conviction relates to the applicant's
24 suitability or qualifications to hold the work permit.

25 2. A prosecuting attorney may inquire into and inspect any
26 records sealed pursuant to NRS 179.245 or 179.255 if:

27 (a) The records relate to a violation or alleged violation of NRS
28 202.575; and

29 (b) The person who is the subject of the records has been
30 arrested or issued a citation for violating NRS 202.575.

31 3. The Central Repository for Nevada Records of Criminal
32 History and its employees may inquire into and inspect any records
33 sealed pursuant to NRS 179.245 or 179.255 that constitute
34 information relating to sexual offenses, and may notify employers of
35 the information in accordance with NRS 179A.180 to 179A.240,
36 inclusive.

37 4. Records which have been sealed pursuant to NRS 179.245
38 or 179.255 and which are retained in the statewide registry
39 established pursuant to NRS 179B.200 may be inspected pursuant to
40 chapter 179B of NRS by an officer or employee of the Central
41 Repository for Nevada Records of Criminal History or a law
42 enforcement officer in the regular course of his or her duties.

43 5. *The State Board of Pardons Commissioners and its agents*
44 *and representatives may inquire into and inspect any records*
45 *sealed pursuant to NRS 179.245 or 179.255 if the person who is*



1 *the subject of the records has applied for a pardon from the*
2 *Board.*

3 6. As used in this section:

4 (a) "Information relating to sexual offenses" means information
5 contained in or concerning a record of criminal history, or the
6 records of criminal history of the United States or another state,
7 relating in any way to a sexual offense.

8 (b) "Sexual offense" has the meaning ascribed to it in
9 NRS 179A.073.

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

11 213.090 1. A person who is granted a full, unconditional
12 pardon by the Board is restored to all civil rights , *including,*
13 *without limitation, the right to bear arms,* and is relieved of all
14 disabilities incurred upon conviction.

15 2. A pardon granted by the Board shall be deemed to be a full,
16 unconditional pardon unless the official document issued pursuant
17 to subsection 3 explicitly limits the restoration of the civil rights of
18 the person or does not relieve the person of all disabilities incurred
19 upon conviction.

20 3. Upon being granted a pardon by the Board, a person so
21 pardoned must be given an official document which provides that
22 the person has been granted a pardon. *If the person is restored to*
23 *the right to bear arms, the official document must explicitly state*
24 *that the person is restored to the right to bear arms.* If the person
25 has not been granted a full, unconditional pardon, the official
26 document must explicitly state all limitations on the restoration of
27 the civil rights of the person and all disabilities incurred upon
28 conviction from which the person is not relieved.

29 4. A person who has been granted a pardon in this State or
30 elsewhere and whose official documentation of his or her pardon is
31 lost, damaged or destroyed may file a written request with a court of
32 competent jurisdiction to restore his or her civil rights pursuant to
33 this section. Upon verification that the person has been granted a
34 pardon and is eligible to be restored to his or her civil rights, the
35 court shall issue an order restoring the person to his or her civil
36 rights. A person must not be required to pay a fee to receive such an
37 order.

38 5. A person who has been granted a pardon in this State or
39 elsewhere may present:

40 (a) Official documentation of his or her pardon; or

41 (b) A court order restoring his or her civil rights,

42 ➔ as proof that the person has been restored to his or her civil
43 rights.

