

CHAPTER.....

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:

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

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

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

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

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

Section 1. NRS 179.285 is hereby amended to read as follows:
179.285 Except as otherwise provided in NRS 179.301:



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

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

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

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

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

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

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

3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

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

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

179.301 1. The State Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed



pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

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

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

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

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

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

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

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

5. *The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.*

6. As used in this section:

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

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



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

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

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

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

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

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

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

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

↳ as proof that the person has been restored to his or her civil rights.

