

SENATE BILL NO. 395—SENATOR SEGERBLOM

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Requires the Attorney General to prepare and publish certain information. (BDR 14-22)

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 criminal procedure; requiring the Attorney General to prepare and publish certain information concerning the collateral consequences of a conviction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 **Section 1** of this bill requires the Attorney General to prepare and publish a
2 collection of the provisions of existing law which impose or authorize a collateral
3 consequence of conviction and any provisions of existing law allowing relief from
4 those collateral consequences. **Section 1** defines a collateral consequence of
5 conviction as: (1) a legal disability that occurs by operation of law because of a
6 conviction but is not part of the sentence for the crime; or (2) a disadvantage or
7 disability that an administrative agency, civil court or other state actor other than a
8 sentencing court is authorized, but not required, to impose based on a conviction.
9 Under **section 2** of this bill, the first such collection must be prepared on or before
10 January 1, 2014, and under **section 1**, the Attorney General must update the
11 collection not later than 45 days after each regular legislative session. **Section 1**
12 also requires the collection to be made available on the Internet not later than 14
13 days after it is created or updated.

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

1 **Section 1.** Chapter 174 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 ***1. The Attorney General:***

4 ***(a) Shall identify or cause to be identified any provision in the***
5 ***Nevada Constitution, the Nevada Revised Statutes and the Nevada***



1 *Administrative Code which imposes a collateral sanction or*
2 *authorizes the imposition of a disqualification, and any provision*
3 *of law that may afford relief from a collateral consequence;*

4 *(b) Shall prepare or cause to be prepared a collection of*
5 *citations to, and the text or short descriptions of, the provisions*
6 *identified under paragraph (a);*

7 *(c) Shall update or cause to be updated the collection within 45*
8 *days after each regular session of the Legislature; and*

9 *(d) In complying with paragraphs (a) and (b), may rely on the*
10 *study of this State's collateral sanctions, disqualifications and*
11 *relief provisions prepared by the National Institute of Justice*
12 *described in section 510 of the Court Security Improvement Act of*
13 *2007, Public Law 110-177.*

14 *2. The Attorney General shall include or cause to be included*
15 *the following statements in a prominent manner at the beginning*
16 *of the collection required by subsection 1:*

17 *(a) This collection has not been enacted into law and does not*
18 *have the force of law.*

19 *(b) An error or omission in this collection, or in any reference*
20 *work cited in this collection, is not a reason for invalidating a plea,*
21 *conviction or sentence or for not imposing a collateral sanction or*
22 *authorizing a disqualification.*

23 *(c) The laws of other jurisdictions and local governments in*
24 *this State which impose additional collateral sanctions and*
25 *authorize additional disqualifications are not included in this*
26 *collection.*

27 *(d) This collection does not include any law or other provision*
28 *regarding the imposition of or relief from a collateral sanction or*
29 *a disqualification enacted or adopted after the date on which the*
30 *collection was prepared or last updated.*

31 *3. The Attorney General shall publish or cause to be*
32 *published the collection prepared and updated as required by*
33 *subsection 1. If available, the Attorney General shall also publish*
34 *or cause to be published, as part of this collection, the title and*
35 *Internet address of the most recent collection of:*

36 *(a) Collateral consequences imposed by federal law; and*

37 *(b) Any provision of federal law that may afford relief from a*
38 *collateral consequence.*

39 *4. The collection described in subsection 3 must be made*
40 *available to the public on the Internet without charge not later*
41 *than 14 days after it is prepared or updated.*

42 *5. As used in this section:*

43 *(a) "Collateral consequence" means a collateral sanction or a*
44 *disqualification.*



(b) "Collateral sanction" means a penalty, disability or disadvantage, however denominated, imposed on a person as a result of the person's conviction of an offense which applies by operation of law whether or not the penalty, disability or disadvantage is included in the judgment or sentence. The term does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, administrative assessment or costs of prosecution.

(c) "Conviction" includes, without limitation, an adjudication of delinquency by a court having jurisdiction over juveniles.

(d) "Disqualification" means a penalty, disability or disadvantage, however denominated, that an administrative agency, governmental official or court in a civil proceeding is authorized, but not required, to impose on a person on grounds relating to the person's conviction of an offense.

(e) "Offense" means a felony, gross misdemeanor or misdemeanor or a delinquent act for which a child may be adjudicated delinquent under the laws of this State, another state or the United States.

Sec. 2. On or before January 1, 2014, the Attorney General shall prepare or cause to be prepared the collection required by paragraph (b) of subsection 1 of section 1 of this act.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purposes of preparing and publishing the collection required by section 1 of this act, and on January 1, 2014, for all other purposes.

