

Amendment No. 544

Assembly Amendment to Assembly Bill No. 357 (BDR 14-846)

Proposed by: Assembly 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

MNM/BAW



Date: 4/16/2015

A.B. No. 357—Revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons.

(BDR 14-846)



ASSEMBLY BILL NO. 357—ASSEMBLYMEN FIORE, ELLISON; DOOLING, JONES,
KIRKPATRICK, OHRENSCHALL, SHELTON AND THOMPSON

MARCH 17, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the prohibition against the ownership, possession and control of firearms by certain persons. (BDR 14-846)

FISCAL NOTE: Effect on Local Government: No.
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; authorizing certain persons who are prohibited from owning, possessing or having under their custody or control any firearm or who have had certain civil rights taken away to petition the court to restore ~~their right to own, possess and control any firearm~~ such rights in certain circumstances; ~~providing for the immediate restoration of certain civil rights if a person's right to own, possess and control any firearm is restored;~~ authorizing a prosecuting attorney to inquire into, inspect and use as evidence certain sealed records in certain circumstances; adding a person who has been convicted of a misdemeanor crime ~~that constitutes~~ of domestic violence to the list of persons who are prohibited from owning or having in their possession or under their custody or control any firearm; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits certain persons from owning or having in their possession or under their custody or control any firearm, including a person who has been convicted of a felony in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms. (NRS 202.360) **Section 5** of this bill adds to such a list of persons a person who has been convicted in this State or any other state of a misdemeanor crime ~~that constitutes~~ of domestic violence ~~pursuant to Nevada law or a substantially similar law of any other state~~, as defined in federal law.

Section 2 of this bill establishes a procedure by which a person who :(1) is prohibited from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony ~~in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America~~ or a misdemeanor crime of domestic violence; or (2) has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and has not had all such rights restored, may, after a certain applicable waiting period, petition the district court in the county in which the person resides or in which the

person was convicted for the restoration of such ~~firearm~~ rights. For a person to be eligible to have such ~~firearm~~ rights restored, the following requirements must be met: (1) the offense for which the person was convicted is one of certain category D or E felonies; (2) 2 years have elapsed since the most recent completion of the person's sentence for such an offense; (3) the person has never been convicted of any other felony or a crime that constitutes domestic violence; (4) the person is not currently facing charges for certain offenses in this State or another jurisdiction; (5) the person has not been dishonorably discharged from parole or probation; and (6) : (1) the person must not currently be serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and (2) if the person is seeking the restoration of his or her firearm rights, the person ~~is~~ must not otherwise ~~be~~ prohibited from possessing a firearm under any other applicable provision of the laws of this State.

Section 2 also requires that a date for a hearing on such a petition be set for not earlier than 30 days and not later than 120 days after a petition is filed, unless waived by the parties. The court is required to make a decision within 30 days after the hearing on the petition is completed.

Section 2 additionally requires the court to issue an order restoring a petitioner's civil rights and the right to own, possess and control any firearm if: (1) the petitioner has never been convicted of a misdemeanor crime of domestic violence; (2) the petitioner has never been convicted of a category A, B or C felony; and (3) the only category D or E felony for which the person has ever been convicted did not include certain elements. A petitioner who does not meet such criteria but meets certain other criteria must prove to the court ~~(determines that the petitioner proved)~~ by clear and convincing evidence that he or she is rehabilitated and is unlikely to use ~~a firearm in~~ the restoration of any rights for an unlawful manner; and (2) the petitioner has made all restitution as ordered by the court. purpose. If the court determines that the petitioner does not satisfy the burden of proof, ~~for if the petitioner has not made all restitution as ordered by the court, unless such failure was due to economic hardship,~~ the court is required to issue an order denying the restoration of such ~~firearm~~ rights and to state the basis for such a denial. Section 2 further authorizes such a petitioner to reapply for the restoration of such ~~firearm~~ rights not earlier than 1 year after the date the court order is entered. ~~Finally, section 2 provides that a person whose right to own, possess and control a firearm is restored is also immediately restored to the civil rights to vote, serve as a juror in a civil or criminal action and hold office, if any such civil rights have not previously been restored.~~ Finally, section 2 authorizes a person who has lost his or her civil rights as a result of a conviction in another state to petition the district court for the restoration of such rights if the person would otherwise be eligible to petition the district court for the restoration of such rights if the conviction that resulted in the loss of such rights occurred in this State.

Existing law authorizes certain persons to inquire into and inspect certain records that have been sealed in certain circumstances. (NRS 179.301) Section 3 of this bill authorizes a prosecuting attorney to inquire into and inspect certain sealed records if the person who is the subject of the records has petitioned to have his or her right to own, possess and control any firearm restored pursuant to section 2. Section 3 also authorizes a prosecuting attorney to use any such records as evidence during a hearing on such a petition.

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

Section 1. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

- (a) Has fulfilled the conditions of probation for the entire period thereof;
- (b) Is recommended for earlier discharge by the Division; or
- (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

1 ↪ may be granted an honorable discharge from probation by order of the court.

2 2. Any amount of restitution remaining unpaid constitutes a civil liability
3 arising upon the date of discharge.

4 3. Except as otherwise provided in subsection 4 ~~H~~ *and section 2 of this act*, a
5 person who has been honorably discharged from probation:

6 (a) Is free from the terms and conditions of probation.

7 (b) Is immediately restored to the following civil rights:

8 (1) The right to vote; and

9 (2) The right to serve as a juror in a civil action.

10 (c) Four years after the date of honorable discharge from probation, is restored
11 to the right to hold office.

12 (d) Six years after the date of honorable discharge from probation, is restored
13 to the right to serve as a juror in a criminal action.

14 (e) If the person meets the requirements of NRS 179.245, may apply to the
15 court for the sealing of records relating to the conviction.

16 (f) Must be informed of the provisions of this section and NRS 179.245 in the
17 person's probation papers.

18 (g) Is exempt from the requirements of chapter 179C of NRS, but is not
19 exempt from the requirements of chapter 179D of NRS.

20 (h) Shall disclose the conviction to a gaming establishment and to the State and
21 its agencies, departments, boards, commissions and political subdivisions, if
22 required in an application for employment, license or other permit. As used in this
23 paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

24 (i) Except as otherwise provided in paragraph (h), need not disclose the
25 conviction to an employer or prospective employer.

26 4. Except as otherwise provided in this subsection, the civil rights set forth in
27 subsection 3 are not restored to a person honorably discharged from probation if the
28 person has previously been convicted in this State:

29 (a) Of a category A felony.

30 (b) Of an offense that would constitute a category A felony if committed as of
31 the date of the honorable discharge from probation.

32 (c) Of a category B felony involving the use of force or violence that resulted
33 in substantial bodily harm to the victim.

34 (d) Of an offense involving the use of force or violence that resulted in
35 substantial bodily harm to the victim and that would constitute a category B felony
36 if committed as of the date of honorable discharge from probation.

37 (e) Two or more times of a felony, unless a felony for which the person has
38 been convicted arose out of the same act, transaction or occurrence as another
39 felony, in which case the convictions for those felonies shall be deemed to
40 constitute a single conviction for the purposes of this paragraph.

41 ↪ A person described in this subsection may petition a court of competent
42 jurisdiction for an order granting the restoration of civil rights as set forth in
43 subsection 3.

44 5. The prior conviction of a person who has been honorably discharged from
45 probation may be used for purposes of impeachment. In any subsequent prosecution
46 of the person, the prior conviction may be pleaded and proved if otherwise
47 admissible.

48 6. Except for a person subject to the limitations set forth in subsection 4, upon
49 honorable discharge from probation, the person so discharged must be given an
50 official document which provides:

51 (a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of honorable discharge from probation;

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 3; and

(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights set forth in subsection 3. A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights, as proof that the person has been restored to the civil rights set forth in subsection 3.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a person is prohibited pursuant to paragraph (a) of NRS 202.360 from owning or having in his or her possession or under his or her custody or control any firearm because the person has been convicted of a felony ~~in this State or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America,~~ or a misdemeanor crime of domestic violence, or if the person has had his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office taken away and all such civil rights have not been restored, the person may, after the applicable waiting period set forth in subsection 2, petition the district court in the county in which the person resides or in which the person was convicted for the restoration of his or her right to own or have in his or her possession or under his or her custody or control any firearm and the restoration of his or her civil rights if ~~if~~ the person:

(a) ~~The offense for which the person was convicted was~~ Is not currently serving any sentence or facing any new charge for an offense which would cause the person to be ineligible to petition to have such rights restored; and

(b) If the person is seeking the restoration of the right to own or have in his or her possession or under his or her custody or control any firearm, is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.

2. A person may petition the district court pursuant to subsection 1:

(a) One day after the completion of the person's sentence for an offense described in subparagraph (3) if:

(1) The person has never been convicted of a misdemeanor crime of domestic violence;

(2) The person has never been convicted of a category A, B or C felony;
and

(3) The only category D or E felony for which the person has ever been convicted is a category D or E felony that did not include as an element of the offense:

~~1) (I) An attempt, threat or conspiracy to commit an act of violence against another person;~~

~~2) (II) An act of intentional violence against another person; or~~

~~3) (III) The intentional use of a deadly weapon.~~

(b) Two years ~~have elapsed since~~ after the ~~most recent~~ completion of the person's sentence for an offense described in ~~paragraph (a)~~ subparagraph (3) if the person:

(1) Has never been convicted of a misdemeanor crime of domestic violence;

(2) Has never been convicted of a category A, B, D or E felony; and

(3) The only category C felony for which the person has ever been convicted is a category C felony that did not include as an element of the offense:

(I) An attempt, threat or conspiracy to commit an act of violence against another person;

(II) An act of intentional violence against another person; or

(III) The intentional use of a deadly weapon.

~~(c) The person has never been convicted of a felony other than those described in paragraph (a) or a crime that constitutes domestic violence.~~

~~(d) The person is not currently facing charges for an offense described in paragraph (a) or (e) in this State or another jurisdiction.~~

~~(e) The person has not been dishonorably discharged from probation or parole.~~

~~(f) The person is not otherwise prohibited from possessing a firearm under any other applicable provision of the laws of this State.~~

2) Six years after the most recent completion of the person's sentence for an offense described in this paragraph if the person:

(1) Has never been convicted of a category A or B felony; and

(2) Has been convicted:

(I) Not more than once for a misdemeanor crime of domestic violence; or

(II) Of more than one category C, D or E felony that did not involve the intentional use of a deadly weapon with the intent to cause substantial bodily harm.

3. A petition filed pursuant to subsection ~~1) 2~~ must:

(a) Describe the rights for which restoration is being sought.

(b) Provide the date of any previous petition filed pursuant to this section and the date the court denied the restoration of any rights.

(c) Be accompanied by the petitioner's current, verified record of criminal history from the Central Repository for Nevada Records of Criminal History.

~~1) (b) (d) Contain the following information:~~

(1) The petitioner's full legal name.

(2) Each alias that the petitioner has used or under which the petitioner may have been known.

(3) The petitioner's date of birth.

(4) The petitioner's driver's license number.

(5) The petitioner's current residential address.

(6) Each residential address of the petitioner during the 10 years preceding the filing of the petition.

(7) For each criminal conviction of the petitioner:

(I) The arresting agency;

(II) The date of arrest;
(III) The charges that were filed against the petitioner;
(IV) Whether the offense committed was a misdemeanor or felony, and if a felony, whether the offense was a category A, B, C, D or E felony;
(V) The sentencing court;
(VI) The case number;
(VII) The date of the final disposition of the case;
(VIII) The sentence imposed upon the petitioner; and
(IX) The date on which the petitioner completed the sentence.

~~4.4~~ 4. Upon receiving a petition from a petitioner who meets the requirements of ~~subsection 4.4~~ this section, the court shall, at least 30 days before the hearing scheduled pursuant to subsection 5, notify the district attorney for the county in which the court is located and the district attorney for ~~the~~ each county in which the petitioner was convicted ~~4.4~~ of an applicable felony or misdemeanor crime of domestic violence.

~~4.4~~ 5. Unless waived by the consent of both the petitioner and the district attorney for the county in which the petition is filed, a date for a hearing on the petition must be set for not earlier than 30 days and not later than 120 days after a petition complying with the requirements of subsection ~~4.4~~ 3 is filed. ~~Any person who is able to offer~~ The court may consider any relevant evidence ~~to the court may testify and present evidence~~ at the hearing on the petition ~~4.4~~ , including, without limitation, oral testimony, declarations, affidavits and police reports. The court shall issue its decision within 30 days after the hearing on the petition is completed.

~~4.4~~ 6. If a petitioner petitions the court for the restoration of his or her rights pursuant to:

(a) Paragraph (a) of subsection 2, the court shall, upon verifying that the petitioner is eligible to have his or her rights restored, issue an order setting forth the restoration of the petitioner's right to own or have in his or her possession or under his or her custody or control any firearm and the petitioner's civil rights to vote, to serve as a juror in a civil or criminal action and to hold office.

(b) Paragraph (b) or (c) of subsection 2, the court shall, if it determines that the petitioner proves by clear and convincing evidence that he or she is rehabilitated and is unlikely to use ~~a firearm in~~ the restoration of any rights for an unlawful ~~manner, and the petitioner has made all restitution as ordered by the court, the court shall~~ purpose, issue an order ~~restoring the petitioner's right to own or have in his or her possession or under his or her custody or control any firearm,~~ setting forth which rights are restored.

A copy of ~~the~~ any order issued pursuant to this subsection must be provided to the petitioner and the Department of Public Safety.

~~7. Except as otherwise provided in subsection 7, if~~

7. If the court determines that ~~the~~ a petitioner who petitioned the court for the restoration of his or her rights pursuant to paragraph (b) or (c) of subsection 2 does not prove by clear and convincing evidence that he or she is rehabilitated and is unlikely to use ~~a firearm in~~ the restoration of any rights for an unlawful ~~manner, or if the petitioner has been unable to make restitution as ordered by the court,~~ purpose, the court shall issue an order denying the restoration of the petitioner's ~~right to own or have in his or her possession or under his or her custody or control any firearm,~~ rights and shall state the basis for such a denial. A petitioner who is denied the restoration of ~~such a right~~ rights pursuant to this subsection may reapply for the restoration of such ~~a right~~ rights not earlier than 1 year after the date the court order is entered.

~~7. A court shall not deny the restoration of a petitioner's right to own or have in his or her possession or under his or her custody or control any firearm because of the fact that the petitioner has failed to make restitution as ordered by the court if the petitioner demonstrates that his or her failure to satisfy such a financial obligation was due to economic hardship.~~

~~8. A person whose right to own or have in his or her possession or under his or her custody or control any firearm is restored pursuant to this section is also immediately restored to the following civil rights, if any such rights have not previously been restored:~~

~~(a) The right to vote;~~

~~(b) The right to serve as a juror in a civil or criminal action; and~~

~~(c) The right to hold office.~~ A person who has lost his or her civil rights to vote, to serve as a juror in a civil or criminal action and to hold office as a result of a conviction in another state may petition the district court for the restoration of such civil rights pursuant to this section if the person would otherwise be eligible to petition the district court for the restoration of such civil rights pursuant to this section if the conviction that resulted in the loss of such civil rights occurred in this State.

9. As used in this section, "misdemeanor crime of domestic violence" has the meaning ascribed to it in 18 U.S.C. § 921(a)(33).

Sec. 3. 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. A prosecuting attorney may:

(a) 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 petitioned to have his or her right to own or have in his or her possession or under his or her control or custody any firearm pursuant to section 2 of this act; and

(b) Use any such records as evidence during a hearing on the petition.

4. 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.

~~4.4~~ 5. 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.

~~§ 6.~~ 6. 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.

~~§ 7.~~ 7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

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

Sec. 4. NRS 6.010 is hereby amended to read as follows:

6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 ~~or section 2 of this act.~~

Sec. 5. NRS 202.360 is hereby amended to read as follows:

202.360 1. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been convicted of a felony in this *State* or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless the person ~~has~~ :

(1) *Has* received a pardon and the pardon does not restrict his or her right to bear arms; *or*

(2) *Has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;* ~~or~~

(b) *Has been convicted in this State or any other state of a misdemeanor crime [that constitutes] of domestic violence [pursuant to NRS 33.018 or a substantially similar law of any other state] as defined in 18 U.S.C. § 921(a)(33), unless the person has had his or her right to own or have in his or her possession or under his or her custody or control any firearm restored pursuant to section 2 of this act;*

(c) Is a fugitive from justice; or

~~(e)~~ (d) Is an unlawful user of, or addicted to, any controlled substance.

➤ A person who violates the provisions of this subsection is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

2. A person shall not own or have in his or her possession or under his or her custody or control any firearm if the person:

(a) Has been adjudicated as mentally ill or has been committed to any mental health facility; or

(b) Is illegally or unlawfully in the United States.

➤ A person who violates the provisions of this subsection is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. As used in this section:

(a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C. § 802(6).

(b) "Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

Sec. 6. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed \$100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, *and section 2 of this act*, as applicable;

(e) Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;

(f) Shall provide the offender with a photo identification card issued by the Department and information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests a photo identification card; or

(2) Requests such information and assistance and is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

(h) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

(i) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

(j) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section:

(a) "Facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

(b) "Photo identification card" means a document which includes the name, date of birth and a color picture of the offender.

Sec. 7. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2 *and section 2 of this act*, a person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the following civil rights:

(1) The right to vote; and

(2) The right to serve as a juror in a civil action.

(b) Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.

(c) Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➤ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in subsection 1.

3. Except for a person subject to the limitations set forth in subsection 2, upon his or her honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole;

(b) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole 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 honorably discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

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

➤ as proof that the person has been restored to the civil rights set forth in subsection 1.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 8. NRS 213.157 is hereby amended to read as follows:

213.157 1. Except as otherwise provided in subsection 2 ~~§~~ **and section 2 of this act**, a person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

- 1 (a) Is immediately restored to the following civil rights:
2 (1) The right to vote; and
3 (2) The right to serve as a juror in a civil action.
4 (b) Four years after the date of his or her release from prison, is restored to the
5 right to hold office.
6 (c) Six years after the date of his or her release from prison, is restored to the
7 right to serve as a juror in a criminal action.

8 2. Except as otherwise provided in this subsection, the civil rights set forth in
9 subsection 1 are not restored to a person who has been released from prison if the
10 person has previously been convicted in this State:

- 11 (a) Of a category A felony.
12 (b) Of an offense that would constitute a category A felony if committed as of
13 the date of his or her release from prison.
14 (c) Of a category B felony involving the use of force or violence that resulted
15 in substantial bodily harm to the victim.
16 (d) Of an offense involving the use of force or violence that resulted in
17 substantial bodily harm to the victim and that would constitute a category B felony
18 if committed as of the date of his or her release from prison.

19 (e) Two or more times of a felony, unless a felony for which the person has
20 been convicted arose out of the same act, transaction or occurrence as another
21 felony, in which case the convictions for those felonies shall be deemed to
22 constitute a single conviction for the purposes of this paragraph.

23 ➤ A person described in this subsection may petition a court of competent
24 jurisdiction for an order granting the restoration of his or her civil rights as set forth
25 in subsection 1.

26 3. Except for a person subject to the limitations set forth in subsection 2, upon
27 his or her release from prison, a person so released must be given an official
28 document which provides:

- 29 (a) That the person has been released from prison;
30 (b) That the person has been restored to his or her civil rights to vote and to
31 serve as a juror in a civil action as of the date of his or her release from prison;
32 (c) The date on which his or her civil right to hold office will be restored to the
33 person pursuant to paragraph (b) of subsection 1; and
34 (d) The date on which his or her civil right to serve as a juror in a criminal
35 action will be restored to the person pursuant to paragraph (c) of subsection 1.

36 4. Subject to the limitations set forth in subsection 2, a person who has been
37 released from prison in this State or elsewhere and whose official documentation of
38 his or her release from prison is lost, damaged or destroyed may file a written
39 request with a court of competent jurisdiction to restore his or her civil rights
40 pursuant to this section. Upon verification that the person has been released from
41 prison and is eligible to be restored to the civil rights set forth in subsection 1, the
42 court shall issue an order restoring the person to the civil rights set forth in
43 subsection 1. A person must not be required to pay a fee to receive such an order.

44 5. A person who has been released from prison in this State or elsewhere may
45 present:

- 46 (a) Official documentation of his or her release from prison, if it contains the
47 provisions set forth in subsection 3; or
48 (b) A court order restoring his or her civil rights,
49 ➤ as proof that the person has been restored to the civil rights set forth in
50 subsection 1.

51 **Sec. 9.** NRS 293.540 is hereby amended to read as follows:

52 293.540 The county clerk shall cancel the registration:

1 1. If the county clerk has personal knowledge of the death of the person
2 registered, or if an authenticated certificate of the death of any elector is filed in the
3 county clerk's office.

4 2. If the county clerk is provided a certified copy of a court order stating that
5 the court specifically finds by clear and convincing evidence that the person
6 registered lacks the mental capacity to vote because he or she cannot communicate,
7 with or without accommodations, a specific desire to participate in the voting
8 process.

9 3. Upon the determination that the person registered has been convicted of a
10 felony unless:

11 (a) If the person registered was convicted of a felony in this State, the right to
12 vote of the person has been restored pursuant to the provisions of NRS 213.090,
13 213.155 or 213.157 **or section 2 of this act.**

14 (b) If the person registered was convicted of a felony in another state, the right
15 to vote of the person has been restored pursuant to the laws of the state in which the
16 person was convicted.

17 4. Upon the production of a certified copy of the judgment of any court
18 directing the cancellation to be made.

19 5. Upon the request of any registered voter to affiliate with any political party
20 or to change affiliation, if that change is made before the end of the last day to
21 register to vote in the election.

22 6. At the request of the person registered.

23 7. If the county clerk has discovered an incorrect registration pursuant to the
24 provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to
25 respond or appear to vote within the required time.

26 8. As required by NRS 293.541.

27 9. Upon verification that the application to register to vote is a duplicate if the
28 county clerk has the original or another duplicate of the application on file in the
29 county clerk's office.

30 **Sec. 10.** NRS 293.543 is hereby amended to read as follows:

31 293.543 1. If the registration of an elector is cancelled pursuant to
32 subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon
33 notice from the clerk of the district court that the elector has been found by the
34 district court to have the mental capacity to vote. The court must include the finding
35 in a court order and, not later than 30 days after issuing the order, provide a
36 certified copy of the order to the county clerk of the county in which the person is a
37 resident and to the Office of the Secretary of State.

38 2. If the registration of an elector is cancelled pursuant to subsection 3 of
39 NRS 293.540, the elector may reregister after presenting satisfactory evidence
40 which demonstrates that the elector's:

41 (a) Conviction has been overturned; or

42 (b) Civil rights have been restored:

43 (1) If the elector was convicted in this State, pursuant to the provisions of
44 NRS 213.090, 213.155 or 213.157 **or section 2 of this act.**

45 (2) If the elector was convicted in another state, pursuant to the laws of the
46 state in which he or she was convicted.

47 3. If the registration of an elector is cancelled pursuant to the provisions of
48 subsection 5 of NRS 293.540, the elector may reregister immediately.

49 4. If the registration of an elector is cancelled pursuant to the provisions of
50 subsection 6 of NRS 293.540, after the close of registration for a primary election,
51 the elector may not reregister until after the primary election.