

SENATE BILL NO. 319—SENATORS FORD, SPEARMAN,  
PARKS, KIHUEN, ATKINSON; DENIS AND MANENDO

MARCH 16, 2015

JOINT SPONSORS: ASSEMBLYMEN KIRKPATRICK, FIORE; ARAUJO,  
BENITEZ-THOMPSON, CARLTON, SHELTON AND SPRINKLE

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the restoration of  
certain civil rights for ex-felons. (BDR 14-968)

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 civil rights; revising provisions governing the  
restoration of the right to vote to certain persons who have  
been convicted of felonies; revising provisions governing  
the sealing of the criminal records of a person; and  
providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to his or her civil rights upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon with the restoration of the right to vote; (4) an honorable discharge from parole; or (5) the completion of his or her sentence and release from prison. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) **Section 1** of this bill provides that unless a probationer was convicted of certain specified felonies, the probationer's right to vote must be restored to the probationer upon completion of 1 year of his or her term of probation. Similarly, **section 4** of this bill provides that unless a parolee was convicted of certain specified felonies, the parolee's right to vote must be restored to the parolee upon: (1) completion of his or her term of parole, if his or her term of parole is less than 1 year; or (2) completion of 1 year of parole, if his or her term of parole is 1 year or longer.

Existing law also authorizes a person to petition the court in certain circumstances for the sealing of all records of criminal history relating to a conviction of a crime. (NRS 179.245) **Section 3** of this bill shortens the waiting period for a person convicted of certain crimes before being authorized to petition



19 the court for sealing of his or her records of criminal history relating to the  
20 conviction.

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

1     **Section 1.** Chapter 176A of NRS is hereby amended by  
2 adding thereto a new section to read as follows:

3     1. *Except as otherwise provided in subsection 5, a person who*  
4 *has completed 1 year of his or her term of probation is*  
5 *immediately restored to the civil right to vote.*

6     2. *Except for a person subject to the limitations set forth in*  
7 *subsection 5, upon completion of 1 year of his or her term of*  
8 *probation, the person must be given an official document which*  
9 *provides that the person has been restored to the civil right to vote.*

10     3. *Subject to the limitations set forth in subsection 5, a person*  
11 *who has completed 1 year of his or her term of probation and*  
12 *whose official documentation of the restoration to the civil right to*  
13 *vote is lost, damaged or destroyed may file a written request with a*  
14 *court of competent jurisdiction to restore the person's civil right to*  
15 *vote pursuant to this section. Upon verification that the person has*  
16 *completed 1 year of his or her term of probation and is eligible to*  
17 *be restored to the civil right to vote, the court shall issue an order*  
18 *restoring the person to the civil right to vote. A person must not be*  
19 *required to pay a fee to receive such an order.*

20     4. *A person who is not subject to the limitations set forth in*  
21 *subsection 5 and who has completed 1 year of his or her term of*  
22 *probation may present, as proof that the person has been restored*  
23 *to the civil right to vote:*

24     (a) *Official documentation of such completion, if it contains*  
25 *the provisions set forth in subsection 2; or*

26     (b) *A court order restoring the person's civil right to vote.*

27     5. *Except as otherwise provided in this subsection, the civil*  
28 *right to vote is not restored to a person upon completion of 1 year*  
29 *of his or her term of probation if the person has previously been*  
30 *convicted in this State:*

31     (a) *Of a category A felony.*

32     (b) *Of an offense that would constitute a category A felony if*  
33 *committed as of the date of completion of 1 year of his or her term*  
34 *of probation.*

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

37     (d) *Of an offense involving the use of force or violence that*  
38 *resulted in substantial bodily harm to the victim and that would*



1 *constitute a category B felony if committed as of the date of*  
2 *completion of 1 year of his or her term of probation.*

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

8 *↪ A person described in this subsection may petition a court of*  
9 *competent jurisdiction for an order granting the restoration of the*  
10 *civil right to vote.*

11 **Sec. 2.** NRS 176A.850 is hereby amended to read as follows:

12 176A.850 1. A person who:

13 (a) Has fulfilled the conditions of probation for the entire period  
14 thereof;

15 (b) Is recommended for earlier discharge by the Division; or

16 (c) Has demonstrated fitness for honorable discharge but  
17 because of economic hardship, verified by the Division, has been  
18 unable to make restitution as ordered by the court,

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

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

23 3. Except as otherwise provided in subsection 4, a person who  
24 has been honorably discharged from probation:

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

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

27 ~~— (1) The right to vote; and~~

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

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

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

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

37 (f) Must be informed of the provisions of this section and NRS  
38 179.245 in the person's probation papers.

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

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



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

4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation 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 the honorable discharge from probation.

(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 honorable discharge from probation.

(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 civil rights as set forth in subsection 3.

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

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

(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~~ right 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. 3.** NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) ~~A category A or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(c) A category E felony after 7 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~—(d) Any~~ **felony or** gross misdemeanor after ~~{5 years}~~ **1 year** from the date of release from actual custody or discharge from probation, whichever occurs later;

~~{(e)}~~ **(b)** A violation of NRS 484C.110 or 484C.120 ~~{other than a felony,}~~ or a battery which constitutes domestic violence pursuant to NRS 33.018 ~~{other than a felony,}~~ after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

~~{(f)}~~ **(c)** Any other misdemeanor after ~~{2 years}~~ **1 year** from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from:

(1) The Central Repository for Nevada Records of Criminal History; and



(2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;

(b) If the petition references NRS 453.3365 or 458.330, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the person was convicted in a district court or justice court, the prosecuting attorney for the county; or

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

➡ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation, the California Bureau of Criminal Identification and ~~Information~~ *Investigative Services* and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.



1       5. A person may not petition the court to seal records relating  
2 to a conviction of:

3       (a) A crime against a child;

4       (b) A sexual offense;

5       (c) A violation of NRS 484C.110 or 484C.120 that is  
6 punishable as a felony pursuant to paragraph (c) of subsection 1 of  
7 NRS 484C.400;

8       (d) A violation of NRS 484C.430;

9       (e) A homicide resulting from driving or being in actual physical  
10 control of a vehicle while under the influence of intoxicating liquor  
11 or a controlled substance or resulting from any other conduct  
12 prohibited by NRS 484C.110, 484C.130 or 484C.430;

13       (f) A violation of NRS 488.410 that is punishable as a felony  
14 pursuant to NRS 488.427; or

15       (g) A violation of NRS 488.420 or 488.425.

16       6. If the court grants a petition for the sealing of records  
17 pursuant to this section, upon the request of the person whose  
18 records are sealed, the court may order sealed all records of the civil  
19 proceeding in which the records were sealed.

20       7. As used in this section:

21       (a) "Crime against a child" has the meaning ascribed to it in  
22 NRS 179D.0357.

23       (b) "Sexual offense" means:

24           (1) Murder of the first degree committed in the perpetration  
25 or attempted perpetration of sexual assault or of sexual abuse or  
26 sexual molestation of a child less than 14 years of age pursuant to  
27 paragraph (b) of subsection 1 of NRS 200.030.

28           (2) Sexual assault pursuant to NRS 200.366.

29           (3) Statutory sexual seduction pursuant to NRS 200.368, if  
30 punishable as a felony.

31           (4) Battery with intent to commit sexual assault pursuant to  
32 NRS 200.400.

33           (5) An offense involving the administration of a drug to  
34 another person with the intent to enable or assist the commission of  
35 a felony pursuant to NRS 200.405, if the felony is an offense listed  
36 in this paragraph.

37           (6) An offense involving the administration of a controlled  
38 substance to another person with the intent to enable or assist the  
39 commission of a crime of violence pursuant to NRS 200.408, if the  
40 crime of violence is an offense listed in this paragraph.

41           (7) Abuse of a child pursuant to NRS 200.508, if the abuse  
42 involved sexual abuse or sexual exploitation.

43           (8) An offense involving pornography and a minor pursuant  
44 to NRS 200.710 to 200.730, inclusive.

45           (9) Incest pursuant to NRS 201.180.



(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(15) An attempt to commit an offense listed in this paragraph.

**Sec. 4.** Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Except as otherwise provided in subsection 5, a person who completes:*

*(a) A term of parole of less than 1 year; or*

*(b) One year of his or her term of parole,*

*↪ is immediately restored to the civil right to vote.*

*2. Except for a person subject to the limitations set forth in subsection 5, upon completion of a term of parole of less than 1 year or completion of 1 year of his or her term of parole, the person must be given an official document which provides that the person has been restored to the civil right to vote.*

*3. Subject to the limitations set forth in subsection 5, a person who has completed a term of parole of less than 1 year or completed 1 year of his or her term of parole and whose official documentation of restoration to the civil right to vote is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the civil right to vote pursuant to this section. Upon verification that the person has completed a term of parole of less than 1 year or completed 1 year of his or her term of parole and is eligible to be restored to the civil right to vote, the court shall issue an order restoring the person to the civil right to vote. A person must not be required to pay a fee to receive such an order.*

*4. A person who has completed a term of parole of less than 1 year or completed 1 year of his or her term of parole may present, as proof that the person has been restored to the civil right to vote:*

*(a) Official documentation of such completion, if it contains the provisions set forth in subsection 2; or*

*(b) A court order restoring the person's civil right to vote.*

*5. Except as otherwise provided in this subsection, the civil right to vote is not restored to a person upon completion of a term of parole of less than 1 year or completion of 1 year of his or her*





*term of 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 completion of a term of parole of less than 1 year or completion of 1 year of his or her term of 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 completion of a term of parole of less than 1 year or completion of 1 year of his or her term of 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 the civil right to vote.*

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

**Sec. 5.** NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2, 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~~ right 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.



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

