

**Amendment No. 760**

Assembly Amendment to Assembly Bill No. 181 First Reprint (BDR 14-720)

**Proposed by:** Assemblyman Frierson

**Amends:** Summary: Yes Title: No 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: 5/17/2017

A.B. No. 181—Revises provisions governing the restoration of civil rights for ex-felons. (BDR 14-720)





ASSEMBLY BILL NO. 181—ASSEMBLYMEN FRIERSON, OHRENSCHALL,  
YEAGER; ARAUJO, BENITEZ-THOMPSON AND MCCURDY II

PREFILED FEBRUARY 13, 2017

Referred to Committee on Corrections,  
Parole, and Probation

SUMMARY—Revises provisions governing the restoration of civil rights for certain ex-felons. (BDR 14-720)

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 civil rights to certain persons who have been convicted of felonies; 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 by operation of law upon: (1) an honorable discharge from probation; (2) an honorable discharge from parole; or (3) the completion of his or her sentence and release from prison. Conversely, a person must petition a court for the restoration of his or her civil rights if the person was convicted: (1) of a category A felony; (2) of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison; (3) of a category B felony involving the use of force or violence that resulted in substantial bodily harm; (4) of an offense involving the use of force or violence that resulted in substantial bodily harm and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison; or (5) two or more times of a felony, except under certain circumstances. (NRS 176A.850, 213.155, 213.157) **Sections 1-3** of this bill provide, respectively, that a probationer, parolee or person who completed his or her sentence and was released from prison is, with certain exceptions, immediately restored to the right: (1) to serve as a juror in a civil action; and (2) to vote. Sections 1-3 provide, respectively, that if the probationer, parolee or person who completed his or her sentence and was released from prison was convicted ~~if (1) two or more times of a category B felony~~ if his or her right to vote must be restored immediately after discharge from probation, discharge from parole or release from prison; and (2) of any of the other offenses enumerated above, involving the use of force or violence that did not result in substantial bodily harm to the victim or of an offense involving the use of force or violence that did not result in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison, his or her right to vote must be restored 2 years after discharge from probation, discharge from parole or release from prison.

Existing law sets forth circumstances under which a person whose term of probation has expired must be given a dishonorable discharge and precludes the probationer from obtaining the restoration of certain civil rights. (NRS 176A.870) **Section 1** maintains the requirement

that such a probationer be given a dishonorable discharge, but **section 5** of this bill eliminates the prohibition on the restoration of civil rights.

**Section 4** of this bill provides for the restoration of civil rights to certain residents of this State who: (1) have not had their civil rights restored; (2) are not on probation or parole or serving a sentence of imprisonment on ~~October~~ January 1, 2017, ~~2019~~; and (3) before ~~October~~ January 1, 2017, ~~2019~~, were discharged from probation or parole or released from prison after serving their sentences.

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,

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

2. *A person whose term of probation has expired and:*

- (a) *Whose whereabouts are unknown;*
- (b) *Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or*
- (c) *Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,*

↪ *is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.*

3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

~~3.4. Except as otherwise provided in subsection 4.5, a~~

~~4.4~~ person who has been ~~honorable~~ discharged from probation:

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

(c) *Except as otherwise provided in paragraph (d), is immediately restored to the right to vote.*

(d) *Two years after the date of discharge from probation, is restored to the right to vote if the person has previously been convicted in this State:*

(1) ~~Of a category A felony.~~

~~(2) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation.~~

~~(3) Of a category B felony involving the use of force or violence, that resulted in substantial bodily harm to the victim.~~

~~(4) (2) 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 discharge from probation.~~

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

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

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

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

~~(i)~~ (i) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

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

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

~~5.~~ 5. Except as otherwise provided in this subsection, the civil rights set forth in subsection ~~3~~ 4 are not restored to a person ~~honorable~~ 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~~ 4.

~~6.~~ 6. The prior conviction of a person who has been ~~honorable~~ 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.

~~7.~~ 7. Except for a person subject to the limitations set forth in subsection ~~4~~ 5, upon ~~honorable~~ ~~Upon~~ discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge *or dishonorable discharge, as applicable*, from probation;

(b) That the person ~~has been~~ *is* 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;~~ *applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;*

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph ~~(e)~~ (e) of subsection ~~3~~ 4; 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 ~~(e)~~ (f) of subsection ~~3~~ 4.

~~8.~~ 8. Subject to the limitations set forth in subsection ~~4~~ 5, a ~~person~~ who has been ~~honorable~~ 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 ~~honorable~~ discharged from probation and is

eligible to be restored to the civil rights set forth in subsection ~~13-1~~ 4, the court shall issue an order restoring the person to the civil rights set forth in subsection ~~13-1~~ 4. A person must not be required to pay a fee to receive such an order.

~~18-1~~ 2. A person who has been ~~honorably~~ discharged from probation in this State or elsewhere may present:

(a) Official documentation of ~~honorably~~ discharge from probation, if it contains the provisions set forth in subsection ~~16-1~~ 7; 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 ~~13-1~~ 4.

Sec. 2. NRS 213.155 is hereby amended to read as follows:

213.155 1. Except as otherwise provided in subsection 2, a ~~felony~~ person who receives ~~an honorable~~ a 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) Except as otherwise provided in paragraph (c), is immediately restored to the right to vote.

(c) Two years after the date of his or her discharge from parole, is restored to the right to vote if the person has previously been convicted in this State:

~~(1) Of a category A felony.~~

~~(2) Of an offense that would constitute a category A felony if committed as of the date of discharge from parole.~~

~~(3) Of a category B felony involving the use of force or violence, ~~that resulted in substantial bodily harm to the victim.~~~~

~~(4) (2) 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 discharge from parole.~~

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

~~(e)~~ (e) Six years after the date of his or her ~~honorably~~ 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~~ a 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 ~~this 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 ~~this 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.

As 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 ~~upon~~ his or her ~~honorably~~ discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge *or dishonorable discharge, as applicable*, from parole;

(b) That the person ~~has been~~ *is* 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;~~ *applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;*

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph ~~((b))~~ *(d)* 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 ~~((e))~~ *(e)* of subsection 1.

4. ~~Subject to the limitations set forth in subsection 2, a~~

~~3. 4.~~ person who has been ~~honorable~~ 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 ~~honorable~~ 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. ~~4.~~ A person who has been ~~honorable~~ 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. ~~2.~~ 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. ~~5.~~ The Board may adopt regulations necessary or convenient for the purposes of this section.

**Sec. 3.** NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~Except as otherwise provided in subsection 2, a~~ ~~4.~~ person convicted of a felony in the State of Nevada who has served his or her sentence and has been released from prison:

(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) *Except as otherwise provided in paragraph (c), is immediately restored to the right to vote.*

(c) *Two years after the date of his or her release from prison, is restored to the right to vote if the person has previously been convicted in this State:*

~~(1) Of a category A felony.~~

~~(2) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.~~

~~(3) Of a category B felony involving the use of force or violence, that resulted in substantial bodily harm to the victim.~~

~~(4) (2) 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 release from prison.~~

(d) Four years after the date of his or her release from prison, is restored to the right to hold office.

~~((e))~~ *(e)* Six years after the date of his or her release from prison, 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 been released from prison 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 release from prison.

(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 release from prison.

(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 ~~Upon~~ his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person ~~has been~~ is 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 release from prison;~~ applicable dates set forth in paragraphs (a), (b) and (c) of subsection 1;

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

4. Subject to the limitations set forth in subsection 2, a

~~3. A~~ 4. ~~person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison 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 released from prison 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. ~~4.4~~ A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 3. ~~4.4~~ 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.

**Sec. 4. 1. Any person residing in this State who:**

(a) Is not subject to the provisions of subsection 2;

(b) Before ~~October~~ January 1, ~~2017~~ 2019, was discharged from probation pursuant to NRS 176A.850 or 176A.870, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before ~~October~~ January 1, ~~2017~~ 2019;

(c) Is not on probation or parole or serving a sentence of imprisonment on ~~October~~ January 1, ~~2017~~ 2019; and

(d) Has not already had his or her civil rights restored, ➤ is immediately restored to the right to serve as a juror in a civil action and the right to vote. Four years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to hold office. Six years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to serve as a juror in a criminal action.

2. Any person residing in this State who:

(a) Before ~~October 1, 2017;~~ January 1, 2019;

(1) Was discharged from probation pursuant to NRS 176A.850 or 176A.870, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before ~~October 1, 2017; and~~ January 1, 2019;

(2) Was previously convicted in this State:

(I) Of a category B felony involving the use of force or violence; or  
(II) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable; and  
(3) Was not previously convicted in this State;

(I) Of a category A felony;

(II) Of an offense that would constitute a category A felony if committed as of the date of discharge from probation, discharge from parole or release from prison, as applicable;

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

(IV) 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 discharge from probation, discharge from parole or release from prison, as applicable; or

(V) 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 sub-subparagraph;

(b) Is not on probation or parole or serving a sentence of imprisonment on ~~October 1, 2017;~~ January 1, 2019; and

(c) Has not already had his or her civil rights restored,

➤ is immediately restored to the right to serve as a juror in a civil action. Two years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to vote. Four years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to hold office. Six years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, he or she is restored to the right to serve as a juror in a criminal action.

3. A person who is restored to his or her civil rights pursuant to this section and whose official documentation which demonstrates that the person qualifies to have his or her civil rights restored pursuant to this section 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 qualifies to have his or her civil rights restored pursuant to this section, the court shall issue an order restoring the person to the civil rights set forth in this section. A person must not be required to pay a fee to receive such an order.

1           4. A person who is restored to his or her civil rights pursuant to this section  
2 may present official documentation that he or she qualifies to have his or her civil  
3 rights restored pursuant to this section or a court order restoring his or her civil  
4 rights as proof that he or she has been restored to the civil rights set forth in this  
5 section.

6           **Sec. 5.** NRS 176A.870 is hereby repealed.

7           **Sec. 6.** **This act becomes effective on January 1, 2019.**

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#### TEXT OF REPEALED SECTION

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**176A.870 Dishonorable discharge.** A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;
  2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
  3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,
- is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850.