

Amendment No. 793

Assembly Amendment to Senate Bill No. 125 First Reprint (BDR 14-20)

Proposed by: Assembly Committee on Corrections, Parole, and Probation

Amendment Box: Replaces Amendment No. 664.

Amends: Summary: Yes 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.

DP/BAW



Date: 5/19/2017

S.B. No. 125—Revises provisions governing the restoration of certain civil rights for ex-felons. (BDR 14-20)



SENATE BILL NO. 125—SENATOR FORD

PREFILED FEBRUARY 13, 2017

JOINT SPONSOR: ASSEMBLYMAN FRIERSON

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the ~~restoration of certain civil rights for ex felons;~~ **sealing of criminal records.** (BDR 14-20)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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 certain civil rights to certain persons who have been convicted of felonies;~~ **criminal records;** 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, 212.000, 212.155, 212.157) Section 1 of this bill provides that unless a probationer was convicted of certain specified felonies, the probationer's right to vote, right to serve as a juror in a civil action and right to serve as a juror in a criminal action must be restored to the probationer upon completion of 1 year of his or her term of probation. Similarly, section 7 of this bill provides that unless a parolee was convicted of certain specified felonies, the parolee's right to vote, right to serve as a juror in a civil action and right to serve as a juror in a criminal action 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 4** of this bill revises the waiting period for a person convicted of certain crimes before being authorized to petition the court for sealing of his or her records of criminal history relating to the conviction.

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 adding thereto a~~
2 ~~new section to read as follows:~~

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

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

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

8 ~~(c) The right to serve as a juror in a criminal action;~~

9 ~~and must be provided an official document which states that the person has~~
10 ~~been restored to the civil rights set forth in this subsection.~~

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

18 ~~3. A person whose civil rights have been restored pursuant to subsection 1~~
19 ~~may present, as proof that the person has been restored to those civil rights:~~

20 ~~(a) The official documentation received pursuant to subsection 1; or~~

21 ~~(b) A court order restoring the person's civil rights pursuant to this section.~~

22 ~~4. Except as otherwise provided in this subsection, the civil rights to vote, to~~
23 ~~serve as a juror in a civil action and to serve as a juror in a criminal action are~~
24 ~~not restored to a person upon completion of 1 year of his or her term of probation~~
25 ~~if the person has previously been convicted in this State:~~

26 ~~(a) Of a category A felony;~~

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

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

31 ~~(d) Of an offense involving the use of force or violence that resulted in~~
32 ~~substantial bodily harm to the victim and that would constitute a category B~~
33 ~~felony if committed as of the date of completion of 1 year of his or her term of~~
34 ~~probation.~~

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

39 ~~5. A person described in subsection 4 may petition a court of competent~~
40 ~~jurisdiction for an order granting the restoration of the following civil rights:~~

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

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

43 ~~(c) The right to serve as a juror in a criminal action.~~ (Deleted by
44 amendment.)

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

46 ~~176A.850 1. A person who:~~

47 ~~(a) Has fulfilled the conditions of probation for the entire period thereof;~~

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

1 ~~— (c) Has demonstrated fitness for honorable discharge but because of economic~~
2 ~~hardship, verified by the Division, has been unable to make restitution as ordered~~
3 ~~by the court;~~

4 ~~→ may be granted an honorable discharge from probation by order of the court.~~

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

7 ~~3. Except as otherwise provided in subsection 4, a person who has been~~
8 ~~honorable discharged from probation:~~

9 ~~— (a) Is free from the terms and conditions of probation.~~

10 ~~— (b) [Is immediately restored to the following civil rights:~~

11 ~~— (1) The right to vote; and~~

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

13 ~~— (c) Four years after the date of honorable discharge from probation, is restored~~
14 ~~to the civil right to hold office.~~

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

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

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

21 ~~— (g) Is exempt from the requirements of chapter 179C of NRS, but is not~~
22 ~~exempt from the requirements of chapter 179D of NRS.~~

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

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

29 ~~4. Except as otherwise provided in this subsection, the civil rights set forth in~~
30 ~~subsection 3 are] right to hold office is not restored to a person honorably~~
31 ~~discharged from probation if the person has previously been convicted in this State:~~

32 ~~— (a) Of a category A felony.~~

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

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

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

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

44 ~~→ A person described in this subsection may petition a court of competent~~
45 ~~jurisdiction for an order granting the restoration of the civil rights as set forth in~~
46 ~~subsection 3.] right to hold office.~~

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

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

~~(a) That the person has received an honorable discharge from probation; and
(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)] (b) 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] right to hold office 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] right to hold office as provided in subsection 3, the court shall issue an order restoring the person to the civil [rights set forth] right to hold office as provided 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,] right to hold office, as proof that the person has been restored to the civil [rights set forth] right to hold office as provided in subsection 3 .] (Deleted by amendment.)~~

Sec. 3. ~~[NRS 176A.870 is hereby amended to read as follows:~~

~~176A.870 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 .] or section 1 of this act.] (Deleted by amendment.)~~

Sec. 4. ~~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 ~~for B~~ felony , a crime of violence or a burglary of a residence, after ~~H5~~ 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(b) ~~H4~~ Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after ~~H2~~ 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

~~(c) A category E felony after ~~H7~~ 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;~~

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after ~~151~~ 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, ~~other than a felony,~~ 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; ~~for~~

(f) Except as otherwise provided in paragraph (e), a misdemeanor for battery pursuant to NRS 200.481, a misdemeanor for harassment, a misdemeanor for stalking or a misdemeanor for a violation of a temporary or extended order for protection against harassment or stalking, 2 years after the date of release from actual custody or after the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after ~~12 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 the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. 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~~ 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.

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

- (a) A crime against a child;
- (b) A sexual offense;
- (c) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;
- (d) A violation of NRS 484C.430;
- (e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;
- (f) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or
- (g) A violation of NRS 488.420 or 488.425.

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

7. As used in this section ~~H~~, *unless the context otherwise requires:*

- (a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.
- (b) *"Crime of violence" means any felony for which there is a substantial risk that force or violence may be used against the person or property of another in the commission of the felony.*
- (c) *"Harassment" means a violation of NRS 200.571.*
- (d) *"Residence" means any house, room, apartment, tenement or other building, vehicle, vehicle trailer, semitrailer, house trailer or boat designed or intended for occupancy as a residence.*
- (e) "Sexual offense" means:

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

(2) Sexual assault pursuant to NRS 200.366.

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

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

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

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

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

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

(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) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.
(17) An attempt to commit an offense listed in this paragraph.

(f) "Stalking" means a violation of NRS 200.575.

Sec. 5. ~~NRS 179.259 is hereby amended to read as follows:~~

~~179.259. 1. Except as otherwise provided in subsections 2, 4 and 5, 5 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.~~

~~2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~

~~5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.~~

~~6. As used in this section:~~

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

~~(b) "Eligible person" means a person who has:~~

~~(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and~~

~~(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.~~

~~(c) "Program for reentry" means:~~

~~(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or~~

~~(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4892.~~

~~(d) "Sexual offense" has the meaning ascribed to it in paragraph [(b)] (e) of subsection 7 of NRS 179.245.~~ ***(Deleted by amendment.)***

Sec. 5.5. ~~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,~~

1 is a qualified juror of the county in which the person resides. A person who has
2 been convicted of a felony is not a qualified juror of the county in which the person
3 resides until the person's civil right to serve as a juror has been restored pursuant to
4 NRS [176A.850,] 179.285, 213.090 [, 213.155] or 213.157. (Deleted by
5 amendment.)

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

7 ~~209.511 1. When an offender is released from prison by expiration of his or~~
8 ~~her term of sentence, by pardon or by parole, the Director:~~

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

12 ~~(b) Shall give the offender notice of the provisions of chapter 179C of NRS~~
13 ~~and NRS 202.257 and 202.260;~~

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

16 ~~(d) Shall give the offender notice of the provisions of NRS 179.245 and the~~
17 ~~provisions of NRS 213.090, 213.155, [or] 213.157 [,] or section 7 of this act, as~~
18 ~~applicable;~~

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

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

27 ~~(1) Requests a photo identification card; or~~

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

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

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

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

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

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

43 ~~3. As used in this section:~~

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

46 ~~(b) "Photo identification card" means a document which includes the name,~~
47 ~~date of birth and a color picture of the offender.] (Deleted by amendment.)~~

48 **Sec. 7.** ~~[Chapter 213 of NRS is hereby amended by adding thereto a new~~
49 ~~section to read as follows:~~

50 ~~1. Except as otherwise provided in subsection 4, a person who completes:~~

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

52 ~~(b) One year of his or her term of parole;~~

~~is immediately restored to the civil rights to vote, to serve as a juror in a civil action and to serve as a juror in a criminal action. A person whose civil rights are restored pursuant to this subsection must be provided an official document which states that the person has been restored to the civil rights set forth in this subsection.~~

~~2. A person whose official documentation of the restoration to the civil rights set forth in subsection 1 is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the civil rights 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 rights set forth in subsection 1, the court shall issue an order restoring the person to those civil rights. A person must not be required to pay a fee to receive such an order.~~

~~3. A person whose civil rights have been restored pursuant to subsection 1 may present, as proof that the person has been restored to those civil rights:~~

- ~~(a) The official documentation received pursuant to subsection 1; or~~
- ~~(b) A court order restoring the person's civil rights pursuant to this section.~~

~~4. Except as otherwise provided in this subsection, the civil rights to vote, to serve as a juror in a civil action and to serve as a juror in a criminal action are 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.~~

~~5. A person described in subsection 4 may petition a court of competent jurisdiction for an order granting the restoration of the following civil rights:~~

- ~~(a) The right to vote;~~
- ~~(b) The right to serve as a juror in a civil action; and~~
- ~~(c) The right to serve as a juror in a criminal action.~~

~~6. The Board may adopt regulations necessary or convenient for the purposes of this section. (Deleted by amendment.)~~

Sec. 8. ~~NRS 213.107 is hereby amended to read as follows:~~

~~213.107 As used in NRS 213.107 to 213.157, inclusive, and section 7 of this act, unless the context otherwise requires:~~

- ~~1. "Board" means the State Board of Parole Commissioners;~~
- ~~2. "Chief" means the Chief Parole and Probation Officer;~~
- ~~3. "Division" means the Division of Parole and Probation of the Department of Public Safety;~~
- ~~4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.~~

1 ~~5. "Sex offender" means any person who has been or is convicted of a sexual~~
2 ~~offense.~~

3 ~~6. "Sexual offense" means:~~

4 ~~(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710,~~
5 ~~200.720, subsection 2 of NRS 200.720, NRS 201.180, 201.220, 201.450, 201.540~~
6 ~~or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of~~
7 ~~subsection 5 of NRS 201.560;~~

8 ~~(b) An attempt to commit any offense listed in paragraph (a); or~~

9 ~~(c) An act of murder in the first or second degree, kidnapping in the first or~~
10 ~~second degree, false imprisonment, burglary or invasion of the home if the act is~~
11 ~~determined to be sexually motivated at a hearing conducted pursuant to NRS~~
12 ~~175.547.~~

13 ~~7. "Standards" means the objective standards for granting or revoking parole~~
14 ~~or probation which are adopted by the Board or the Chief. (Deleted by~~
15 ~~amendment.)~~

16 **Sec. 9. [NRS 213.155 is hereby amended to read as follows:**

17 ~~213.155 1. Except as otherwise provided in subsection 2, a person who~~
18 ~~receives an honorable discharge from parole pursuant to NRS 213.154]:~~

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

20 ~~(1) The right to vote; and~~

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

22 ~~(b) Four 1 years after the date of [his or her] honorable discharge from parole~~
23 ~~[,] is restored to the civil right to hold office.~~

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

26 ~~2. Except as otherwise provided in this subsection, the civil [rights set forth in~~
27 ~~subsection 1 are] **right to hold office** is not restored to a person who has received an~~
28 ~~honorable discharge from parole if the person has previously been convicted in this~~
29 ~~State:~~

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

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

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

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

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

42 ~~→ A person described in this subsection may petition a court of competent~~
43 ~~jurisdiction for an order granting the restoration of [his or her] **the civil [rights]**~~
44 ~~**right to hold office** as [set forth] **provided** in subsection 1.~~

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

48 ~~(a) That the person has received an honorable discharge from parole; **and**~~

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

52 ~~(c)] The date on which [his or her] **the person's** civil right to hold office will~~
53 ~~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] **the person's civil rights** **right to hold office** 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] **right to hold office as provided** in subsection 1, the court shall issue an order restoring the person to the civil [rights set forth] **right to hold office as provided** 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] **the person's civil rights**, **right to hold office**,~~

~~as proof that the person has been restored to the civil [rights set forth] **right to hold office as provided** in subsection 1.~~

~~6. The Board may adopt regulations necessary or convenient for the purposes of this section. **(Deleted by amendment.)**~~

Sec. 10. NRS 213.157 is hereby amended to read as follows:

~~213.157 1. Except as otherwise provided in subsection 2, a 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 [.] ; **and**~~

~~(3) **The right to serve as a juror in a criminal action.**~~

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

~~[(c) 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.~~

~~2. Except for a person subject to the limitations set forth in subsection 2, 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 restored to his or her civil rights to vote, [and] to serve as a juror in a civil action and to serve as a juror in a criminal action as of the date of his or her release from prison; and~~

~~(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 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. 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; 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. (Deleted by amendment.)~~

Sec. 11. [NRS 293.540 is hereby amended to read as follows:

~~293.540 The county clerk shall cancel the registration:~~

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

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

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

~~(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS 213.090 [; 213.155] or 213.157 [;] or section 7 of this act;~~

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

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

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

~~6. At the request of the person registered;~~

~~7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.520 or 293.535 and the elector has failed to respond or appear to vote within the required time.~~

~~8. As required by NRS 293.541.~~

~~9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293.542 is hereby amended to read as follows:~~

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

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

~~(a) Conviction has been overturned; or~~

~~(b) Civil rights have been restored.~~

~~(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090 [, 213.155] or 213.157 [.] or section 7 of this act.~~

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

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

~~4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.] (Deleted by amendment.)~~