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FIRST REPRINT

A.B. 315

ASSEMBLY BILL NO. 315—ASSEMBLYMEN ASSEFA, MILLER, MUNK,  
FUMO; BILBRAY-AXELROD, FLORES, NEAL AND TORRES

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Requires the expungement of all records relating to the wrongful arrest of a person in certain circumstances. (BDR 14-831)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to records of criminal history; authorizing a person who was wrongfully arrested to submit an application to the court to expunge all records relating to the arrest; requiring the court to order that such records be expunged upon verification that the person was wrongfully arrested; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

**Section 2** of this bill authorizes a person who was wrongfully arrested to submit to a court an application to expunge all records relating to the arrest, including any photographs, fingerprints or biological evidence, and sets forth the information that such an application must contain. **Section 2** provides that after a court receives such an application, the court is required to verify with the law enforcement agency that arrested the person or the prosecuting attorney that the person was wrongfully arrested and, upon receiving such verification, is required to issue an order to expunge all records relating to the arrest 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 this State. **Section 2** also requires any such agency, company, official or custodian of records to whom an order to expunge records is directed to expunge all records relating to the arrest of the person not later than 30 days after the court issues the order. **Section 2** additionally provides that a person who submits an application to expunge records must not be charged any fee to submit the application.



\* A B 3 1 5 R 1 \*

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

**Section 1.** (Deleted by amendment.)

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

*1. If a court of competent jurisdiction, law enforcement agency or prosecuting attorney determines that a person was wrongfully arrested, the person may submit to the court a single-page application to expunge all records relating to the arrest, including, without limitation, any photographs, fingerprints or biological evidence, on a form provided by the court.*

*2. An application to expunge records submitted pursuant to subsection 1 must:*

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

*(b) Include information that, to the best knowledge and belief of the person, accurately and completely identifies the records to be expunged, including, without limitation, the:*

*(1) Date of birth of the person; and*

*(2) Date of arrest to which the records to be expunged pertain.*

*3. Upon receiving an application pursuant to this section, the court shall verify with the law enforcement agency that arrested the person or the prosecuting attorney that the person was wrongfully arrested. Upon receiving such verification, the court shall issue an order to expunge all records relating to the arrest 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.*

*4. Any agency of criminal justice, public or private agency, company, official or other custodian of records to whom an order to expunge records is directed pursuant to this section shall expunge all records relating to the arrest of the person that are in the possession of the agency, company, official or other custodian of records not later than 30 days after the court issues the order.*

*5. A person who submits an application to expunge records pursuant to this section must not be charged any fee to submit the application.*

*6. As used in this section, "biological evidence" has the meaning ascribed to it in NRS 176.0912.*

**Sec. 3.** (Deleted by amendment.)

**Sec. 4.** (Deleted by amendment.)



- 1      **Sec. 5.** (Deleted by amendment.)
- 2      **Sec. 6.** (Deleted by amendment.)
- 3      **Sec. 7.** (Deleted by amendment.)
- 4      **Sec. 8.** (Deleted by amendment.)
- 5      **Sec. 9.** (Deleted by amendment.)
- 6      **Sec. 10.** (Deleted by amendment.)
- 7      **Sec. 11.** (Deleted by amendment.)
- 8      **Sec. 12.** (Deleted by amendment.)
- 9      **Sec. 13.** (Deleted by amendment.)
- 10     **Sec. 14.** (Deleted by amendment.)
- 11     **Sec. 15.** (Deleted by amendment.)
- 12     **Sec. 16.** (Deleted by amendment.)
- 13     **Sec. 17.** (Deleted by amendment.)
- 14     **Sec. 18.** (Deleted by amendment.)
- 15     **Sec. 19.** (Deleted by amendment.)
- 16     **Sec. 20.** (Deleted by amendment.)
- 17     **Sec. 21.** (Deleted by amendment.)
- 18     **Sec. 22.** (Deleted by amendment.)

