

SENATE BILL NO. 326—SENATOR SPEARMAN

MARCH 18, 2019

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the restoration of the right to vote. (BDR 14-1014)

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 convicted persons; revising provisions governing the restoration of the right to vote for certain persons who have been convicted of certain felonies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the restoration of certain civil rights, including the right to vote, for persons who have been convicted of certain felonies and discharged from probation or parole or released from prison. Existing law restores the right to vote immediately to such persons as of the date of their discharge from probation or parole or release from prison, except for persons who have been convicted of certain offenses. If the person was convicted of a category B felony involving the use of force or violence under certain circumstances, existing law provides that the person’s right to vote is automatically restored 2 years after his or her discharge from probation or parole or release from prison. If the person was convicted of: (1) a category A felony under certain circumstances; (2) a category B felony that resulted in substantial bodily harm to the victim under certain circumstances; or (3) a felony two or more times under certain circumstances, existing law authorizes that person, after his or her discharge from probation or parole or release from prison, to petition a court to restore his or her civil rights, including the right to vote. (NRS 176A.850, 213.155, 213.157)

Sections 1-3 of this bill immediately restore the right to vote to any person who has been discharged from probation or parole or released from prison if the person was not convicted of: (1) a category A or B felony involving the use of force or violence against a child; (2) an offense involving the sexual abuse of a child, punishable as a felony; or (3) murder. **Sections 1-3** authorize a person convicted of such an offense, 2 years after the date of his or her discharge from probation or parole or release from prison, to petition a court of competent jurisdiction for the restoration of his or her right to vote. **Section 4** of this bill provides for the restoration of the right to vote to certain residents of this State who: (1) have not had their right to vote restored; (2) are not on probation or parole or serving a



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26 sentence of imprisonment on January 1, 2021; and (3) before January 1, 2021, were
27 discharged from probation or parole or released from prison after serving their
28 sentences. **Section 4** also requires certain residents of this State to wait 2 years
29 before they may petition for their right to vote.

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

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

3 176A.850 1. A person who:

4 (a) Has fulfilled the conditions of probation for the entire period
5 thereof;

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

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

10 ➤ may be granted an honorable discharge from probation by order
11 of the court.

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

13 (a) Whose whereabouts are unknown;

14 (b) Who has failed to make restitution in full as ordered by the
15 court, without a verified showing of economic hardship; or

16 (c) Who has otherwise failed to qualify for an honorable
17 discharge as provided in subsection 1,

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

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

25 4. Except as otherwise provided in ~~{subsection}~~ **subsections 5**
26 **and 6**, a person who has been discharged from probation:

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

28 (b) Is immediately restored to the right to serve as a juror in a
29 civil action.

30 (c) ~~{Except as otherwise provided in paragraph (d), is}~~ **Is**
31 immediately restored to the right to vote.

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

35 ~~— (1) Of a category B felony involving the use of force or~~
36 ~~violence.~~



~~—— (2) 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.~~

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

~~1(e)~~ (e) Six years after the date of discharge from probation, is restored to the right to serve as a juror in a criminal action.

~~1(g)~~ (f) If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~1(h)~~ (g) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~1(i)~~ (h) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~1(j)~~ (i) 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.

~~1(k)~~ (j) Except as otherwise provided in paragraph ~~1(i)~~ (i), need not disclose the conviction to an employer or prospective employer.

5. *Except as otherwise provided in this subsection, the right to vote set forth in paragraph (c) of subsection 4 is not restored to a person discharged from probation if the person has previously been convicted in this State:*

(a) Of a category A or B felony involving the use of force or violence against a child.

(b) Of an offense involving the use of force or violence against a child that would constitute a category A or B felony if committed as of the date of discharge from probation.

(c) Of an offense involving the sexual abuse of a child, punishable as a felony.

(d) Of murder.

➤ Two years after the date that a person described in this subsection is discharged from probation, the person may petition a court of competent jurisdiction for an order granting the restoration of the right to vote as set forth in paragraph (c) of subsection 4.

6. Except as otherwise provided in this subsection, the civil rights set forth in *paragraphs (b), (d) and (e) of subsection 4* are not restored to a person 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 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 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 *paragraphs (b), (d) and (e) of subsection 4.*

~~16-1~~ 7. The prior conviction of a person who has been 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.

~~17-1~~ 8. Except for a person subject to the limitations set forth in ~~subsection~~ *subsections 5 H and 6*, 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 is restored to his or her civil rights to vote and to serve as a juror in a civil action as of the ~~applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;~~ *date of his or her discharge from probation;*

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

~~18-1~~ 9. Subject to the limitations set forth in ~~subsection~~ *subsections 5 H and 6*, a person who has been discharged from probation in this State or elsewhere and whose official documentation of 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 discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to



the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

~~19.1~~ 10. A person who has been discharged from probation in this State or elsewhere may present:

(a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection ~~17.1~~ 8; or

(b) A court order restoring the person's civil rights ~~11~~ pursuant to subsections 5 or 6,

as proof that the person has been restored to the civil rights set forth in subsection 4 ~~11~~, as applicable.

11. As used in this section, "sexual abuse of a child" means any of the acts described in NRS 432B.100.

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

213.155 1. Except as otherwise provided in ~~subsection~~ subsections 2 ~~11~~ and 3, a person who receives a discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the right to serve as a juror in a civil action.

(b) ~~Except as otherwise provided in paragraph (c), is~~ 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 B felony involving the use of force or violence.~~

~~(2) 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 parole.~~

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

~~11~~ (d) Six years after the date of his or her 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 right to vote set forth in paragraph (b) of subsection 1 is not restored to a person who has received a discharge from parole if the person has previously been convicted in this State:

(a) Of a category A or B felony involving the use of force or violence against a child;

(b) Of an offense involving the use of force or violence against a child that would constitute a category A or B felony if committed as of the date of discharge from parole;

(c) Of an offense involving the sexual abuse of a child, punishable as a felony; or

(d) Of murder.



1 ➤ *Two years after the date that a person described in this*
2 *subsection is discharged from parole, the person may petition a*
3 *court of competent jurisdiction for an order granting the*
4 *restoration of the right to vote as set forth in paragraph (b) of*
5 *subsection 1.*

6 3. Except as otherwise provided in this subsection, the civil
7 rights set forth in *paragraphs (a), (c) and (d) of* subsection 1 are not
8 restored to a person who has received a discharge from parole if the
9 person has previously been convicted in this State:

10 (a) Of a category A felony.

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

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

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

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

24 ➤ A person described in this subsection may petition a court of
25 competent jurisdiction for an order granting the restoration of his or
26 her civil rights as set forth in *paragraphs (a), (c) and (d) of*
27 *subsection 1.*

28 ~~{3.}~~ 4. Except for a person subject to the limitations set forth in
29 ~~{subsection}~~ *subsections 2 {H} and 3*, upon his or her discharge from
30 parole, a person so discharged must be given an official document
31 which provides:

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

34 (b) That the person is restored to his or her civil rights to vote
35 and to serve as a juror in a civil action as of the ~~{applicable dates set~~
36 ~~forth in paragraphs (a), (b) and (c) of subsection 1;}~~ *date of his or*
37 *her discharge from parole;*

38 (c) The date on which his or her civil right to hold office will be
39 restored to the person pursuant to paragraph ~~{(e)}~~ *(c)* of subsection
40 1; and

41 (d) The date on which his or her civil right to serve as a juror in
42 a criminal action will be restored to the person pursuant to
43 paragraph ~~{(e)}~~ *(d)* of subsection 1.

44 ~~{4.}~~ 5. Subject to the limitations set forth in ~~{subsection}~~
45 *subsections 2 {H} and 3*, a person who has been discharged from



1 parole in this State or elsewhere and whose official documentation
2 of his or her discharge from parole is lost, damaged or destroyed
3 may file a written request with a court of competent jurisdiction to
4 restore his or her civil rights pursuant to this section. Upon
5 verification that the person has been discharged from parole and is
6 eligible to be restored to the civil rights set forth in subsection 1, the
7 court shall issue an order restoring the person to the civil rights set
8 forth in subsection 1. A person must not be required to pay a fee to
9 receive such an order.

10 ~~15.1~~ 6. A person who has been discharged from parole in this
11 State or elsewhere may present:

12 (a) Official documentation of his or her discharge from parole, if
13 it contains the provisions set forth in subsection ~~13.1~~ 4; or

14 (b) A court order restoring his or her civil rights ~~1.1~~ pursuant to
15 subsection 2 or 3,

16 ➡ as proof that the person has been restored to the civil rights set
17 forth in subsection 1 ~~1.1~~

18 ~~—6.1, as applicable.~~

19 7. The Board may adopt regulations necessary or convenient
20 for the purposes of this section.

21 8. *As used in this section, "sexual abuse of a child" means*
22 *any of the acts described in NRS 432B.100.*

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

24 213.157 1. Except as otherwise provided in ~~subsection~~
25 subsections 2 ~~1.1~~ and 3, a person convicted of a felony in the State
26 of Nevada who has served his or her sentence and has been released
27 from prison:

28 (a) Is immediately restored to the right to serve as a juror in a
29 civil action.

30 (b) ~~Except as otherwise provided in paragraph (c), is~~ Is
31 immediately restored to the right to vote.

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

35 ~~—(1) Of a category B felony involving the use of force or~~
36 ~~violence.~~

37 ~~—(2) Of an offense involving the use of force or violence that~~
38 ~~would constitute a category B felony if committed as of the date of~~
39 ~~his or her release from prison.~~

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

42 ~~1(e)~~ (d) Six years after the date of his or her release from prison,
43 is restored to the right to serve as a juror in a criminal action.

44 2. *Except as otherwise provided in this subsection, the right to*
45 *vote set forth in paragraph (b) of subsection 1 is not restored to a*



1 *person who has been released from prison if the person has*
2 *previously been convicted in this State:*

3 *(a) Of a category A or B felony involving the use of force or*
4 *violence against a child;*

5 *(b) Of an offense involving the use of force or violence against*
6 *a child that would constitute a category A or B felony if committed*
7 *as of the date of his or her release from prison;*

8 *(c) Of an offense involving the sexual abuse of a child,*
9 *punishable as a felony; or*

10 *(d) Of murder.*

11 *↪ Two years after the date that a person described in this*
12 *subsection is released from prison, the person may petition a court*
13 *of competent jurisdiction for an order granting the restoration of*
14 *the right to vote as set forth in paragraph (b) of subsection 1.*

15 3. Except as otherwise provided in this subsection, the civil
16 rights set forth in *paragraphs (a), (c) and (d) of* subsection 1 are not
17 restored to a person who has been released from prison if the person
18 has previously been convicted in this State:

19 (a) Of a category A felony.

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

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

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

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

33 *↪ A person described in this subsection may petition a court of*
34 *competent jurisdiction for an order granting the restoration of his or*
35 *her civil rights as set forth in **paragraphs (a), (c) and (d) of***
36 *subsection 1.*

37 ~~{3-}~~ 4. Except for a person subject to the limitations set forth in
38 ~~{subsection}~~ *subsections 2 ~~{-}~~ and 3*, upon his or her release from
39 prison, a person so released must be given an official document
40 which provides:

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

42 (b) That the person is restored to his or her civil rights to vote
43 and to serve as a juror in a civil action as of the ~~{applicable dates set~~
44 ~~forth in paragraphs (a), (b) and (c) of subsection 1;}~~ *date of his or*
45 *her release from prison;*



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

~~(4)~~ 5. Subject to the limitations set forth in ~~[subsection]~~ **subsections 2 and 3**, 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)~~ 6. 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; or

(b) A court order restoring his or her civil rights ~~(H)~~ **pursuant to subsection 2 or 3**,
➤ as proof that the person has been restored to the civil rights set forth in subsection 1 ~~(H)~~ **, as applicable.**

7. As used in this section, "sexual abuse of a child" means any of the acts described in NRS 432B.100.

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

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

(b) Before January 1, 2021, was discharged from probation pursuant to NRS 176A.850, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before January 1, 2021;

(c) Was not previously convicted in this State:

(1) Of a category A or B felony involving the use of force or violence against a child;

(2) Of an offense involving the use or force of violence against a child that would constitute a category A or B felony if committed as of the date of discharge from probation or parole or release from prison; or

(3) Of an offense involving sexual abuse of a child, punishable as a felony;

(d) Is not on probation or parole or serving a sentence of imprisonment on January 1, 2021; and

(e) Has not already had his or her right to vote restored,
➤ is immediately restored to the right to vote.



2. Any person residing in this State who:

(a) Before January 1, 2021:

(1) Was discharged from probation pursuant to NRS 176A.850, discharged from parole pursuant to NRS 213.155 or released from prison pursuant to NRS 213.157, as those sections existed before January 1, 2021;

(2) Was previously convicted in this State:

(I) Of a category A or B felony involving the use of force or violence against a child;

(II) Of an offense involving the use of force or violence against a child that would constitute a category A or B felony if committed as of the date of discharge from probation or parole or release from prison; or

(III) Of an offense involving sexual abuse of a child, punishable as a felony;

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

(c) Has not already had his or her right to vote restored, may, 2 years after the date on which the person was discharged from probation, discharged from parole or released from prison, as applicable, petition a court of competent jurisdiction for the right to vote.

3. As used in this section, "sexual abuse of a child" means any of the acts described in NRS 432B.100.

Sec. 5. This act becomes effective on January 1, 2021.

