

ASSEMBLY BILL NO. 219—ASSEMBLYMEN YEAGER, NGUYEN, C.H. MILLER, KRASNER, O’NEILL; BILBRAY-AXELROD, COHEN, GONZÁLEZ, HARDY, MARZOLA AND ORENTLICHER

MARCH 9, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the sealing of criminal records. (BDR 14-137)

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 criminal justice; authorizing the sealing of criminal records after a pardon; requiring the sealing of criminal records under certain circumstances; authorizing the appeal of certain petitions to seal criminal records; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law creates a comprehensive system for the sealing of criminal  
2 records. (NRS 179.2405-179.301) Under existing law there is a presumption that  
3 criminal records should be sealed when the petitioner satisfies all statutory  
4 requirements for the sealing of the records. (NRS 179.2445) This bill requires a  
5 court to seal the criminal records of a petitioner under certain circumstances and  
6 makes various other changes to provisions governing the sealing of criminal  
7 records.

8 **Section 1** of this bill requires a court and the Central Repository for Nevada  
9 Records of Criminal History to seal the criminal records of a person upon receipt of  
10 a certified copy of the unconditional pardon of the person from the State Board of  
11 Pardons Commissioners. If the recipient of the pardon files a petition to seal his or  
12 her criminal records, **section 1** requires the court to grant the petition without  
13 review by the prosecuting attorney or agency so long as the charges that were  
14 pardoned are the same as the charges requested to be sealed.

15 Existing law authorizes a court to order the sealing of criminal records if a  
16 person convicted in the court submits a petition and the prosecuting attorney  
17 stipulates to the sealing of the records. If the prosecuting attorney does not stipulate  
18 to the sealing of the criminal records, existing law requires a hearing to be  
19 conducted to determine if the records should be sealed. (NRS 179.245, 179.247)

20 **Sections 3 and 4** of this bill require a court to grant the sealing of the criminal  
21 records without a hearing if: (1) the prosecuting agency stipulates to the sealing of  
22 the records; or (2) all statutory requirements are met and the prosecuting agency



23 does not stipulate to the sealing of the records or does not file an objection to the  
24 sealing of the records. **Sections 3 and 4** require: (1) a hearing on the petition to be  
25 held to determine if the criminal records should be sealed if the prosecuting agency  
26 files a written objection; and (2) the petition to be granted if no objecting party  
27 attends the hearing.

28 Existing law authorizes a person to petition a court to seal all records relating to  
29 an arrest if: (1) the person was never prosecuted for the crime; (2) a charge was  
30 filed against the person but later dismissed; or (3) the person was acquitted of the  
31 crime. If the prosecuting attorney stipulates to the sealing of the records relating to  
32 the arrest, existing law authorizes the court to seal the records. If the prosecuting  
33 attorney does not stipulate to the sealing of the records, existing law requires a  
34 hearing to be conducted to determine if the records should be sealed. (NRS  
35 179.255) **Section 5** of this bill: (1) requires a court to grant a petition to seal all  
36 records relating to an arrest if the prosecuting agency stipulates to sealing the  
37 records or if there is no evidence that further action will be taken against the person  
38 and the person was acquitted of the crime; and (2) authorizes the court to seal all  
39 records relating to an arrest if there is no evidence that further action will be taken  
40 against the person and the person was never prosecuted for the crime or a charge  
41 was filed against the person but later dismissed. **Section 5** further requires: (1) that  
42 a hearing be conducted when a prosecuting agency files a written objection to a  
43 petition to seal the records of the arrest; and (2) the court to seal the records of the  
44 arrest pursuant to the statutory presumption favoring the sealing of records if no  
45 objecting party attends the hearing. If the prosecuting agency does not stipulate to  
46 the sealing of the records or does not file a written objection and the petitioner  
47 satisfies all statutory requirements to seal the records relating to the arrest, **section**  
48 **5** requires the court to seal the records without a hearing.

49 **Section 6** of this bill authorizes a person to appeal the denial of a petition to  
50 seal a record. **Section 7** of this bill authorizes a person to appeal the denial of a  
51 petition to seal records relating to a crime that has been decriminalized.

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

1 **Section 1.** Chapter 179 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. If a court and the Central Repository for Nevada Records*  
4 *of Criminal History receive a certified copy of an unconditional*  
5 *pardon from the State Board of Pardons Commissioners, the court*  
6 *and the Central Repository for Nevada Records of Criminal*  
7 *History shall seal all records of criminal history subject to the*  
8 *pardon.*

9 *2. If a person receives a pardon from the State Board of*  
10 *Pardons Commissioners, the person may submit a written petition,*  
11 *accompanied by proof of the pardon, to any court in which the*  
12 *person was convicted for the sealing of all records of criminal*  
13 *history in its possession and in the possession of any agency of*  
14 *criminal justice relating to the charges for which the person*  
15 *received the pardon.*



1     **3. A petition submitted to a court pursuant to this section is**  
2 **not subject to review by the prosecuting attorney or an agency of**  
3 **criminal justice.**

4     **4. The court shall grant a petition submitted to the court**  
5 **pursuant to this section unless the charges listed in the petition are**  
6 **different from the charges listed in the pardon.**

7     **5. No fee may be charged by any court or agency of criminal**  
8 **justice for the submission of a petition pursuant to this section.**

9     **Sec. 2.** NRS 179.2405 is hereby amended to read as follows:

10     179.2405 The Legislature hereby declares that the public  
11 policy of this State is to favor the giving of second chances to  
12 offenders who are rehabilitated and the sealing of the records of  
13 such persons in accordance with NRS 179.2405 to 179.301,  
14 inclusive ~~§~~, **and section 1 of this act.**

15     **Sec. 3.** NRS 179.245 is hereby amended to read as follows:

16     179.245 1. Except as otherwise provided in subsection 6 and  
17 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,  
18 201.354 and 453.3365, a person may petition the court in which the  
19 person was convicted for the sealing of all records relating to a  
20 conviction of:

21     (a) A category A felony, a crime of violence pursuant to NRS  
22 200.408 or residential burglary pursuant to NRS 205.060 after 10  
23 years from the date of release from actual custody or discharge from  
24 parole or probation, whichever occurs later;

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

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

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

35     (e) A violation of NRS 422.540 to 422.570, inclusive, a  
36 violation of NRS 484C.110 or 484C.120 other than a felony, or a  
37 battery which constitutes domestic violence pursuant to NRS 33.018  
38 other than a felony, after 7 years from the date of release from actual  
39 custody or from the date when the person is no longer under a  
40 suspended sentence, whichever occurs later;

41     (f) Except as otherwise provided in paragraph (e), if the offense  
42 is punished as a misdemeanor, a battery pursuant to NRS 200.481,  
43 harassment pursuant to NRS 200.571, stalking pursuant to NRS  
44 200.575 or a violation of a temporary or extended order for  
45 protection, after 2 years from the date of release from actual custody



1 or from the date when the person is no longer under a suspended  
2 sentence, whichever occurs later; or

3 (g) Any other misdemeanor after 1 year from the date of release  
4 from actual custody or from the date when the person is no longer  
5 under a suspended sentence, whichever occurs later.

6 2. A petition filed pursuant to subsection 1 must:

7 (a) Be accompanied by the petitioner's current, verified records  
8 received from the Central Repository for Nevada Records of  
9 Criminal History;

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

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

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

21 (1) Date of birth of the petitioner;

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

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

26 3. Upon receiving a petition pursuant to this section, the court  
27 shall notify the law enforcement agency that arrested the petitioner  
28 for the crime and the prosecuting attorney, including, without  
29 limitation, the Attorney General, who prosecuted the petitioner for  
30 the crime. The prosecuting attorney and any person having relevant  
31 evidence may testify and present evidence at any hearing on the  
32 petition.

33 4. If the prosecuting ~~attorney who~~ *agency that* prosecuted the  
34 petitioner for the crime stipulates *to the sealing of the records, the*  
35 *court shall apply the presumption set forth in NRS 179.2445 and*  
36 *seal the records. If the prosecuting agency does not stipulate* to the  
37 sealing of the records *or does not file a written objection within 30*  
38 *days* after receiving notification pursuant to subsection 3 and the  
39 court makes the findings set forth in subsection 5, the court ~~may~~  
40 *shall* order the sealing of the records in accordance with subsection  
41 5 without a hearing. If the prosecuting ~~attorney does not stipulate to~~  
42 ~~the sealing of the records,~~ *agency files a written objection,* a  
43 hearing on the petition must be conducted. *If no objecting party*  
44 *attends the hearing, the court shall apply the presumption set forth*  
45 *in NRS 179.2445 and seal the records.*



1 5. If the court finds that, in the period prescribed in subsection  
2 1, the petitioner has not been charged with any offense for which the  
3 charges are pending or convicted of any offense, except for minor  
4 moving or standing traffic violations, the court may order sealed all  
5 records of the conviction which are in the custody of any agency of  
6 criminal justice or any public or private agency, company, official  
7 or other custodian of records in the State of Nevada, and may also  
8 order all such records of the petitioner returned to the file of the  
9 court where the proceeding was commenced from, including,  
10 without limitation, the Federal Bureau of Investigation and all other  
11 agencies of criminal justice which maintain such records and which  
12 are reasonably known by either the petitioner or the court to have  
13 possession of such records.

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

16 (a) A crime against a child;

17 (b) A sexual offense;

18 (c) Invasion of the home with a deadly weapon pursuant to  
19 NRS 205.067;

20 (d) A violation of NRS 484C.110 or 484C.120 that is punishable  
21 as a felony pursuant to paragraph (c) of subsection 1 of  
22 NRS 484C.400;

23 (e) A violation of NRS 484C.430;

24 (f) A homicide resulting from driving or being in actual physical  
25 control of a vehicle while under the influence of intoxicating liquor  
26 or a controlled substance or resulting from any other conduct  
27 prohibited by NRS 484C.110, 484C.130 or 484C.430;

28 (g) A violation of NRS 488.410 that is punishable as a felony  
29 pursuant to NRS 488.427; or

30 (h) A violation of NRS 488.420 or 488.425.

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

35 8. As used in this section:

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

38 (b) "Sexual offense" means:

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

43 (2) Sexual assault pursuant to NRS 200.366.

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



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

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

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

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

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

15 (9) Incest pursuant to NRS 201.180.

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

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

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

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

23 (14) Sexual conduct between certain employees of a school  
24 or volunteers at a school and a pupil pursuant to NRS 201.540.

25 (15) Sexual conduct between certain employees of a college  
26 or university and a student pursuant to NRS 201.550.

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

29 (17) An attempt to commit an offense listed in this  
30 paragraph.

31 **Sec. 4.** NRS 179.247 is hereby amended to read as follows:

32 179.247 1. If a person has been convicted of any offense  
33 listed in subsection 2, the person may petition the court in which he  
34 or she was convicted or, if the person wishes to file more than one  
35 petition and would otherwise need to file a petition in more than one  
36 court, the district court, for an order:

37 (a) Vacating the judgment; and

38 (b) Sealing all documents, papers and exhibits in the person's  
39 record, minute book entries and entries on dockets, and other  
40 documents relating to the case in the custody of such other agencies  
41 and officers as are named in the court's order.

42 2. A person may file a petition pursuant to subsection 1 if the  
43 person was convicted of:



1 (a) A violation of NRS 201.354, for engaging in prostitution or  
2 solicitation for prostitution, provided that the person was not alleged  
3 to be a customer of a prostitute;

4 (b) A crime under the laws of this State, other than a crime of  
5 violence; or

6 (c) A violation of a county, city or town ordinance, for loitering  
7 for the purpose of solicitation or prostitution.

8 3. A petition filed pursuant to subsection 1 must satisfy the  
9 requirements of NRS 179.245.

10 4. The court may grant a petition filed pursuant to subsection 1  
11 if:

12 (a) The petitioner was convicted of a violation of an offense  
13 described in subsection 2;

14 (b) The participation of the petitioner in the offense was the  
15 result of the petitioner having been a victim of:

16 (1) Trafficking in persons as described in the Trafficking  
17 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

18 (2) Involuntary servitude as described in NRS 200.463 or  
19 200.4631; and

20 (c) The petitioner files a petition pursuant to subsection 1 with  
21 due diligence after the petitioner has ceased being a victim of  
22 trafficking or involuntary servitude or has sought services for  
23 victims of such trafficking or involuntary servitude.

24 5. Before the court decides whether to grant a petition filed  
25 pursuant to subsection 1, the court shall:

26 (a) Notify the Central Repository for Nevada Records of  
27 Criminal History, the Office of the Attorney General and each office  
28 of the district attorney and law enforcement agency in the county in  
29 which the petitioner was convicted and allow the prosecuting  
30 attorney who prosecuted the petitioner for the crime and any person  
31 to testify and present evidence on behalf of any such entity; and

32 (b) Take into consideration any reasonable concerns for the  
33 safety of the defendant, family members of the defendant or other  
34 victims that may be jeopardized by the granting of the petition.

35 6. If the prosecuting ~~attorney who~~ *agency that* prosecuted the  
36 petitioner for the crime stipulates *to vacating the judgment of the*  
37 *petitioner and sealing all documents, papers and exhibits related*  
38 *to the case, the court shall apply the presumption set forth in NRS*  
39 *179.2445, vacate the judgment and seal all documents, papers and*  
40 *exhibits related to the case. If the prosecuting agency does not*  
41 *stipulate* to vacating the judgment of the petitioner and sealing all  
42 documents, papers and exhibits related to the case *or does not file a*  
43 *written objection within 30 days* after receiving notification  
44 pursuant to subsection 5 and the court makes the findings set forth  
45 in subsection 4, the court ~~may~~ *shall* vacate the judgment and seal



1 all documents, papers and exhibits in accordance with subsection 7  
2 without a hearing. If the prosecuting ~~attorney does not stipulate to~~  
3 ~~vacating the judgment and sealing the documents, papers and~~  
4 ~~exhibits.]~~ *agency files a written objection*, a hearing on the petition  
5 must be conducted. *If no objecting party attends the hearing, the*  
6 *court shall apply the presumption set forth in NRS 179.2445,*  
7 *vacate the judgment and seal all documents, papers and exhibits*  
8 *related to the case.*

9 7. If the court grants a petition filed pursuant to subsection 1,  
10 the court shall:

11 (a) Vacate the judgment and dismiss the accusatory pleading;  
12 and

13 (b) Order sealed all documents, papers and exhibits in the  
14 petitioner's record, minute book entries and entries on dockets, and  
15 other documents relating to the case in the custody of such other  
16 agencies and officers as are named in the court's order.

17 8. If a petition filed pursuant to subsection 1 does not satisfy  
18 the requirements of NRS 179.245 or the court determines that the  
19 petition is otherwise deficient with respect to the sealing of  
20 the petitioner's record, the court may enter an order to vacate the  
21 judgment and dismiss the accusatory pleading if the petitioner  
22 satisfies all requirements necessary for the judgment to be vacated.

23 9. If the court enters an order pursuant to subsection 8, the  
24 court shall also order sealed the records of the petitioner which  
25 relate to the judgment being vacated in accordance with paragraph  
26 (b) of subsection 7, regardless of whether any records relating to  
27 other convictions are ineligible for sealing either by operation of law  
28 or because of a deficiency in the petition.

29 10. As used in this section, "crime of violence" means:

30 (a) Any offense involving the use or threatened use of force or  
31 violence against the person or property of another; or

32 (b) Any felony for which there is a substantial risk that force or  
33 violence may be used against the person or property of another in  
34 the commission of the felony.

35 **Sec. 5.** NRS 179.255 is hereby amended to read as follows:

36 179.255 1. If a person has been arrested for alleged criminal  
37 conduct and the charges are dismissed, the prosecuting attorney  
38 having jurisdiction declined prosecution of the charges or such  
39 person is acquitted of the charges, the person may petition:

40 (a) The court in which the charges were dismissed, at any time  
41 after the date the charges were dismissed;

42 (b) The court having jurisdiction in which the charges were  
43 declined for prosecution:

44 (1) Any time after the applicable statute of limitations has  
45 run;



1 (2) Any time 8 years after the arrest; or

2 (3) Pursuant to a stipulation between the parties; or

3 (c) The court in which the acquittal was entered, at any time  
4 after the date of the acquittal,

5 ↪ for the sealing of all records relating to the arrest and the  
6 proceedings leading to the dismissal, declination or acquittal.

7 2. If the conviction of a person is set aside pursuant to NRS  
8 458A.240, the person may petition the court that set aside the  
9 conviction, at any time after the conviction has been set aside, for  
10 the sealing of all records relating to the setting aside of the  
11 conviction.

12 3. A petition filed pursuant to subsection 1 or 2 must:

13 (a) Be accompanied by the petitioner's current, verified records  
14 received from the Central Repository for Nevada Records of  
15 Criminal History;

16 (b) Except as otherwise provided in paragraph (c), include the  
17 disposition of the proceedings for the records to be sealed;

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

22 (d) Include a list of any other public or private agency,  
23 company, official and other custodian of records that is reasonably  
24 known to the petitioner to have possession of records of the arrest  
25 and of the proceedings leading to the dismissal, declination or  
26 acquittal and to whom the order to seal records, if issued, will be  
27 directed; and

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

31 (1) Date of birth of the petitioner;

32 (2) Specific charges that were dismissed or of which the  
33 petitioner was acquitted; and

34 (3) Date of arrest relating to the specific charges that were  
35 dismissed or of which the petitioner was acquitted.

36 4. Upon receiving a petition pursuant to subsection 1, the court  
37 shall notify the law enforcement agency that arrested the petitioner  
38 for the crime and:

39 (a) If the charges were dismissed, declined for prosecution or the  
40 acquittal was entered in a district court or justice court, the  
41 prosecuting attorney for the county; or

42 (b) If the charges were dismissed, declined for prosecution or  
43 the acquittal was entered in a municipal court, the prosecuting  
44 attorney for the city.



1 ↪ The prosecuting attorney and any person having relevant  
2 evidence may testify and present evidence at any hearing on the  
3 petition.

4 5. Upon receiving a petition pursuant to subsection 2, the court  
5 shall notify:

6 (a) If the conviction was set aside in a district court or justice  
7 court, the prosecuting attorney for the county; or

8 (b) If the conviction was set aside in a municipal court, the  
9 prosecuting attorney for the city.

10 ↪ The prosecuting attorney and any person having relevant  
11 evidence may testify and present evidence at any hearing on the  
12 petition.

13 6. If the prosecuting ~~attorney~~ *agency that prosecuted or*  
14 *declined to prosecute the petitioner for the crime stipulates to the*  
15 *sealing of the records, the court shall apply the presumption set*  
16 *forth in NRS 179.2445 and seal the records. If the prosecuting*  
17 *agency does not stipulate* to the sealing of the records *or does not*  
18 *file a written objection within 30 days* after receiving notification  
19 pursuant to subsection 4 or 5 and the court makes the findings set  
20 forth in subsection 7 or 8, as applicable, the court ~~may~~ *shall* order  
21 the sealing of the records in accordance with subsection 7 or 8, as  
22 applicable, without a hearing. If the prosecuting ~~attorney does not~~  
23 ~~stipulate to the sealing of the records,~~ *agency files a written*  
24 *objection to a petition*, a hearing on the petition must be conducted.  
25 *If no objecting party attends the hearing, the court shall apply the*  
26 *presumption set forth in NRS 179.2445 and seal the records.*

27 7. If the court finds ~~that~~ :

28 (a) ~~That~~ there has been an acquittal ~~[, that the prosecution was~~  
29 ~~declined or that the charges were dismissed]~~ and there is no  
30 evidence that further action will be brought against the person, the  
31 court ~~may~~ *shall* order sealed all records of the arrest and of the  
32 proceedings leading to the acquittal ~~[, declination or dismissal]~~  
33 which are in the custody of any agency of criminal justice or any  
34 public or private company, agency, official or other custodian of  
35 records in the State of Nevada ~~[,]~~ ; *or*

36 (b) *That prosecution was declined or that the charges were*  
37 *dismissed and there is no evidence that further action will be*  
38 *brought against the person, the court may order sealed all records*  
39 *of the arrest and of the proceedings leading to the declination or*  
40 *dismissal which are in the custody of any agency of criminal*  
41 *justice or any public or private company, agency, official or other*  
42 *custodian of records in the State of Nevada.*

43 8. If the court finds that the conviction of the petitioner was set  
44 aside pursuant to NRS 458A.240, the court may order sealed all  
45 records relating to the setting aside of the conviction which are in



1 the custody of any agency of criminal justice or any public or  
2 private company, agency, official or other custodian of records in  
3 the State of Nevada.

4 9. If the prosecuting attorney having jurisdiction previously  
5 declined prosecution of the charges and the records of the arrest  
6 have been sealed pursuant to subsection 7, the prosecuting attorney  
7 may subsequently file the charges at any time before the running of  
8 the statute of limitations for those charges. If such charges are filed  
9 with the court, the court shall order the inspection of the records  
10 without the prosecuting attorney having to petition the court  
11 pursuant to NRS 179.295.

12 **Sec. 6.** NRS 179.265 is hereby amended to read as follows:

13 179.265 1. A person whose petition is denied under NRS  
14 179.245 or 179.255 may petition for a rehearing not sooner than 2  
15 years after the denial of the previous petition.

16 2. ~~No person may petition for more than two rehearings.~~ *A*  
17 *person whose petition is denied may file an appeal.*

18 **Sec. 7.** NRS 179.271 is hereby amended to read as follows:

19 179.271 1. Except as otherwise provided in this section, if an  
20 offense is decriminalized:

21 (a) Any person who was convicted of that offense before the  
22 date on which the offense was decriminalized may submit a written  
23 request to any court in which the person was convicted of that  
24 offense for the sealing of any record of criminal history in its  
25 possession and in the possession of any agency of criminal justice  
26 relating to the conviction.

27 (b) Upon receipt of a request pursuant to paragraph (a), the court  
28 shall, as soon as practicable, send written notice of the request to the  
29 office of the prosecuting attorney that prosecuted the offense. If  
30 the office of the prosecuting attorney objects to the granting of the  
31 request, a written objection to the request must be filed with  
32 the court within 10 judicial days after the date on which notice of  
33 the request was received. If no written objection to the request is  
34 filed, the court shall grant the request. If a written objection to the  
35 request is filed, the court must hold a hearing on the request. At the  
36 hearing, the court shall grant the request unless the prosecuting  
37 attorney establishes, by clear and convincing evidence, that there is  
38 good cause not to grant the request. The decision of the court to  
39 ~~grant or~~ deny the request is ~~not~~ subject to appeal.

40 2. No fee may be charged by any court or agency of criminal  
41 justice for the submission of a request pursuant to this section.

42 3. The provisions of this section do not apply to a traffic  
43 offense.

44 4. As used in this section:



1 (a) "Decriminalized" means that an offense is no longer  
2 punishable as a crime as the result of enactment of an act of the  
3 Legislature or the passage of a referendum petition or initiative  
4 petition pursuant to Article 19 of the Nevada Constitution.

5 (b) "Traffic offense" means a violation of any state or local law  
6 or ordinance governing the operation of a motor vehicle upon any  
7 highway within this State.

⑩

