

ASSEMBLY BILL NO. 401—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

**SUMMARY**—Directs the Advisory Commission on the Administration of Justice to appoint a subcommittee to study records of criminal history. (BDR S-1027)

**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 criminal justice; requiring the Advisory Commission on the Administration of Justice to appoint a subcommittee to conduct an interim study concerning the sealing or expungement of records of criminal history; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Advisory Commission on the Administration of Justice and directs the Advisory Commission, among other duties, to evaluate and study the elements of this State's system of criminal justice. (NRS 176.0123, 176.0125) This bill requires the Advisory Commission to appoint a subcommittee to conduct an interim study concerning the sealing or expungement of records of criminal history. This bill also requires the subcommittee to: (1) make recommendations concerning its findings; and (2) report the results of the study and its recommendations to the Advisory Commission.

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

- Section 1.** 1. The Advisory Commission on the Administration of Justice created by NRS 176.0123 shall appoint a subcommittee to conduct an interim study concerning the sealing or expungement of records of criminal history, and shall make a report thereof.
2. The study and report must include, without limitation:
- (a) An evaluation of:



(1) The types of records of criminal history currently eligible for sealing in this State;

(2) The current procedures in this State relating to petitioning for the sealing of records of criminal history, including, without limitation, any requirement for:

(I) An offender to wait a certain period of time from the date of his or her release from custody or discharge from parole or probation before filing such a petition;

(II) An offender to reach a certain age before filing the petition; and

(III) The petition to include supporting documents or records;

(3) The persons and entities currently involved in the sealing of records of criminal history in this State;

(4) The internal processes used by the persons and entities described in subparagraph (3) to seal records of criminal history;

(5) The deadlines currently imposed on the persons and entities described in subparagraph (3) for the sealing of records of criminal history;

(6) The current authority of the persons and entities described in subparagraph (3) to charge fees for the sealing of records of criminal history and the amount of fees charged by the persons or entities;

(7) The applicability of the current procedures in this State for the sealing of records of criminal history to records which are posted on Internet websites, social media or otherwise possessed by third parties; and

(8) The systems and procedures used by other states to seal or expunge records of criminal history.

(b) Recommendations regarding, without limitation, necessary statutory changes relating to the sealing or expungement of records of criminal history, and any fiscal impact or retroactive application of a recommendation.

3. The subcommittee shall submit a report of the results of the study and any recommendations for legislation to the full Advisory Commission not later than September 1, 2022.

**Sec. 2.** This act becomes effective upon passage and approval.

