

ASSEMBLY BILL NO. 401—COMMITTEE ON JUDICIARY

MARCH 25, 2021

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Referred to Committee on Judiciary

SUMMARY—Directs the Legislative Commission to appoint a committee to study the sealing or expungement of 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.

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AN ACT relating to criminal justice; directing the Legislative Commission to appoint a committee 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:**

1 This bill directs the Legislative Commission to appoint a committee to conduct  
2 an interim study concerning the sealing or expungement of records of criminal  
3 history.

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

1 **Section 1.** 1. The Legislative Commission shall appoint a  
2 committee to conduct an interim study concerning the sealing or  
3 expungement of records of criminal history.

4 2. The committee must be composed of six Legislators as  
5 follows:

6 (a) Two members appointed by the Majority Leader of the  
7 Senate;

8 (b) Two members appointed by the Speaker of the Assembly;

9 (c) One member appointed by the Minority Leader of the  
10 Senate; and

11 (d) One member appointed by the Minority Leader of the  
12 Assembly.



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3. The study 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.

4. Any recommended legislation proposed by the committee must be approved by a majority of the members of the Senate and a majority of the members of the Assembly appointed to the committee.

5. The Legislative Commission shall submit a report of the results of the study, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the 82nd Session of the Nevada Legislature.



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

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