

Amendment No. 147

Assembly Amendment to Assembly Bill No. 401	(BDR S-1027)
<b>Proposed by:</b> Assembly Committee on Judiciary	
<b>Amends:</b> Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not <input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

BAW



Date: 4/8/2021

A.B. No. 401—Directs the Advisory Commission on the Administration of Justice to appoint a subcommittee to study records of criminal history.  
(BDR S-1027)





## ASSEMBLY BILL NO. 401—COMMITTEE ON JUDICIARY

MARCH 25, 2021

Referred to Committee on Judiciary

SUMMARY—Directs the ~~{Advisory}~~ **Legislative** Commission ~~{on the Administration of Justice}~~ to appoint a ~~{subcommittee}~~ **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.

AN ACT relating to criminal justice; ~~{requiring}~~ **directing** the ~~{Advisory}~~ **Legislative** Commission ~~{on the Administration of Justice to appoint a subcommittee}~~ 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:**

~~{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} directs the {Advisory} **Legislative** Commission to appoint a {subcommittee} **committee** 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}~~ **Legislative** Commission ~~{on the Administration of Justice created by NRS 176.0123}~~ shall appoint a ~~{subcommittee}~~ **committee** to conduct an interim study concerning the sealing or expungement of records of criminal history. ~~{, and shall make a report thereof.}~~

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

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

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

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

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

3. The study ~~{and report}~~ must include, without limitation:

(a) An evaluation of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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