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Office of the Governor

June 16, 2023

The Honorable Francisco Aguilar
Nevada Secretary of State
101 North Carson Street
Carson City, Nevada 89701

Re: Assembly Bill 160 of the 82nd Legislative Session

Dear Secretary of State Aguilar:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 160 ("AB 160"), which is titled as follows:

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence; authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; making appropriations; and providing other matters properly relating thereto.

Currently, the Nevada Supreme Court has recognized criminal record sealing as an act of judicial grace that is only appropriate when the offender demonstrates rehabilitation. This requires an offender to submit: 1) a petition for sealing; and 2) a copy of their criminal history from the FBI. The waiting periods for processing sealing documents were drastically shortened in 2019 and it is already a heavy burden for prosecutor's offices to review and evaluate these petitions.

Instead of petitioning for sealing, this bill would require the Department of Public Safety to provide an auto-generated list containing the names of anyone convicted of a misdemeanor or certain felony drug offenses. This would, again, dramatically increase the workload on prosecuting offices which generally have a select group of staff dedicated to the time-intensive task of processing these requests. Finally, the bill removes the requirement that a hearing be conducted if the prosecuting office does not stipulate to the record-sealing, effectively making any opportunity to object to sealing functionally meaningless.

Since this bill increases the likelihood that offenders will have their records sealed even if they shouldn't be, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,



JOE LOMBARDO
Governor of Nevada

Enclosure

cc: The Honorable Stavros Anthony, President of the Senate (without enclosure)
The Honorable Nicole Cannizzaro, Senate Majority Leader (without enclosure)
The Honorable Steve Yeager, Speaker of the Assembly (without enclosure)
Brendan Bucy, Secretary of the Senate (without enclosure)
Susan Furlong, Chief Clerk of the Assembly (without enclosure)
Brenda Erdoes, Esq., Legislative Counsel Bureau, Director (without enclosure)
Bryan Fernley, Esq., Legislative Counsel (without enclosure)