

ASSEMBLY BILL NO. 175—ASSEMBLYMEMBER HIBBETTS

PREFILED FEBRUARY 2, 2025

Referred to Committee on Growth and Infrastructure

SUMMARY—Revises provisions relating to public safety.
(BDR 43-162)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
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 public safety; revising the penalties for a person who drives a motor vehicle or commercial motor vehicle while under the influence of alcohol or certain other substances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from operating a motor vehicle or commercial motor vehicle while under the influence of alcohol or certain other substances. (NRS 484C.110, 484C.120) Except in certain circumstances where a greater penalty applies, a person who violates such existing law is subject to a penalty based upon the number of offenses committed within a period of 7 years. (NRS 484C.400) **Section 2** of this bill increases this period from 7 years to 10 years. The remaining sections of this bill make conforming changes to reflect the change in **section 2**.

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

Section 1. NRS 483.460 is hereby amended to read as follows:
483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:



(a) For a period of 185 days, if the offense is a first violation within ~~7~~ 10 years of NRS 484C.110 or 484C.120.

(b) For a period of 1 year if the offense is:

(1) Except as otherwise provided in paragraph (c), any manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle crash resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within ~~7~~ 10 years of NRS 484C.110 or 484C.120.

(6) A violation of NRS 484B.550.

(c) For a period of 3 years if the offense is:

(1) A first violation of driving without an ignition interlock device or tampering with an ignition interlock device pursuant to subsection 2 of NRS 484C.470 and the driver is not eligible for a restricted license or an ignition interlock privilege during any of that period.

(2) A violation of subsection 9 of NRS 484B.653.

(3) A third or subsequent violation within ~~7~~ 10 years of NRS 484C.110 or 484C.120.

(4) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

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

➤ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(d) For a period of 5 years if the offense is a second or subsequent violation of driving without an ignition interlock device



1 or tampering with an ignition interlock device pursuant to
2 subsection 2 of NRS 484C.470 and the driver is not eligible for a
3 restricted license or an ignition interlock privilege during any of that
4 period.

5 2. The Department shall revoke the license, permit or privilege
6 of a driver convicted of violating NRS 484C.110 or 484C.120 who
7 fails to complete the educational course on the use of alcohol and
8 controlled substances within the time ordered by the court and shall
9 add a period of 90 days during which the driver is not eligible for a
10 license, permit or privilege to drive.

11 3. When the Department is notified by a court that a person
12 who has been convicted of a first violation within ~~7~~ 10 years of
13 NRS 484C.110 has been permitted to enter a program of treatment
14 pursuant to NRS 484C.320, the Department shall reduce by one-half
15 the period during which the person is not eligible for a license,
16 permit or privilege to drive, but shall restore that reduction in time if
17 notified that the person was not accepted for or failed to complete
18 the treatment.

19 4. In addition to any other requirements set forth by specific
20 statute, if the Department is notified that a court has ordered the
21 revocation, suspension or delay in the issuance of a license pursuant
22 to title 5 of NRS, NRS 206.330 or 392.148, chapters 484A to 484E,
23 inclusive, of NRS or any other provision of law, the Department
24 shall take such actions as are necessary to carry out the court's
25 order.

26 **Sec. 2.** NRS 484C.400 is hereby amended to read as follows:

27 484C.400 1. Unless a greater penalty is provided pursuant to
28 NRS 484C.430 or 484C.440, and except as otherwise provided in
29 NRS 484C.394 or 484C.410, a person who violates the provisions
30 of NRS 484C.110 or 484C.120:

31 (a) For the first offense within ~~7~~ 10 years, is guilty of a
32 misdemeanor. Unless the person is allowed to undergo treatment as
33 provided in NRS 484C.320, the court shall:

34 (1) Except as otherwise provided in subparagraph (4) of this
35 paragraph or subsection 3 of NRS 484C.420, order the person to pay
36 tuition for an educational course on alcohol or other substance use
37 disorders approved by the Department and complete the course
38 within the time specified in the order, and the court shall notify the
39 Department if the person fails to complete the course within the
40 specified time;

41 (2) Unless the sentence is reduced pursuant to
42 NRS 484C.320:

43 (I) Sentence the person to imprisonment for not less than
44 2 days nor more than 6 months in jail or residential confinement for



not less than 2 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive; or

(II) Order the person to perform not less than 48 hours, but not more than 96 hours, of community service;

(3) Fine the person not less than \$400 nor more than \$1,000; and

(4) If the person is found to have a concentration of alcohol of 0.18 or more in his or her blood or breath, order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.

(b) For a second offense within ~~7~~ 10 years, is guilty of a misdemeanor. Unless the sentence is reduced pursuant to NRS 484C.330, the court shall:

(1) Sentence the person to:

(I) Imprisonment for not less than 10 days nor more than 6 months in jail; or

(II) Residential confinement for not less than 10 days nor more than 6 months, in the manner provided in NRS 4.376 to 4.3766, inclusive, or 5.0755 to 5.078, inclusive;

(2) Fine the person not less than \$750 nor more than \$1,000, or order the person to perform an equivalent number of hours of community service; and

(3) Order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360.

↪ A person who willfully fails or refuses to complete successfully a term of residential confinement or a program of treatment ordered pursuant to this paragraph is guilty of a misdemeanor.

(c) Except as otherwise provided in NRS 484C.340, for a third offense within ~~7~~ 10 years, is guilty of a category B felony and the court:

(1) Shall:

(I) Sentence the person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; and

(II) Fine the person not less than \$2,000 nor more than \$5,000; and

(2) May order the person to attend a program of treatment for an alcohol or other substance use disorder pursuant to the provisions of NRS 484C.360 if the results of an evaluation conducted pursuant to NRS 484C.300 indicate that the person has an alcohol or other substance use disorder and that the person can be treated successfully for his or her condition.

↪ An offender who is imprisoned pursuant to the provisions of this paragraph must, insofar as practicable, be segregated from offenders



1 whose crimes were violent and, insofar as practicable, be assigned
2 to an institution or facility of minimum security.

3 2. An offense that occurred within ~~7~~ 10 years immediately
4 preceding the date of the principal offense or after the principal
5 offense constitutes a prior offense for the purposes of this section:

6 (a) When evidenced by a conviction; or

7 (b) If the offense is conditionally dismissed or the judgment of
8 conviction is set aside pursuant to NRS 176A.240, 176A.260 or
9 176A.290 or dismissed in connection with successful completion of
10 a diversionary program or specialty court program,

11 ➤ without regard to the sequence of the offenses and convictions.
12 The facts concerning a prior offense must be alleged in the
13 complaint, indictment or information, must not be read to the jury or
14 proved at trial but must be proved at the time of sentencing and, if
15 the principal offense is alleged to be a felony, must also be shown at
16 the preliminary examination or presented to the grand jury.

17 3. A term of confinement imposed pursuant to the provisions
18 of this section may be served intermittently at the discretion of the
19 judge or justice of the peace, except that a person who is convicted
20 of a second or subsequent offense within ~~7~~ 10 years must be
21 confined for at least one segment of not less than 48 consecutive
22 hours. This discretion must be exercised after considering all the
23 circumstances surrounding the offense, and the family and
24 employment of the offender, but any sentence of 30 days or less
25 must be served within 6 months after the date of conviction or, if the
26 offender was sentenced pursuant to NRS 484C.320 or 484C.330 and
27 the suspension of his or her sentence was revoked, within 6 months
28 after the date of revocation. Any time for which the offender is
29 confined must consist of not less than 24 consecutive hours.

30 4. Jail sentences simultaneously imposed pursuant to this
31 section and NRS 482.456, 483.560, 484C.410 or 485.330 must run
32 consecutively.

33 5. If the defendant was transporting a person who is less than
34 15 years of age in the motor vehicle at the time of the violation, the
35 court shall consider that fact as an aggravating factor in determining
36 the sentence of the defendant.

37 6. For the purpose of determining whether one offense occurs
38 within ~~7~~ 10 years of another offense, any period of time between
39 the two offenses during which, for any such offense, the offender is
40 imprisoned, serving a term of residential confinement, placed under
41 the supervision of a treatment provider, on parole or on probation
42 must be excluded.

43 7. As used in this section, unless the context otherwise
44 requires, "offense" means:

45 (a) A violation of NRS 484C.110, 484C.120 or 484C.430;



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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 3. NRS 484C.410 is hereby amended to read as follows:

484C.410 1. Unless a greater penalty is provided in NRS 484C.440, a person who has previously been convicted of:

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

(b) A violation of NRS 484C.430;

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

(d) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a), (b) or (c); or

(e) A violation of NRS 484C.110 or 484C.120 that is punishable pursuant to paragraph (c) of subsection 1 of NRS 484C.400 that was reduced from a felony pursuant to NRS 484C.340,

and who violates the provisions of NRS 484C.110 or 484C.120 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000 nor more than \$5,000. An offender so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. An offense which is listed in paragraphs (a) to (e), inclusive, of subsection 1 that occurred on any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard for the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

3. A term of confinement imposed pursuant to the provisions of this section may be served intermittently at the discretion of the



judge or justice of the peace, except that a person who is convicted of a second or subsequent offense within ~~7~~ 10 years must be confined for at least one segment of not less than 48 consecutive hours. This discretion must be exercised after considering all the circumstances surrounding the offense, and the family and employment of the offender, but any sentence of 30 days or less must be served within 6 months after the date of conviction or, if the offender was sentenced pursuant to NRS 484C.320 or 484C.330 and the suspension of offender's sentence was revoked, within 6 months after the date of revocation. Any time for which the offender is confined must consist of not less than 24 consecutive hours.

4. Jail sentences simultaneously imposed pursuant to this section and NRS 482.456, 483.560, 484C.400 or 485.330 must run consecutively.

5. If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.

6. For the purpose of determining whether one offense occurs within ~~7~~ 10 years of another offense, any period of time between the two offenses during which, for any such offense, the offender is imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation must be excluded.

7. As used in this section, unless the context otherwise requires, "offense" means:

(a) A violation of NRS 484C.110, 484C.120 or 484C.430;

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

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b).

Sec. 4. NRS 484C.460 is hereby amended to read as follows:

484C.460 1. Except as otherwise provided in subsections 2 and 5, a court shall order a person to install, at his or her own expense, an ignition interlock device in any motor vehicle which the person operates as a condition to obtaining an ignition interlock privilege pursuant to NRS 483.490 to reinstate the driving privilege of the person:

(a) For a period of 185 days if the person is convicted of a first violation within ~~7~~ 10 years of NRS 484C.110.

(b) For a period of 1 year if the person is convicted of a second violation within ~~7~~ 10 years of NRS 484C.110.



(c) For a period of 3 years if the person is convicted of:

(1) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to NRS 484C.400 or 484C.410; or

(2) A violation of NRS 484C.130 or 484C.430.

2. A court may provide for an exception to the provisions of subsection 1 for a person who is convicted of a violation of NRS 484C.110 that is punishable pursuant to paragraph (a) of subsection 1 of NRS 484C.400, if the court determines that:

(a) The person is unable to provide a deep lung breath sample for analysis by an ignition interlock device, as certified in writing by a physician or an advanced practice registered nurse of the person; or

(b) The person resides more than 100 miles from a manufacturer of an ignition interlock device or its agent.

3. If the court orders a person to install an ignition interlock device pursuant to subsection 1:

(a) The court shall immediately prepare and transmit a copy of its order to the Director. The order must include a statement that an ignition interlock device is required and the specific period for which it is required. The Director shall cause this information to be incorporated into the records of the Department and noted on the person's ignition interlock privilege.

(b) The person who is required to install the ignition interlock device shall provide proof of compliance to the Department before the person may receive an ignition interlock privilege. Each model of an ignition interlock device installed pursuant to this section must have been certified by the Department of Public Safety.

4. A person who obtains an ignition interlock privilege pursuant to this section or NRS 483.490 shall have the ignition interlock device inspected, calibrated, monitored and maintained by the manufacturer of the ignition interlock device or its agent at least one time each 90 days during the period in which the person is required to use the ignition interlock device to determine whether the ignition interlock device is operating properly. Any inspection, calibration, monitoring or maintenance required pursuant to this subsection must be conducted in accordance with regulations adopted pursuant to NRS 484C.480. The manufacturer or its agent shall submit a report to the Director of the Department of Public Safety indicating whether any of the incidents listed in subsection 1 of NRS 484C.470 have occurred and whether the ignition interlock device has been tampered with. Before the court imposes a penalty pursuant to subsection 3 of NRS 484C.470, the court shall afford any interested party an opportunity for a hearing after reasonable notice.



5. If a person is required to operate a motor vehicle in the course and scope of his or her employment and the motor vehicle is owned by the person's employer, the person may operate that vehicle without the installation of an ignition interlock device, if:

(a) The employee notifies his or her employer that the employee has been issued an ignition interlock privilege; and

(b) The employee has proof of that notification in his or her possession or the notice, or a facsimile copy thereof, is with the motor vehicle.

➤ This exemption does not apply to a motor vehicle owned by a business which is all or partly owned or controlled by the person otherwise subject to this section.

6. The running of the period during which a person is required to have an ignition interlock device installed pursuant to this section commences when the Department issues an ignition interlock privilege to the person and is tolled whenever and for as long as the person is, with regard to a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, imprisoned, serving a term of residential confinement, placed under the supervision of a treatment provider, on parole or on probation.

Sec. 5. NRS 484C.520 is hereby amended to read as follows:

484C.520 1. If a person is convicted of a second or subsequent violation of NRS 484C.110, 484C.120 or 484C.430 within ~~7~~ 10 years or a violation of NRS 484C.130, the court shall issue an order directing the Department to suspend the registration of each motor vehicle that is registered to or owned by the person for 5 days.

2. If a court issues an order directing the Department to suspend the registration of a motor vehicle pursuant to subsection 1, the court shall forward a copy of the order to the Department within 5 days after issuing the order. The order must include, without limitation, information concerning each motor vehicle that is registered to or owned by the person, including, without limitation, the registration number of the motor vehicle, if such information is available.

3. A court shall provide for limited exceptions to the provisions of subsection 1 on an individual basis to avoid undue hardship to a person other than the person to whom that provision applies. Such an exception must be provided if the court determines that:

(a) A member of the immediate family of the person whose registration is suspended needs to use the motor vehicle:

(1) To travel to or from work or in the course and scope of his or her employment;



(2) To obtain medicine, food or other necessities or to obtain health care services for the person or another member of the person's immediate family; or

(3) To transport the person or another member of the person's immediate family to or from school; or

(b) An alternative means of transportation is not available to a member of the immediate family of the person whose registration is suspended.

Sec. 6. NRS 4.3762 is hereby amended to read as follows:

4.3762 1. Except as otherwise provided in subsection 7, in lieu of imposing any punishment other than a minimum sentence required by statute, a justice of the peace may sentence a person convicted of a misdemeanor to a term of residential confinement. In making this determination, the justice of the peace shall consider the criminal record of the convicted person and the seriousness of the crime committed.

2. In sentencing a convicted person to a term of residential confinement, the justice of the peace shall:

(a) Require the convicted person to be confined to his or her residence during the time the convicted person is away from his or her employment, public service or other activity authorized by the justice of the peace; and

(b) Require enhanced supervision of the convicted person, including, without limitation, electronic surveillance and unannounced visits to his or her residence or other locations where the convicted person is expected to be to determine whether the convicted person is complying with the terms of his or her sentence.

3. In sentencing a convicted person to a term of residential confinement, the justice of the peace may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or



1 prohibited area or his or her departure from a specified geographic
2 location. A device which is capable of recording or transmitting:

3 (a) Oral or wire communications or any auditory sound; or

4 (b) Information concerning the activities of the person,

5 ↪ must not be used.

6 5. An electronic device must be used in the manner set forth in
7 subsection 4 to supervise a person who is sentenced pursuant to
8 paragraph (b) of subsection 1 of NRS 484C.400 for a second
9 violation within ~~7~~ 10 years of driving under the influence of
10 intoxicating liquor or a controlled substance.

11 6. A term of residential confinement, together with the term of
12 any minimum sentence required by statute, may not exceed the
13 maximum sentence which otherwise could have been imposed for
14 the offense.

15 7. The justice of the peace shall not sentence a person
16 convicted of committing a battery which constitutes domestic
17 violence pursuant to NRS 33.018 to a term of residential
18 confinement in lieu of imprisonment unless the justice of the peace
19 makes a finding that the person is not likely to pose a threat to the
20 victim of the battery.

21 8. The justice of the peace may issue a warrant for the arrest of
22 a convicted person who violates or fails to fulfill a condition of
23 residential confinement.

24 **Sec. 7.** NRS 5.076 is hereby amended to read as follows:

25 5.076 1. Except as otherwise provided in subsection 7, in lieu
26 of imposing any punishment other than a minimum sentence
27 required by statute, a municipal judge may sentence a person
28 convicted of a misdemeanor to a term of residential confinement. In
29 making this determination, the municipal judge shall consider the
30 criminal record of the convicted person and the seriousness of the
31 crime committed.

32 2. In sentencing a convicted person to a term of residential
33 confinement, the municipal judge shall:

34 (a) Require the convicted person to be confined to his or her
35 residence during the time the convicted person is away from his or
36 her employment, public service or other activity authorized by the
37 municipal judge; and

38 (b) Require enhanced supervision of the convicted person,
39 including, without limitation, electronic surveillance and
40 unannounced visits to his or her residence or other locations where
41 the convicted person is expected to be in order to determine whether
42 the convicted person is complying with the terms of his or her
43 sentence.



3. In sentencing a convicted person to a term of residential confinement, the municipal judge may, when the circumstances warrant, require the convicted person to submit to:

(a) A search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and

(b) Periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.

4. Except as otherwise provided in subsection 5, an electronic device may be used to supervise a convicted person sentenced to a term of residential confinement. The device may be capable of using the Global Positioning System, but must be minimally intrusive and limited in capability to recording or transmitting information concerning the location of the person, including, but not limited to, the transmission of still visual images which do not concern the activities of the person, and producing, upon request, reports or records of the person's presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location. A device which is capable of recording or transmitting:

(a) Oral or wire communications or any auditory sound; or

(b) Information concerning the activities of the person,
↪ must not be used.

5. An electronic device must be used in the manner set forth in subsection 4 to supervise a person who is sentenced pursuant to paragraph (b) of subsection 1 of NRS 484C.400 for a second violation within ~~14~~ 10 years of driving under the influence of intoxicating liquor or a controlled substance.

6. A term of residential confinement, together with the term of any minimum sentence required by statute, may not exceed the maximum sentence which otherwise could have been imposed for the offense.

7. The municipal judge shall not sentence a person convicted of committing a battery which constitutes domestic violence pursuant to NRS 33.018 to a term of residential confinement in lieu of imprisonment unless the municipal judge makes a finding that the person is not likely to pose a threat to the victim of the battery.

8. The municipal judge may issue a warrant for the arrest of a convicted person who violates or fails to fulfill a condition of residential confinement.

Sec. 8. NRS 176A.245 is hereby amended to read as follows:

176A.245 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.240, the court shall order sealed all documents, papers and exhibits in the defendant's record, minute



book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The court shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of :

(a) NRS 200.485 ~~1-484C.110 or 484C.120~~ and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.240, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant ~~1-1~~; or

(b) NRS 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.240, not sooner than 10 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant,

↳ the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the court orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.240, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

Sec. 9. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the district court, justice court or municipal court, as applicable, shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The district court, justice court or municipal court, as applicable, shall order those records



1 sealed without a hearing unless the Division petitions the court, for
2 good cause shown, not to seal the records and requests a hearing
3 thereon.

4 2. If the defendant is charged with a violation of :

5 (a) NRS 200.485 ~~1, 484C.110 or 484C.120~~ and the charges are
6 conditionally dismissed or the judgment of conviction is set aside as
7 provided in NRS 176A.260, not sooner than 7 years after the
8 charges are conditionally dismissed or the judgment of conviction is
9 set aside and upon the filing of a petition by the defendant ~~1~~;

10 (b) *NRS 484C.110 or 484C.120 and the charges are*
11 *conditionally dismissed or the judgment of conviction is set aside*
12 *as provided in NRS 176A.260, not sooner than 10 years after the*
13 *charges are conditionally dismissed or the judgment of conviction*
14 *is set aside and upon the filing of a petition by the defendant,*

15 *the justice court, municipal court or district court, as applicable,*
16 *shall order that all documents, papers and exhibits in the defendant's*
17 *record, minute book entries and entries on dockets, and other*
18 *documents relating to the case in the custody of such other agencies*
19 *and officers as are named in the court's order be sealed. The justice*
20 *court, municipal court or district court, as applicable, shall order*
21 *those records sealed without a hearing unless the Division petitions*
22 *the court, for good cause shown, not to seal the records and requests*
23 *a hearing thereon.*

24 3. If the district court, justice court or municipal court, as
25 applicable, orders sealed the record of a defendant who is
26 discharged from probation, whose case is dismissed, whose charges
27 were conditionally dismissed or whose judgment of conviction was
28 set aside pursuant to NRS 176A.260, the court shall send a copy of
29 the order to each agency or officer named in the order. Each such
30 agency or officer shall notify the district court, justice court or
31 municipal court, as applicable, in writing of its compliance with the
32 order.

33 **Sec. 10.** NRS 176A.295 is hereby amended to read as follows:

34 176A.295 1. Except as otherwise provided in subsection 2,
35 after a defendant is discharged from probation or a case is dismissed
36 pursuant to NRS 176A.290, the justice court, municipal court or
37 district court, as applicable, shall order sealed all documents, papers
38 and exhibits in the defendant's record, minute book entries and
39 entries on dockets, and other documents relating to the case in the
40 custody of such other agencies and officers as are named in the
41 court's order if the defendant fulfills the terms and conditions
42 imposed by the court and the Division. The justice court, municipal
43 court or district court, as applicable, shall order those records sealed
44 without a hearing unless the Division petitions the court, for good
45 cause shown, not to seal the records and requests a hearing thereon.



2. If the defendant is charged with a violation of :

(a) NRS 200.485 ~~484C.110 or 484C.120~~ and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.290, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant ~~H~~; or

(b) *NRS 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 10 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant,*

↳ the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the justice court, municipal court or district court, as applicable, orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.290, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the justice court, municipal court or district court, as applicable, in writing of its compliance with the order.

Sec. 11. NRS 179.245 is hereby amended to read as follows:

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

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

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



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

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

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

(f) *A violation of NRS 484C.110 or 484C.120 other than a felony, after 10 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;*

(g) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

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

2. A petition filed pursuant to subsection 1 must:

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

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

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

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

(1) Date of birth of the petitioner;

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



(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain; and

(e) If applicable, include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300.

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

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

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

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

(a) A crime against a child;

(b) A sexual offense;

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



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

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

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

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

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

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

9. Notwithstanding any other provision of law, no fee may be charged by any court or agency of criminal justice in this State related to a petition for the sealing of records pursuant to this section if, at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300. As used in this subsection, "fee" includes, without limitation, any fee to file a petition, obtain fingerprints if provided by a governmental agency of this State, obtain any records of criminal history, obtain records of past arrests and convictions or obtain or certify copies of documents pursuant to NRS 19.013 and any other fee related to the sealing of records pursuant to this section.

10. As used in this section:

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

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or



1 sexual molestation of a child less than 14 years of age pursuant to
2 paragraph (b) of subsection 1 of NRS 200.030.

3 (2) Sexual assault pursuant to NRS 200.366.

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

6 (4) Battery with intent to commit sexual assault pursuant to
7 NRS 200.400.

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

12 (6) An offense involving the administration of a controlled
13 substance to another person with the intent to enable or assist the
14 commission of a crime of violence, if the crime of violence is an
15 offense listed in this paragraph.

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

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

20 (9) Fertility fraud pursuant to paragraph (a) of subsection 1
21 of NRS 200.975.

22 (10) Incest pursuant to NRS 201.180.

23 (11) Open or gross lewdness pursuant to NRS 201.210, if
24 punishable as a felony.

25 (12) Indecent or obscene exposure pursuant to NRS 201.220,
26 if punishable as a felony.

27 (13) Lewdness with a child pursuant to NRS 201.230.

28 (14) Sexual penetration of a dead human body pursuant to
29 NRS 201.450.

30 (15) Sexual conduct between certain employees of a school
31 or volunteers at a school and a pupil pursuant to NRS 201.540.

32 (16) Sexual conduct between certain employees of a college
33 or university and a student pursuant to NRS 201.550.

34 (17) Luring a child or a person with mental illness pursuant
35 to NRS 201.560, if punishable as a felony.

36 (18) An attempt to commit an offense listed in this
37 paragraph.

38 **Sec. 12.** The amendatory provisions of this act apply to
39 offenses committed before July 1, 2026, for the purpose of
40 determining which penalties a person is subject to under NRS
41 484C.400, as amended by section 2 of this act, for an offense
42 committed on or after July 1, 2025.

43 **Sec. 13.** This act becomes effective on July 1, 2025.



