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FIRST REPRINT

A.B. 160

ASSEMBLY BILL NO. 160—ASSEMBLYMEN C.H. MILLER, YEAGER,
MONROE-MORENO, JAUREGUI AND BRITTNEY MILLER

FEBRUARY 14, 2023

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing the sealing of certain criminal records. (BDR 14-634)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 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; 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; and providing other matters properly relating thereto.



* A B 1 6 0 R 1 *

Legislative Counsel's Digest:

1 Existing law establishes certain procedures pursuant to which a person is
2 authorized to petition a court for the sealing of criminal records relating to: (1)
3 convictions for certain offenses; (2) charges against a person that were dismissed or
4 declined for prosecution or for which the person was acquitted; (3) a conviction
5 which has been set aside; and (4) a conviction for an offense that has been
6 decriminalized. Existing law: (1) establishes certain requirements concerning
7 the amount of time that must elapse after a person was convicted or charged before
8 the records relating to the conviction or charge are eligible to be sealed through the
9 filing of such a petition; and (2) sets forth the circumstances under which a court is
10 authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

11 **Section 1.3** of this bill requires the Records, Communications and Compliance
12 Division of the Department of Public Safety, not later than January 1, 2026, to
13 develop and implement a process to identify each: (1) conviction of a person and
14 each charge against a person that becomes an eligible conviction and eligible
15 charge; and (2) agency of criminal justice or public or private company, agency,
16 officer or other custodian of records that may reasonably be identified as having
17 possession of records relating to an eligible conviction or eligible charge. **Section**
18 **1.3** defines "eligible conviction" and "eligible charge" to mean, in general, certain
19 convictions or charges if the records relating to the conviction or charge are eligible
20 to be sealed pursuant to the provisions of existing law governing the sealing of
21 records. After the development and implementation of the process of identifying
22 eligible convictions and eligible charges, **section 1.3** requires the Division to, each
23 month: (1) identify and compile a list of each conviction or charge that has become
24 an eligible conviction or eligible charge in the immediately preceding month and
25 each person or governmental entity identified as having possession of records
26 relating to those eligible convictions and eligible charges; and (2) transmit the list
27 to the Administrative Office of the Courts to recommend the sealing of the records
28 relating to a listed eligible conviction or eligible charge.

29 **Section 1.3** requires the Administrative Office of the Courts, not later than
30 January 1, 2026, to develop and implement a process to review and approve such a
31 list received from the Division and to transmit to every court having jurisdiction
32 each conviction of a person or charge against a person that has become an eligible
33 conviction or eligible charge. **Section 1.3** also requires the Administrative Office of
34 the Courts, upon receiving such a list from the Division, to confirm each eligible
35 conviction and eligible charge and notify every court having jurisdiction over the
36 sealing of each eligible conviction or eligible charge. **Section 1.3** requires a court
37 that receives such a notification from the Administrative Office of the Courts to
38 then provide notice to the appropriate prosecuting attorney or agency and
39 authorizes the prosecuting attorney or agency to object to the sealing of the records
40 relating to each listed eligible conviction or eligible charge. **Section 1.3** further
41 establishes the circumstances in which the court may order the records to be sealed.
42 **Section 5** of this bill requires the order to be sent to the persons and governmental
43 entities named in the order, who are then required to seal records relating to the
44 eligible conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division
45 and the Administrative Office of the Courts to adopt any rules or regulations, as
46 applicable, that are necessary to carry out the provisions of **section 1.3**; and (2)
47 requires the Administrative Office of the Courts to submit certain annual reports to
48 the Legislature beginning on January 31, 2027.

49 Existing law provides, in general, that there is a rebuttable presumption that
50 certain records of a person should be sealed if the person petitions the court for the
51 sealing of such records and satisfies all statutory requirements. (NRS 179.2445)
52 **Section 3.5** of this bill provides that there is also a rebuttable presumption that
53 certain records of a person should be sealed if a court receives a list of confirmed
54 eligible convictions or charges from the Administrative Office of the Courts



55 pursuant to **section 1.3** and the records relate to such confirmed eligible convictions
56 or charges. **Sections 3.7 and 3.9** of this bill make conforming changes to reflect the
57 change in **section 3.5**.

58 Existing law provides that if a court seals certain records of a person, certain
59 civil rights of the person are restored. Existing law requires the person to be given
60 documentation demonstrating that fact. If the documentation is lost, damaged or
61 destroyed, the person is authorized to request that a court issue an order to restore
62 his or her civil rights. (NRS 179.285) **Section 6** of this bill makes a technical,
63 nonsubstantive change to existing law by reorganizing the language in existing law.
64 **Section 6.5** of this bill provides for the restoration of civil rights if the records of a
65 person are sealed pursuant to **section 1.3**. However, under **section 6.5**, the person is
66 not required to be given documentation demonstrating that fact. Instead, **section 6.5**
67 authorizes a person who was not given documentation of the restoration of his or
68 her civil rights to request that a court issue an order in the same manner as a person
69 whose documentation is lost, damaged or destroyed.

70 **Section 7** of this bill authorizes a person who is the subject of records that are
71 sealed pursuant to **section 1.3** to petition a court to allow for the inspection of the
72 records. **Section 8** of this bill authorizes certain other governmental entities to
73 inspect such records under certain circumstances. **Section 7.5** of this bill authorizes
74 the Central Repository for Nevada Records of Criminal History and its employees
75 to inspect certain sealed records relating to a violation or alleged violation of the
76 prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

77 If a person is arrested and the charges against the person are dismissed or
78 declined for prosecution or the person is acquitted of the charges, existing law
79 authorizes the person to petition a court for the sealing of all records relating to the
80 arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS
81 179.255) **Section 4** of this bill authorizes a person against whom multiple charges
82 were brought, consisting of both charges for which the person was convicted and
83 charges which were disposed of by dismissal, declination or acquittal, to petition
84 for the sealing of those portions of the records relating to the arrest of the person
85 and the subsequent proceedings that relate to the charges which were disposed of
86 by dismissal, declination or acquittal.

87 **Section 2** of this bill provides that it is the public policy of this State to enhance
88 and modernize the sharing of information between agencies of criminal justice by
89 having records shared in a timely manner in accordance with statutory
90 requirements.

91 **Section 1.7** of this bill creates the Advisory Task Force on Automatic Record
92 Sealing and establishes requirements concerning the membership of the Task Force.
93 **Section 1.7** establishes the general duties of the Task Force, including reviewing
94 the current petition-based process for the sealing of records and identifying the
95 ways in which the process can be streamlined to simplify the process for
96 petitioners. **Section 1.7** also requires the Task Force to prepare and submit a report
97 to the Administrative Office of the Courts and the Legislature: (1) on or before
98 July 1, 2024, that sets forth the initial activities and findings of the Task Force; and
99 (2) on or before July 1, 2025, that sets forth the final activities, findings and
100 recommendations of the Task Force to support the implementation of the automatic
101 sealing of records of criminal history. **Section 8.3** of this bill requires the
102 Administrative Office of the Courts, before January 1, 2025, to adopt rules to
103 streamline the process for filing a petition for the sealing of records, as
104 recommended by the Task Force.

105 **Sections 2-3.3** of this bill make conforming changes to indicate the proper
106 placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.



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

1 **Section 1.** Chapter 179 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 1.3 and 1.7 of this act.

3 **Sec. 1.3. 1.** *Not later than January 1, 2026, the Division*
4 *shall develop and implement a process to identify, based on data*
5 *maintained in the records of the Division, each:*

6 (a) *Conviction of a person that becomes an eligible conviction;*

7 (b) *Charge against a person that becomes an eligible charge;*

8 *and*

9 (c) *Agency of criminal justice or public or private company,*
10 *agency, officer and other custodian of records that may*
11 *reasonably be identified as having possession of records relating*
12 *to a conviction or charge that becomes an eligible conviction or*
13 *eligible charge.*

14 **2.** *After the development and implementation of the process*
15 *described in subsection 1, the Division shall, each month:*

16 (a) *Identify each:*

17 (1) *Conviction of a person or charge against a person that*
18 *has become an eligible conviction or eligible charge in the*
19 *immediately preceding month; and*

20 (2) *Agency of criminal justice or public or private company,*
21 *agency, officer or other custodian of records that may reasonably*
22 *be identified as having possession of records relating to an eligible*
23 *conviction or eligible charge identified pursuant to*
24 *subparagraph (1);*

25 (b) *Compile a list of each eligible conviction, eligible charge*
26 *and person or governmental entity identified pursuant to*
27 *paragraph (a); and*

28 (c) *Transmit the list compiled pursuant to paragraph (b) to the*
29 *Administrative Office of the Courts to recommend the sealing of*
30 *records relating to an eligible conviction or eligible charge*
31 *identified on the list.*

32 **3.** *Not later than January 1, 2026, the Administrative Office*
33 *of the Courts shall develop and implement a process to review and*
34 *approve the list received from the Division pursuant to paragraph*
35 *(c) of subsection 2 and transmit to every court having jurisdiction*
36 *each:*

37 (a) *Conviction of a person that has become an eligible*
38 *conviction; and*

39 (b) *Charge against a person that has become an eligible*
40 *charge.*

41 **4.** *Upon receiving a list transmitted by the Division pursuant*
42 *to paragraph (c) of subsection 2, the Administrative Office of the*



1 *Courts shall confirm each eligible conviction and eligible charge*
2 *and, not later than 30 business days after receiving the list from*
3 *the Division, notify every court having jurisdiction over the sealing*
4 *of records relating to each confirmed eligible conviction and*
5 *eligible charge to order the sealing of such records.*

6 *5. A court that receives notification from the Administrative*
7 *Office of the Courts pursuant to subsection 4 shall, not later than*
8 *15 calendar days after receiving such notification, provide notice*
9 *to the appropriate prosecuting attorney or agency. The*
10 *prosecuting attorney or agency may object to the sealing of such*
11 *records not later than 30 calendar days after receiving notice from*
12 *the court.*

13 *6. If, not later than 30 calendar days after receiving notice*
14 *from the court pursuant to subsection 5, a prosecuting attorney or*
15 *agency:*

16 *(a) Stipulates to the sealing of the records, the court shall*
17 *apply the presumption set forth in NRS 179.2445 and order the*
18 *sealing of the records.*

19 *(b) Does not stipulate to the sealing of the records, the court*
20 *shall apply the presumption set forth in NRS 179.2445 and order*
21 *the sealing of the records without a hearing. Each person or*
22 *governmental entity identified on the list as having possession of*
23 *records relating to an eligible conviction or eligible charge to*
24 *which the order applies must be named in the order.*

25 *(c) Objects to the sealing of the records, the court may conduct*
26 *a hearing on the matter. At the hearing, unless an objecting party*
27 *presents evidence sufficient to rebut the presumption set forth in*
28 *NRS 179.2445, the court shall apply the presumption and order*
29 *the sealing of the records.*

30 *7. The Division and the Administrative Office of the Courts*
31 *shall take such actions as are necessary to ensure public*
32 *awareness of the provisions of this section. Such actions may*
33 *include, without limitation, the posting of appropriate information*
34 *on an Internet website maintained by the Division or the*
35 *Administrative Office of the Courts or the conducting of a public*
36 *awareness campaign.*

37 *8. The Division and the Administrative Office of the Courts*
38 *may adopt any rules or regulations, as applicable, that are*
39 *necessary to carry out the provisions of this section, including,*
40 *without limitation, rules or regulations concerning:*

41 *(a) Contracting with any vendors to update any necessary*
42 *technology; and*

43 *(b) Applying for any grants available to carry out the*
44 *provisions of this section.*



1 9. *The provisions of this section do not prohibit a person from*
2 *petitioning the court for the sealing of any eligible records in*
3 *accordance with any other applicable provision of law.*

4 10. *If a person believes that his or her records have been*
5 *sealed, the person may make a written request to the appropriate*
6 *court to confirm that his or her records have been sealed and*
7 *review such records.*

8 11. *On or before January 31, 2027, and each year thereafter,*
9 *the Administrative Office of the Courts shall submit a report to the*
10 *Director of the Legislative Counsel Bureau for transmittal to*
11 *Legislature that sets forth, to the extent possible, the number of*
12 *records that were identified to be eligible for sealing and the*
13 *number of records that were ordered to be sealed during the*
14 *previous calendar year.*

15 12. *As used in this section:*

16 (a) *“Division” means the Records, Communications and*
17 *Compliance Division of the Department of Public Safety.*

18 (b) *“Eligible charge” means any charge against a person if the*
19 *records relating to the charge are eligible to be sealed pursuant to*
20 *subsection 1 of NRS 179.255.*

21 (c) *“Eligible conviction” means any conviction of a person if*
22 *the records relating to the conviction are eligible to be sealed*
23 *pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245*
24 *for a drug-related conviction, including, without limitation, a*
25 *conviction pursuant to paragraph (a) of subsection 2 of NRS*
26 *453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS*
27 *453.3393 or NRS 453.560 or 454.351, and the person has not*
28 *been, in the time period prescribed in the applicable provision,*
29 *charged with any offense for which the charges are pending or*
30 *convicted of any offense, except for minor moving or standing*
31 *traffic violations.*

32 **Sec. 1.7. 1. The Advisory Task Force on Automatic Record**
33 **Sealing is hereby created. The Task Force consists of:**

34 (a) *Fifteen members appointed by the Department of Public*
35 *Safety in accordance with subsection 2, consisting of:*

36 (1) *One member who is a representative of the*
37 *Administrative Office of the Courts;*

38 (2) *One member who is a representative of the Nevada*
39 *Supreme Court;*

40 (3) *One member who is a representative of a district court;*

41 (4) *One member who is a representative of a justice court;*

42 (5) *One member who is a representative of an outlying*
43 *justice court;*

44 (6) *One member who is a representative of a municipal*
45 *court;*



1 (7) One member who is a representative of a district
2 attorney's office;

3 (8) One member who is a representative of the Office of the
4 Attorney General;

5 (9) One member who is a representative of the Office of the
6 Clark County Public Defender or the Office of the Washoe County
7 Public Defender or who is an attorney in private practice and
8 experienced in defending criminal actions;

9 (10) One member who is a representative of a law
10 enforcement agency;

11 (11) One member who is a representative of the Division of
12 Parole and Probation of the Department of Public Safety;

13 (12) One member who is a representative of the Department
14 of Corrections; and

15 (13) Three members who are representatives from
16 nonprofit organizations focused on issues relating to criminal
17 justice;

18 (b) Two members who are Senators, one of whom is appointed
19 by the Majority Leader of the Senate and one of whom is
20 appointed by the Minority Leader of the Senate; and

21 (c) Two members who are members of the Assembly, one of
22 whom is appointed by the Speaker of the Assembly and one of
23 whom is appointed by the Minority Leader of the Assembly.

24 2. The Department of Public Safety shall solicit applications
25 for appointment to the Task Force pursuant to paragraph (a) of
26 subsection 1. When appointing members to the Task Force
27 pursuant to paragraph (a) of subsection 1, the Department shall
28 ensure that all regions of this State are represented.

29 3. At the first meeting of the Task Force, the members shall
30 elect a Chair and Vice Chair by a majority vote.

31 4. The Department of Public Safety shall provide the Task
32 Force with such staff as is necessary for the Task Force to carry
33 out its duties pursuant to this section.

34 5. The members of the Task Force serve without
35 compensation or per diem allowance. If sufficient money is
36 available, a member of the Task Force may, upon written request,
37 receive reimbursement for travel expenses provided for state
38 officers and employees generally while engaged in the business of
39 the Task Force.

40 6. The Task Force shall:

41 (a) Review the current petition-based process for the sealing of
42 records and identify the ways in which the process can be
43 streamlined to simplify the process for petitioners;

44 (b) Conduct research on methods to implement the provisions
45 of section 1.3 of this act, including, without limitation, necessary



1 *technology and system upgrades within the criminal justice system*
2 *of this State;*

3 (c) *Identify and assess any technology and system gaps,*
4 *necessary infrastructure and policy constraints to support the*
5 *implementation of the automatic sealing of records; and*

6 (d) *Recommend approaches to improve the ability of this State*
7 *to expand future provisions concerning the automatic sealing of*
8 *records, including, without limitation, the feasibility of*
9 *retroactively sealing eligible charges and convictions.*

10 7. *The Task Force may:*

11 (a) *Enter into a contract with a consultant or vendor to*
12 *perform the research necessary for the Task Force to carry out its*
13 *duties; and*

14 (b) *Apply for and accept any gift, donation, bequest, grant or*
15 *other source of money to assist the Task Force in carrying out its*
16 *duties.*

17 8. *The Task Force shall:*

18 (a) *On or before July 1, 2024, prepare and submit a report to*
19 *the Administrative Office of the Courts and the Director of the*
20 *Legislative Counsel Bureau, for transmittal to the Legislature, that*
21 *sets forth the initial activities and findings of the Task Force,*
22 *including, without limitation, the ways in which the petition-based*
23 *process for the sealing of records can be streamlined; and*

24 (b) *On or before July 1, 2025, prepare and submit a report to*
25 *the Administrative Office of the Courts and the Director of the*
26 *Legislative Counsel Bureau, for transmittal to the Legislature, that*
27 *sets forth the final activities, findings and recommendations of the*
28 *Task Force to support the implementation of the automatic sealing*
29 *of records.*

30 **Sec. 2.** NRS 179.2405 is hereby amended to read as follows:

31 179.2405 The Legislature hereby declares that the public
32 policy of this State is to **[favor]** :

33 1. **Favor** the giving of second chances to offenders who are
34 rehabilitated and the sealing of the records of such persons in
35 accordance with NRS 179.2405 to 179.301, inclusive **[]** , **and**
36 **section 1.7 of this act; and**

37 2. **Enhance and modernize the sharing of information**
38 **between agencies of criminal justice by having records shared in a**
39 **timely manner in accordance with statutory requirements.**

40 **Sec. 2.3.** NRS 179.2405 is hereby amended to read as follows:

41 179.2405 The Legislature hereby declares that the public
42 policy of this State is to:

43 1. Favor the giving of second chances to offenders who are
44 rehabilitated and the sealing of the records of such persons in



1 accordance with NRS 179.2405 to 179.301, inclusive, and ~~[section]~~
2 *sections 1.3 and* 1.7 of this act; and

3 2. Enhance and modernize the sharing of information between
4 agencies of criminal justice by having records shared in a timely
5 manner in accordance with statutory requirements.

6 **Sec. 2.7.** NRS 179.2405 is hereby amended to read as follows:

7 179.2405 The Legislature hereby declares that the public
8 policy of this State is to:

9 1. Favor the giving of second chances to offenders who are
10 rehabilitated and the sealing of the records of such persons in
11 accordance with NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~
12 *section 1.3 [and 1.7]* of this act; and

13 2. Enhance and modernize the sharing of information between
14 agencies of criminal justice by having records shared in a timely
15 manner in accordance with statutory requirements.

16 **Sec. 3.** NRS 179.241 is hereby amended to read as follows:

17 179.241 As used in NRS 179.2405 to 179.301, inclusive, *and*
18 *section 1.7 of this act*, unless the context otherwise requires, the
19 words and terms defined in NRS 179.242, 179.243 and 179.244
20 have the meanings ascribed to them in those sections.

21 **Sec. 3.1.** NRS 179.241 is hereby amended to read as follows:

22 179.241 As used in NRS 179.2405 to 179.301, inclusive, and
23 ~~[section]~~ *sections 1.3 and* 1.7 of this act, unless the context
24 otherwise requires, the words and terms defined in NRS 179.242,
25 179.243 and 179.244 have the meanings ascribed to them in those
26 sections.

27 **Sec. 3.3.** NRS 179.241 is hereby amended to read as follows:

28 179.241 As used in NRS 179.2405 to 179.301, inclusive, and
29 ~~[sections]~~ *section 1.3 [and 1.7]* of this act, unless the context
30 otherwise requires, the words and terms defined in NRS 179.242,
31 179.243 and 179.244 have the meanings ascribed to them in those
32 sections.

33 **Sec. 3.5.** NRS 179.2445 is hereby amended to read as follows:

34 179.2445 1. Except as otherwise provided in subsection 2,
35 upon the ~~[filing]~~ :

36 (a) *Filing* of a petition for the sealing of records pursuant to
37 NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a
38 rebuttable presumption that the records should be sealed if the
39 applicant satisfies all statutory requirements for the sealing of the
40 records.

41 (b) *Receipt by a court of the list of confirmed eligible*
42 *convictions or eligible charges from the Administrative Office of*
43 *the Courts pursuant to section 1.3 of this act, there is a rebuttable*
44 *presumption that the records relating to the confirmed eligible*
45 *convictions or eligible charges should be sealed.*



1 2. The presumption set forth in *paragraph (a) of* subsection 1
2 does not apply to a defendant who is given a dishonorable discharge
3 from probation pursuant to NRS 176A.850 and applies to the court
4 for the sealing of records relating to the conviction.

5 **Sec. 3.7.** NRS 179.245 is hereby amended to read as follows:

6 179.245 1. Except as otherwise provided in subsection 6 and
7 NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259,
8 201.354 and 453.3365, a person may petition the court in which the
9 person was convicted for the sealing of all records relating to a
10 conviction of:

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

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

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

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

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

31 (f) Except as otherwise provided in paragraph (e), if the offense
32 is punished as a misdemeanor, a battery pursuant to NRS 200.481,
33 harassment pursuant to NRS 200.571, stalking pursuant to NRS
34 200.575 or a violation of a temporary or extended order for
35 protection, after 2 years from the date of release from actual custody
36 or from the date when the person is no longer under a suspended
37 sentence, whichever occurs later; or

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

41 2. A petition filed pursuant to subsection 1 must:

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



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

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

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

12 (1) Date of birth of the petitioner;

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

15 (3) Date of arrest relating to the specific conviction to which
16 the records to be sealed pertain.

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

24 4. If the prosecuting agency that prosecuted the petitioner for
25 the crime stipulates to the sealing of the records, the court shall
26 apply the presumption set forth in *paragraph (a) of subsection 1 of*
27 *NRS 179.2445* and seal the records. If the prosecuting agency does
28 not stipulate to the sealing of the records or does not file a written
29 objection within 30 days after receiving notification pursuant to
30 subsection 3 and the court makes the findings set forth in subsection
31 5, the court may order the sealing of the records in accordance with
32 subsection 5 without a hearing. If the court does not order the
33 sealing of the records or the prosecuting agency files a written
34 objection, a hearing on the petition must be conducted. At the
35 hearing, unless an objecting party presents evidence sufficient to
36 rebut the presumption set forth in *paragraph (a) of subsection 1 of*
37 *NRS 179.2445*, the court shall apply the presumption and seal the
38 records.

39 5. If the court finds that, in the period prescribed in subsection
40 1, the petitioner has not been charged with any offense for which the
41 charges are pending or convicted of any offense, except for minor
42 moving or standing traffic violations, the court may order sealed all
43 records of the conviction which are in the custody of any agency of
44 criminal justice or any public or private agency, company, official
45 or other custodian of records in the State of Nevada, and may also



1 order all such records of the petitioner returned to the file of the
2 court where the proceeding was commenced from, including,
3 without limitation, the Federal Bureau of Investigation and all other
4 agencies of criminal justice which maintain such records and which
5 are reasonably known by either the petitioner or the court to have
6 possession of such records.

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

9 (a) A crime against a child;

10 (b) A sexual offense;

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

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

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

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

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

23 (h) A violation of NRS 488.420 or 488.425.

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

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

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

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

40 9. As used in this section:

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

43 (b) "Sexual offense" means:

44 (1) Murder of the first degree committed in the perpetration
45 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) Incest pursuant to NRS 201.180.

21 (10) Open or gross lewdness pursuant to NRS 201.210, if
22 punishable as a felony.

23 (11) Indecent or obscene exposure pursuant to NRS 201.220,
24 if punishable as a felony.

25 (12) Lewdness with a child pursuant to NRS 201.230.

26 (13) Sexual penetration of a dead human body pursuant to
27 NRS 201.450.

28 (14) Sexual conduct between certain employees of a school
29 or volunteers at a school and a pupil pursuant to NRS 201.540.

30 (15) Sexual conduct between certain employees of a college
31 or university and a student pursuant to NRS 201.550.

32 (16) Luring a child or a person with mental illness pursuant
33 to NRS 201.560, if punishable as a felony.

34 (17) An attempt to commit an offense listed in this
35 paragraph.

36 **Sec. 3.9.** NRS 179.247 is hereby amended to read as follows:

37 179.247 1. If a person has been convicted of any offense
38 listed in subsection 2, the person may petition the court in which he
39 or she was convicted or, if the person wishes to file more than one
40 petition and would otherwise need to file a petition in more than one
41 court, the district court, for an order:

42 (a) Vacating the judgment; and

43 (b) Sealing all documents, papers and exhibits in the person's
44 record, minute book entries and entries on dockets, and other



1 documents relating to the case in the custody of such other agencies
2 and officers as are named in the court's order.

3 2. A person may file a petition pursuant to subsection 1 if the
4 person was convicted of:

5 (a) A violation of NRS 201.353 or 201.354, for engaging in
6 prostitution or solicitation for prostitution, provided that the person
7 was not alleged to be a customer of a prostitute;

8 (b) A crime under the laws of this State, other than a crime of
9 violence; or

10 (c) A violation of a county, city or town ordinance, for loitering
11 for the purpose of solicitation or prostitution.

12 3. A petition filed pursuant to subsection 1 must satisfy the
13 requirements of NRS 179.245.

14 4. The court may grant a petition filed pursuant to subsection 1
15 if:

16 (a) The petitioner was convicted of a violation of an offense
17 described in subsection 2;

18 (b) The participation of the petitioner in the offense was the
19 result of the petitioner having been a victim of:

20 (1) Trafficking in persons as described in the Trafficking
21 Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

22 (2) Involuntary servitude as described in NRS 200.463 or
23 200.4631; and

24 (c) The petitioner files a petition pursuant to subsection 1 with
25 due diligence after the petitioner has ceased being a victim of
26 trafficking or involuntary servitude or has sought services for
27 victims of such trafficking or involuntary servitude.

28 5. Before the court decides whether to grant a petition filed
29 pursuant to subsection 1, the court shall:

30 (a) Notify the Central Repository for Nevada Records of
31 Criminal History, the Office of the Attorney General and each office
32 of the district attorney and law enforcement agency in the county in
33 which the petitioner was convicted and allow the prosecuting
34 attorney who prosecuted the petitioner for the crime and any person
35 to testify and present evidence on behalf of any such entity; and

36 (b) Take into consideration any reasonable concerns for the
37 safety of the defendant, family members of the defendant or other
38 victims that may be jeopardized by the granting of the petition.

39 6. If the prosecuting agency that prosecuted the petitioner for
40 the crime stipulates to vacating the judgment of the petitioner and
41 sealing all documents, papers and exhibits related to the case, the
42 court shall apply the presumption set forth in *paragraph (a) of*
43 *subsection 1 of* NRS 179.2445, vacate the judgment and seal all
44 documents, papers and exhibits related to the case. If the
45 prosecuting agency does not stipulate to vacating the judgment of



1 the petitioner and sealing all documents, papers and exhibits related
2 to the case or does not file a written objection within 30 days after
3 receiving notification pursuant to subsection 5 and the court makes
4 the findings set forth in subsection 4, the court may vacate the
5 judgment and seal all documents, papers and exhibits in accordance
6 with subsection 7 without a hearing. If the court does not order the
7 sealing of the records or the prosecuting agency files a written
8 objection, a hearing on the petition must be conducted. At the
9 hearing, unless an objecting party presents evidence sufficient to
10 rebut the presumption set forth in *paragraph (a) of subsection 1 of*
11 *NRS 179.2445*, the court shall vacate the judgment, apply the
12 presumption and seal all documents, papers and exhibits related to
13 the case.

14 7. If the court grants a petition filed pursuant to subsection 1,
15 the court shall:

16 (a) Vacate the judgment and dismiss the accusatory pleading;
17 and

18 (b) Order sealed all documents, papers and exhibits in the
19 petitioner's record, minute book entries and entries on dockets, and
20 other documents relating to the case in the custody of such other
21 agencies and officers as are named in the court's order.

22 8. If a petition filed pursuant to subsection 1 does not satisfy
23 the requirements of NRS 179.245 or the court determines that
24 the petition is otherwise deficient with respect to the sealing of the
25 petitioner's record, the court may enter an order to vacate the
26 judgment and dismiss the accusatory pleading if the petitioner
27 satisfies all requirements necessary for the judgment to be vacated.

28 9. If the court enters an order pursuant to subsection 8, the
29 court shall also order sealed the records of the petitioner which
30 relate to the judgment being vacated in accordance with paragraph
31 (b) of subsection 7, regardless of whether any records relating to
32 other convictions are ineligible for sealing either by operation of law
33 or because of a deficiency in the petition.

34 **Sec. 4.** NRS 179.255 is hereby amended to read as follows:

35 179.255 1. If a person has been arrested for alleged criminal
36 conduct and the charges are dismissed, the prosecuting attorney
37 having jurisdiction declined prosecution of the charges or such
38 person is acquitted of the charges, the person may petition:

39 (a) The court in which the charges were dismissed, at any time
40 after the date the charges were dismissed;

41 (b) The court having jurisdiction in which the charges were
42 declined for prosecution:

43 (1) Any time after the applicable statute of limitations has
44 run;

45 (2) Any time 8 years after the arrest; or



1 (3) Pursuant to a stipulation between the parties; or
2 (c) The court in which the acquittal was entered, at any time
3 after the date of the acquittal,

4 ↪ for the sealing of all records relating to the arrest and the
5 proceedings leading to the dismissal, declination or acquittal. *If a*
6 *person has been arrested for alleged criminal conduct and*
7 *multiple charges were brought against the person, consisting of*
8 *both charges for which the person was convicted and charges*
9 *which were disposed of by dismissal, declination or acquittal, a*
10 *petition filed pursuant to this subsection may request the sealing*
11 *of those portions of the records relating to the arrest and the*
12 *subsequent proceedings that relate to the charges which were*
13 *disposed of by dismissal, declination or acquittal.*

14 2. If the conviction of a person is set aside pursuant to NRS
15 458A.240, the person may petition the court that set aside the
16 conviction, at any time after the conviction has been set aside, for
17 the sealing of all records relating to the setting aside of the
18 conviction.

19 3. A petition filed pursuant to subsection 1 or 2 must:

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

23 (b) Except as otherwise provided in paragraph (c), include the
24 disposition of the proceedings for the records to be sealed;

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

29 (d) Include a list of any other public or private agency,
30 company, official and other custodian of records that is reasonably
31 known to the petitioner to have possession of records of the arrest
32 and of the proceedings leading to the dismissal, declination or
33 acquittal and to whom the order to seal records, if issued, will be
34 directed; and

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

38 (1) Date of birth of the petitioner;

39 (2) Specific charges that were dismissed or of which the
40 petitioner was acquitted; and

41 (3) Date of arrest relating to the specific charges that were
42 dismissed or of which the petitioner was acquitted.

43 4. Upon receiving a petition pursuant to subsection 1, the court
44 shall notify the law enforcement agency that arrested the petitioner
45 for the crime and:



1 (a) If the charges were dismissed, declined for prosecution or the
2 acquittal was entered in a district court or justice court, the
3 prosecuting attorney for the county; or

4 (b) If the charges were dismissed, declined for prosecution or
5 the acquittal was entered in a municipal court, the prosecuting
6 attorney for the city.

7 ↪ The prosecuting attorney and any person having relevant
8 evidence may testify and present evidence at any hearing on the
9 petition.

10 5. Upon receiving a petition pursuant to subsection 2, the court
11 shall notify:

12 (a) If the conviction was set aside in a district court or justice
13 court, the prosecuting attorney for the county; or

14 (b) If the conviction was set aside in a municipal court, the
15 prosecuting attorney for the city.

16 ↪ The prosecuting attorney and any person having relevant
17 evidence may testify and present evidence at any hearing on the
18 petition.

19 6. If the prosecuting agency that prosecuted or declined to
20 prosecute the petitioner for the crime stipulates to the sealing of the
21 records, the court shall apply the presumption set forth in *paragraph*
22 *(a) of subsection 1 of* NRS 179.2445 and seal the records. If the
23 prosecuting agency does not stipulate to the sealing of the records or
24 does not file a written objection within 30 days after receiving
25 notification pursuant to subsection 4 or 5 and the court makes the
26 findings set forth in subsection 7 or 8, as applicable, the court may
27 order the sealing of the records in accordance with subsection 7 or 8,
28 as applicable, without a hearing. If the court does not order the
29 sealing of the records or the prosecuting agency files a written
30 objection, a hearing on the petition must be conducted. At the
31 hearing, unless an objecting party presents evidence sufficient to
32 rebut the presumption set forth in *paragraph (a) of subsection 1 of*
33 NRS 179.2445, the court shall apply the presumption and seal the
34 records.

35 7. If the court finds:

36 (a) That there has been an acquittal and there is no evidence that
37 further action will be brought against the person, the court shall
38 order sealed all records of the arrest and of the proceedings leading
39 to the acquittal which are in the custody of any agency of criminal
40 justice or any public or private company, agency, official or other
41 custodian of records in the State of Nevada; or

42 (b) That prosecution was declined or that the charges were
43 dismissed and there is no evidence that further action will be
44 brought against the person, the court may order sealed all records of
45 the arrest and of the proceedings leading to the declination or




1 dismissal which are in the custody of any agency of criminal justice
2 or any public or private company, agency, official or other custodian
3 of records in the State of Nevada.

4 8. If the court finds that the conviction of the petitioner was set
5 aside pursuant to NRS 458A.240, the court may order sealed all
6 records relating to the setting aside of the conviction which are in
7 the custody of any agency of criminal justice or any public or
8 private company, agency, official or other custodian of records in
9 the State of Nevada.

10 9. If the prosecuting attorney having jurisdiction previously
11 declined prosecution of the charges and the records of the arrest
12 have been sealed pursuant to subsection 7, the prosecuting attorney
13 may subsequently file the charges at any time before the running of
14 the statute of limitations for those charges. If such charges are filed
15 with the court, the court shall order the inspection of the records
16 without the prosecuting attorney having to petition the court
17 pursuant to NRS 179.295.

18 **Sec. 5.** NRS 179.275 is hereby amended to read as follows:

19 179.275 Where the court orders the sealing of a record
20 pursuant to NRS 34.970, 174.034, 176.211, 176A.245, 176A.265,
21 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271,
22 201.354 or 453.3365  or *section 1.3 of this act*, a copy of the
23 order must be sent to:

24 1. The Central Repository for Nevada Records of Criminal
25 History; and

26 2. Each agency of criminal justice and each public or private
27 company, agency, official or other custodian of records named in
28 the order, and that person shall seal the records in his or her custody
29 which relate to the matters contained in the order, shall advise the
30 court of compliance and shall then seal the order.

31 **Sec. 6.** NRS 179.285 is hereby amended to read as follows:

32 179.285 Except as otherwise provided in NRS 179.301:

33 1. If the court orders a record sealed pursuant to NRS 34.970,
34 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245,
35 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
36 453.3365:

37 (a) All proceedings recounted in the record are deemed never to
38 have occurred, and the person to whom the order pertains may
39 properly answer accordingly to any inquiry, including, without
40 limitation, an inquiry relating to an application for employment,
41 concerning the arrest, conviction, dismissal or acquittal and the
42 events and proceedings relating to the arrest, conviction, dismissal
43 or acquittal.

44 (b) The person is immediately restored to the following civil
45 rights if the person's civil rights previously have not been restored:



- 1 (1) The right to vote;
- 2 (2) The right to hold office; and
- 3 (3) The right to serve on a jury.

4 2. Upon the sealing of the person's records, a person who is
5 restored to his or her civil rights pursuant to subsection 1 must be
6 given:

7 (a) An official document which demonstrates that the person has
8 been restored to the civil rights set forth in paragraph (b) of
9 subsection 1; and

10 (b) A written notice informing the person that he or she has not
11 been restored to the right to bear arms, unless the person has
12 received a pardon and the pardon does not restrict his or her right to
13 bear arms.

14 3. ~~[A]~~ *If a* person ~~[who]~~ has had his or her records sealed in
15 this State or any other state and ~~[whose]~~ *was not given* official
16 documentation of the restoration of civil rights *or if that*
17 *documentation* is lost, damaged or destroyed, *the person* may file a
18 written request with a court of competent jurisdiction to restore his
19 or her civil rights pursuant to this section. Upon verification that the
20 person has had his or her records sealed, the court shall issue an
21 order restoring the person to the civil rights to vote, to hold office
22 and to serve on a jury. A person must not be required to pay a fee to
23 receive such an order.

24 4. A person who has had his or her records sealed in this State
25 or any other state may present official documentation that the person
26 has been restored to his or her civil rights or a court order restoring
27 civil rights as proof that the person has been restored to the right to
28 vote, to hold office and to serve as a juror.

29 **Sec. 6.5.** NRS 179.285 is hereby amended to read as follows:

30 179.285 Except as otherwise provided in NRS 179.301:

31 1. If the court orders a record sealed pursuant to NRS 34.970,
32 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245,
33 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
34 453.3365 ~~[]~~ *or section 1.3 of this act:*

35 (a) All proceedings recounted in the record are deemed never to
36 have occurred, and the person to whom the order pertains may
37 properly answer accordingly to any inquiry, including, without
38 limitation, an inquiry relating to an application for employment,
39 concerning the arrest, conviction, dismissal or acquittal and the
40 events and proceedings relating to the arrest, conviction, dismissal
41 or acquittal.

42 (b) The person is immediately restored to the following civil
43 rights if the person's civil rights previously have not been restored:

- 44 (1) The right to vote;
- 45 (2) The right to hold office; and



1 (3) The right to serve on a jury.

2 2. Upon the sealing of the person's records, *except if the*
3 *person's records were sealed pursuant to section 1.3 of this act*, a
4 person who is restored to his or her civil rights pursuant to
5 subsection 1 must be given:

6 (a) An official document which demonstrates that the person has
7 been restored to the civil rights set forth in paragraph (b) of
8 subsection 1; and

9 (b) A written notice informing the person that he or she has not
10 been restored to the right to bear arms, unless the person has
11 received a pardon and the pardon does not restrict his or her right to
12 bear arms.

13 3. If a person has had his or her records sealed in this State or
14 any other state and was not given official documentation of the
15 restoration of civil rights or if that documentation is lost, damaged
16 or destroyed, the person may file a written request with a court of
17 competent jurisdiction to restore his or her civil rights pursuant to
18 this section. Upon verification that the person has had his or her
19 records sealed, the court shall issue an order restoring the person to
20 the civil rights to vote, to hold office and to serve on a jury. A
21 person must not be required to pay a fee to receive such an order.

22 4. A person who has had his or her records sealed in this State
23 or any other state may present official documentation that the person
24 has been restored to his or her civil rights or a court order restoring
25 civil rights as proof that the person has been restored to the right to
26 vote, to hold office and to serve as a juror.

27 **Sec. 7.** NRS 179.295 is hereby amended to read as follows:

28 179.295 1. The person who is the subject of the records that
29 are sealed pursuant to NRS 34.970, 174.034, 176.211, 176A.245,
30 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259,
31 179.2595, 179.271, 201.354 or 453.3365 *or section 1.3 of this act*
32 may petition the court that ordered the records sealed to permit
33 inspection of the records by a person named in the petition, and the
34 court may order such inspection. Except as otherwise provided in
35 this section, subsection 9 of NRS 179.255 and NRS 179.259 and
36 179.301, the court may not order the inspection of the records under
37 any other circumstances.

38 2. If a person has been arrested, the charges have been
39 dismissed and the records of the arrest have been sealed, the court
40 may order the inspection of the records by a prosecuting attorney
41 upon a showing that as a result of newly discovered evidence, the
42 person has been arrested for the same or a similar offense and that
43 there is sufficient evidence reasonably to conclude that the person
44 will stand trial for the offense.



1 3. The court may, upon the application of a prosecuting
2 attorney or an attorney representing a defendant in a criminal action,
3 order an inspection of such records for the purpose of obtaining
4 information relating to persons who were involved in the incident
5 recorded.

6 4. This section does not prohibit a court from considering a
7 proceeding for which records have been sealed pursuant to NRS
8 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245,
9 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or
10 453.3365 *or section 1.3 of this act* in determining whether to grant a
11 petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295,
12 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction
13 of another offense.

14 **Sec. 7.5.** NRS 179.301 is hereby amended to read as follows:

15 179.301 1. The Nevada Gaming Control Board and the
16 Nevada Gaming Commission and their employees, agents and
17 representatives may inquire into and inspect any records sealed
18 pursuant to NRS 179.245 or 179.255, if the event or conviction was
19 related to gaming, to determine the suitability or qualifications of
20 any person to hold a state gaming license, manufacturer's, seller's or
21 distributor's license or registration as a gaming employee pursuant
22 to chapter 463 of NRS. Events and convictions, if any, which are the
23 subject of an order sealing records:

24 (a) May form the basis for recommendation, denial or
25 revocation of those licenses.

26 (b) Must not form the basis for denial or rejection of a gaming
27 work permit unless the event or conviction relates to the applicant's
28 suitability or qualifications to hold the work permit.

29 2. The Division of Insurance of the Department of Business
30 and Industry and its employees may inquire into and inspect any
31 records sealed pursuant to NRS 179.245 or 179.255, if the event or
32 conviction was related to insurance, to determine the suitability or
33 qualifications of any person to hold a license, certification or
34 authorization issued in accordance with title 57 of NRS. Events and
35 convictions, if any, which are the subject of an order sealing records
36 may form the basis for recommendation, denial or revocation of
37 those licenses, certifications and authorizations.

38 3. A prosecuting attorney may inquire into and inspect any
39 records sealed pursuant to NRS 179.245 or 179.255 if:

40 (a) The records relate to a violation or alleged violation of NRS
41 202.485; and

42 (b) The person who is the subject of the records has been
43 arrested or issued a citation for violating NRS 202.485.

44 4. The Central Repository for Nevada Records of Criminal
45 History and its employees may inquire into and inspect any records



1 sealed pursuant to NRS 179.245 or 179.255 that constitute
2 information relating to ~~{sexual}~~ :

3 (a) *Sexual* offenses, and may notify employers of the
4 information in accordance with federal laws and regulations.

5 (b) *A violation or alleged violation of NRS 202.360.*

6 5. Records which have been sealed pursuant to NRS 179.245
7 or 179.255 and which are retained in the statewide registry
8 established pursuant to NRS 179B.200 may be inspected pursuant to
9 chapter 179B of NRS by an officer or employee of the Central
10 Repository for Nevada Records of Criminal History or a law
11 enforcement officer in the regular course of his or her duties.

12 6. The State Board of Pardons Commissioners and its agents
13 and representatives may inquire into and inspect any records sealed
14 pursuant to NRS 179.245 or 179.255 if the person who is the subject
15 of the records has applied for a pardon from the Board.

16 7. As used in this section:

17 (a) "Information relating to sexual offenses" means information
18 contained in or concerning a record relating in any way to a sexual
19 offense.

20 (b) "Sexual offense" has the meaning ascribed to it in
21 NRS 179A.073.

22 **Sec. 8.** NRS 179.301 is hereby amended to read as follows:

23 179.301 1. The Nevada Gaming Control Board and the
24 Nevada Gaming Commission and their employees, agents and
25 representatives may inquire into and inspect any records sealed
26 pursuant to NRS 179.245 or 179.255, *or section 1.3 of this act*, if
27 the event or conviction was related to gaming, to determine the
28 suitability or qualifications of any person to hold a state gaming
29 license, manufacturer's, seller's or distributor's license or
30 registration as a gaming employee pursuant to chapter 463 of NRS.
31 Events and convictions, if any, which are the subject of an order
32 sealing records:

33 (a) May form the basis for recommendation, denial or
34 revocation of those licenses.

35 (b) Must not form the basis for denial or rejection of a gaming
36 work permit unless the event or conviction relates to the applicant's
37 suitability or qualifications to hold the work permit.

38 2. The Division of Insurance of the Department of Business
39 and Industry and its employees may inquire into and inspect any
40 records sealed pursuant to NRS 179.245 or 179.255, *or section 1.3*
41 *of this act*, if the event or conviction was related to insurance, to
42 determine the suitability or qualifications of any person to hold a
43 license, certification or authorization issued in accordance with title
44 57 of NRS. Events and convictions, if any, which are the subject of
45 an order sealing records may form the basis for recommendation,



1 denial or revocation of those licenses, certifications and
2 authorizations.

3 3. A prosecuting attorney may inquire into and inspect any
4 records sealed pursuant to NRS 179.245 or 179.255 *or section 1.3*
5 *of this act* if:

6 (a) The records relate to a violation or alleged violation of NRS
7 202.485; and

8 (b) The person who is the subject of the records has been
9 arrested or issued a citation for violating NRS 202.485.

10 4. The Central Repository for Nevada Records of Criminal
11 History and its employees may inquire into and inspect any records
12 sealed pursuant to NRS 179.245 or 179.255 *or section 1.3 of this*
13 *act* that constitute information relating to:

14 (a) Sexual offenses, and may notify employers of the
15 information in accordance with federal laws and regulations.

16 (b) A violation or alleged violation of NRS 202.360.

17 5. Records which have been sealed pursuant to NRS 179.245
18 or 179.255 *or section 1.3 of this act* and which are retained in the
19 statewide registry established pursuant to NRS 179B.200 may be
20 inspected pursuant to chapter 179B of NRS by an officer or
21 employee of the Central Repository for Nevada Records of Criminal
22 History or a law enforcement officer in the regular course of his or
23 her duties.

24 6. The State Board of Pardons Commissioners and its agents
25 and representatives may inquire into and inspect any records sealed
26 pursuant to NRS 179.245 or 179.255 *or section 1.3 of this act* if the
27 person who is the subject of the records has applied for a pardon
28 from the Board.

29 7. As used in this section:

30 (a) "Information relating to sexual offenses" means information
31 contained in or concerning a record relating in any way to a sexual
32 offense.

33 (b) "Sexual offense" has the meaning ascribed to it in
34 NRS 179A.073.

35 **Sec. 8.3.** 1. Before January 1, 2025, the Administrative
36 Office of the Courts shall adopt rules to streamline the process for
37 filing a petition for the sealing of records of criminal history, as
38 recommended by the Advisory Task Force on Automatic Record
39 Sealing pursuant to section 1.7 of this act, including, without
40 limitation, rules regarding:

41 (a) A standard order for the sealing of records of criminal
42 history to be used by all courts having jurisdiction over the sealing
43 of records of criminal history;

44 (b) The authority for a petitioner to file a request for the sealing
45 of records of criminal history with one court; and



1 (c) Any other changes that will expedite or simplify the process
2 for petitioners to seal records of criminal history.

3 2. As used in this section, "record of criminal history" has the
4 meaning ascribed to it in NRS 179A.070.

5 **Sec. 8.7.** The provisions of subsection 1 of NRS 218D.380 do
6 not apply to any provision of this act which adds or revises a
7 requirement to submit a report to the Legislature.

8 **Sec. 9.** 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and
9 8.7 become effective upon passage and approval.

10 2. Section 1.3 of this act becomes effective:

11 (a) Upon passage and approval for the purpose of:

12 (1) The Division developing and implementing the process
13 required pursuant to subsection 1 of that section;

14 (2) The Administrative Office of the Courts developing and
15 implementing the process required pursuant to subsection 3 of that
16 section; and

17 (3) The Division and the Administrative Office of the Courts
18 adopting any rules or regulations, as applicable, and performing any
19 other preparatory administrative tasks that are necessary to carry out
20 the provisions of this act; and

21 (b) On January 1, 2026, for all other purposes.

22 3. Section 1.7 of this act becomes effective upon passage and
23 approval and expires by limitation on June 30, 2026.

24 4. Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become
25 effective on January 1, 2026.

26 5. Sections 2.3 and 3.1 of this act become effective on
27 January 1, 2026, and expire by limitation on June 30, 2026.

28 6. Sections 2.7 and 3.3 of this act become effective on July 1,
29 2026.

30 7. As used in this section, "Division" means the Records,
31 Communications and Compliance Division of the Department of
32 Public Safety.

