

# SEALING OF RECORDS

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*Conviction / Acquittal / Dismissal*



*CLARK COUNTY DISTRICT ATTORNEY'S OFFICE*

## **NOTICE:**

This website contains instructions for using the Clark County District Attorney's record sealing stipulation process.

Per statute, a current, verified copy of **petitioner's criminal history must accompany the Petition to Seal Records**. This information is necessary for the legal review for sealing criminal arrest records. Therefore, a Criminal History Report from the Nevada Criminal History Central Repository must be provided with the petition and order. Although a copy of the SCOPE is no longer statutorily required you may still wish to obtain a copy of your SCOPE so that you can accurately describe the arrests on your petition and order.

### **Criminal History Report (CHR)**

NV CRIMINAL HISTORY CENTRAL REPOSITORY DEPARTMENT OF PUBLIC SAFETY

RECORDS & IDENTIFICATION BUREAU

333 NYE LANE, SUITE 100

CARSON CITY, NV 89706

(775)-684-6262

REFER TO: [www.NVRepository.State.NV.us](http://www.NVRepository.State.NV.us)

### **SCOPE**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

400 S. MARTIN LUTHER KING BLVD

LAS VEGAS, NEVADA 89101

(702) 828-3475 AND/OR (702) 828-3476

REFER TO: [www.lvmpd.com](http://www.lvmpd.com)

No section of this website should be construed as providing legal advice. Record sealing is a highly sensitive area. You are encouraged to consult with private legal counsel.

**CLARK COUNTY DISTRICT ATTORNEY'S OFFICE**

**REVISED 2017**

## THE PROCESS

### BEFORE YOU BEGIN, YOU SHOULD KNOW:

Not everyone that wants to have their records sealed is eligible. The following are some of the reasons that your petition can be denied:

- Statutory length of time since your case is closed has not been satisfied (See NRS 176.245)
- You have pending and/or active case(s) in any jurisdiction.
- Your case was recently dismissed without prejudice OR the Statute of Limitations has not yet been met.
- You have Drug and/or DUI (Driving under the Influence of Drugs and/or Alcohol) case(s) recently denied by the District Attorney's Office.
- You have any felony DUI convictions.
- Your Petition includes a crime relating to a Sexual Assault or crime against a child.
- You have not listed ALL charges heard in either Las Vegas Justice Court and/or the Eighth Judicial District Court. The District Attorney's Office does not approve partial record sealing.
- You have included any offense that occurred within a municipal court jurisdiction as they must be submitted to the appropriate city attorney's office or to the Eighth Judicial District Court for approval or denial.

Per Nevada Revised Statute, the following convictions are not eligible for sealing until Waiting Period Requirements have been met FROM THE TIME YOUR CASE IS CLOSED INCLUDING INCARCERATION, PAROLE OR PROBATION.

Category A felony or a crime of violence pursuant to NRS 200.408 or burglary pursuant to NRS 205.060 (10 years)

Category B, C or D Felony (5 years)

Category E Felony (2 years)

Gross Misdemeanor (2 years)

Misdemeanor False Health Insurance claims, Misdemeanor DUI (Driving under the Influence of Drugs and/or Alcohol), Misdemeanor BDV (Battery Domestic Violence (7 years)

Misdemeanor Battery, Misdemeanor Stalking, Misdemeanor Harassment, or violation of a protective order (2 years)

All other Misdemeanor (1 year)

## Step 1

Obtain your criminal history report from the NV Criminal History Central Repository Department of Public Safety. You are REQUIRED to submit a copy of **EACH** of your criminal history reports from the Central Repository:

### **Nevada Criminal History Central Repository**

Dept. of Public Safety  
Records & Identification Bureau  
333 Nye Lane, Suite 100  
Carson City NV 89706  
Telephone: (775)-684-6262

Refer to: [www.NVRepository.State.NV.US](http://www.NVRepository.State.NV.US)

**NOTE:** The District Attorney's Office only reviews cases for sealing records that have resulted in charges from either a Justice Court township jurisdiction or Clark County District Court.

## Step 2

Prepare record sealing forms (see sample Justice Court or District Court forms) and submit the following:

- Original and 1 copy of Signed Petition (copy is for the DA's office)
- Original and 1 copy of Signed Order (copy is for the DA's office)
- Original and 1 copy of Signed Affidavit (attach to back of the Petition)
- 1 copy of Criminal History Report (CHR) **\*\*\*\*NOTE: You should keep Original\*\*\*\***
- 9" x 12" postage paid manila envelope with your return address with \$2.00 minimum postage paid
- DO NOT use PADDED ENVELOPES OR PHOTO MAILERS.
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## Step 3

Submit the record sealing forms listed above to the District Attorney's Office for review. Also include a 9" x 12" self-addressed envelope with a minimum of \$2.00 in postage. Your documents will be mailed back to you in this envelope.

MAIL TO: Record Sealing Coordinator  
Office of the District Attorney,  
200 Lewis Avenue, Room 3305  
P.O. Box 552212  
Las Vegas, NV 89155-2212

-- OR --

DELIVER TO: Office of the District Attorney  
Regional Justice Center, 3<sup>rd</sup> Floor, DA Reception Window  
200 Lewis Avenue  
Las Vegas, NV 89155

## Step 4

If the District Attorney's Office determines that Petitioner is eligible to have his/her records sealed and signs the Order, the original Petition and Order, and supporting documents, will be mailed back to petitioner or to the submitting legal counsel's office in the 9" x 12" postage paid mailing envelope provided.

**It is the responsibility of the Petitioner or legal counsel to deliver or send originals of each form to the appropriate court clerk for filing.** You will be responsible for paying the filing fee required by the Court with which you file.

## Step 5

If and when the Order is signed by a Judge, the Petitioner or legal counsel **MUST** send a copy of the signed/filed Order to the agencies involved in the arrests as listed in the Order including the District Attorney's office. **Your records will not be sealed in our office until a copy of the signed/filed Order has been received by us**

On the Order to Seal Records form include the following:

In the Matter of the Application of

Name (and any aliases or other names you are known by) LVMPD CS# or ID#

Date of Birth

IT IS HEREBY ORDERED that the following records of arrest be sealed:

PLEASE BEGIN WITH YOUR MOST RECENT ARREST (refer to your SCOPE or Criminal History Report) Date of Arrest:

Arresting Agency: (Example – LVMPD, NHP, School Police, Nevada Gaming Authority, State Contractor's Board, etc.)

Case Number: Charge:

Final Outcome/Result/Disposition and/or close of case date including release from incarceration, parole or probation.

If there are multiple charges for any arrest date, each charge must be listed separately.

**\*\*IMPORTANT:** The signature line for the District Attorney and any City Attorney **MUST** be on the same page as the Judge's signature line. The District Attorney will not sign a blank or signature only page on the Order to Seal.

Attorneys and/or Record Sealing Agencies need to update their current templates at District Attorney's signature site to include current name of District Attorney, Steven B. Wolfson and current wording referring to NRS 179.et.seq. as seen on the Order Sample Forms.

## How to put your Record Sealing Package together:

Place in the following order—PLEASE DO NOT STAPLE

1. Signed Original Order and copy (paper clip together)
2. Signed Original Petition and copy (including Affidavit) (paper clip together)
3. 1 copy of Nevada Repository Criminal History Report (CHR) (for the DA's office) 1 copy of any supporting documents (for the DA's office)
4. Self-addressed 9" x 12" envelope with at least \$2.00 postage affixed to the envelope

## GUIDELINES FOR UTILIZING THE STIPULATION PROCESS

### Criminal History Records

FIRST, request a copy of your Criminal History Report from the Nevada Criminal History Central Repository. It may take 6-8 weeks for this to be sent to you.

### Court of Jurisdiction

The Clark County District Attorney cannot stipulate to Petitions to Seal Records that include arrests or convictions under Municipal Court jurisdiction. A petition that includes both arrests or convictions for Municipal Court charges as well as arrests or convictions in the Las Vegas Justice Court and/or the Eighth Judicial District Court may be sealed by the Eighth Judicial District Court but you must submit a packet to the appropriate City Attorney's Office and then to the District Attorney's Office. You may use one Order for all record sealing but there must be a separate signature line for each prosecuting agency.

**For example**, if you have a conviction in the Las Vegas Municipal court and the Las Vegas justice Court you may file your petition in the Eighth Judicial District Court but your proposed order must have separate signature lines for the Las Vegas City Attorney's office and the Clark County District Attorney's Office. You should submit your packet to the City Attorney's Office first and when you receive it back submit it to the District Attorney's Office last. Requests for stipulations to seal only municipal criminal records should be submitted to the city attorney of proper jurisdiction and filed in the appropriate municipal court.

The Eighth Judicial District Court, the highest Court in the County, can be petitioned to seal all charges within justice, municipal and district courts of Clark County.

There are several Justice Courts (JC) within Clark County. Therefore, the specific township where the case was, or would have been, prosecuted, should be the heading of the Petition and Order. If there are multiple arrests in more than one Township (i.e., Henderson JC case and North Las Vegas JC case), use the District Court forms. It is recommended that you file the petition with the justice court where the majority of the arrests and convictions occurred.

## Preparation of Forms

**Only one (1)** Petition, Affidavit and Order is required to seal all records within Clark County. Sample forms can be found in the "Record Sealing Forms" section. Both the Petition and Order should accurately and completely list each arrest to be sealed, one below the other, in the body of the Petition and Order. All dates of arrest should match what is listed on the SCOPE printout. Minimally, the following information is required for each arrest:

SAMPLE:

Arresting Agency:	Las Vegas Metropolitan Police
Date of Arrest:	October 2, 2009
Charge:	Trespass; Obstructing Police Officer; False info to Police
Final Outcome:	Fined \$400, counseling, dismissed

Per statute, the petition and order should include a list of agencies reasonably known to the petitioner to have possession of records to be sealed. The Las Vegas Metropolitan Police Department and Clark County District Attorney should always be listed in the Petition and Order as agencies to seal records.

All information, and the self-addressed mailing envelope, must be provided. Receipt of partial information will delay processing. If the criminal history (SCOPE printout) as received from the Las Vegas Metropolitan Police Department, does not include a final disposition for an arrest or citation, the **petitioner must provide documentation of the final disposition from the court where the arrest/citation was filed or from the law enforcement agency involved.**

## Submittal of Forms

The District Attorney's Office only reviews cases for sealing records that have resulted in charges from either a Justice Court township jurisdiction or Clark County District Court.

If a petitioner wishes to have their record sealed from any citation/charge(s) that occurred within a city jurisdiction only, then the Petition/Order and request for stipulation should be submitted directly to the appropriate City Attorney's Office such as North Las Vegas, Henderson, etc. All multiple jurisdiction charges should be filed on District Court forms.

The petitioner must sign the original Petition, Affidavit and Order. The following documents should be dropped off or mailed to the District Attorney's Office, 200 Lewis Avenue, Room 3305, P O Box 552212, Las Vegas, Nevada 89155-2212:

1. Original and 1 copy of the Petition (including Affidavit)
2. Original and 1 copy of the Order
3. A Copy of the Criminal History Report from the Nevada Criminal History Central Repository and one copy of SCOPE as received from the Las Vegas Metropolitan Police Department
4. Judgment of Conviction and discharge from probation or other form of successful completion of requirements if petitioning to seal records pursuant to NRS 176A.265, 179.259 and/or 453.3365. Judgment of Conviction and discharge papers can be obtained from the District Court Clerk, 200 Lewis Avenue, Las Vegas, Nevada 89155.
5. A 9" x 12" self-addressed envelope with a minimum of \$2.00 postage attached.

The District Attorney's Office will keep one copy of all forms submitted. The stipulation process takes 10-12 weeks within the District Attorney's Office. Your originals will be returned to you by mail, in the envelope you've provided, following the review.

### **Approval**

If the Order is signed by the District Attorney's Office, take the original Petition, Affidavit and Order to the Clerk of the appropriate court. District Court documents are filed on the 3rd Floor of the Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada. Justice Court documents are filed in the appropriate township. Call the Clerk of the Court (See Frequently Called Numbers) for applicable filing fees and acceptable forms of payment. The Clerk of the appropriate Court can also advise regarding requirements/fees required to obtain certified copies of the Order.

The Clerk of the Court will submit your forms to a Judge for review and signature. Ask the Clerk how your copies will be returned to you.

Except where the Court orders otherwise, it is the responsibility of the Petitioner to distribute copies of the filed/stamped Order to the agencies involved listed in the Petition and Order. A copy of the filed/stamped Order should also be retained by you for your records.

### **Denial**

If the Order is denied by the District Attorney's Office, there will be an explanation accompanying your paperwork. You can either correct/change the paperwork as advised and resubmit to the District Attorney's Office or petition the court for a hearing before a judge. The petitioner, or his/her legal counsel, must notify the District Attorney's Office if a hearing is scheduled.



## FREQUENTLY CALLED NUMBERS

### Eighth Judicial District Court

Records Information- Clark County Clerk's Office ..... 702-671-0530

### Justice Courts

Boulder City..... 702-455-8000  
Bunkerville ..... 1-702-346-5711  
Goodsprings ..... 702-874-1405  
Henderson..... 702-455-7951  
Las Vegas..... 702-671-3116  
Laughlin..... 702-298-4622  
Mesquite ..... 1-702-346-5298  
Moapa ..... 1-702-864-2333  
Moapa Valley ..... 1-702-397-2840  
North Las Vegas ..... 702-455-7801  
Searchlight ..... 702-297-1252

**Legal Aid Center of Southern Nevada** ..... 702-386-1070

### Municipal Court / Prosecuting Official

	<b>COURT</b>	<b>PROSECUTOR</b>
Boulder City.....	702-293-9278 .....	702-293-9238
Henderson.....	702-267-3300 .....	702-267-1200
Las Vegas.....	702-229-6575 .....	702-229-6201
Mesquite .....	1-702-346-5291 .....	1-702-346-5181
North Las Vegas .....	702-633-1130 .....	702-633-2100

**Nevada Criminal History Central Repository**..... 1-775-684-6262

## FREQUENTLY ASKED QUESTIONS

**How do I expunge my records?** Nevada statutes allow for sealing of criminal records only. Therefore, expunging the record is not an option. Sealed records are not destroyed; they are removed from public access.

**What does it cost to seal records?** The District Attorney's Office does not charge for stipulating to sealing records. However, you must include 9" x 12" self-addressed envelope with at least \$2.00 in postage attached to it. When you file with the clerk of the court, you must pay their fees.

**What does it cost for a Nevada Criminal History Report (CHR)?** Refer to the websites or call the Nevada Criminal History Central Repository ([www.NVRepository.State.NV.US](http://www.NVRepository.State.NV.US)), (775)-684-6262 for applicable fees.

**I have my criminal history. How do I know if my record is sealable?** (See Statutory Requirements). If you are uncertain if your record is sealable, you should consult with private legal counsel.

**What is the court filing fee?** Call the appropriate Court Clerk (See Frequently Called Numbers) for the filing fee and acceptable form of payment.

**I have multiple arrests. Do I prepare a set of forms for each arrest?** No. Only one set of forms is prepared for either the District Court or the appropriate township Justice Court. Each arrest entry is listed, one below the other, in the body of one Petition and one Order, and should be entered in the same order on both forms.

**I have arrests and convictions in multiple courts, do I have to file a petition in each court?** No. If you have multiple arrests in multiple courts you can file one petition in the Eighth Judicial Court. However your petition and order must be approved by each prosecuting agency for each different court. So, for example if you have arrests or convictions in a municipal court and a justice court you may file one petition in the Eighth Judicial District Court but your petition must include a signature line for the city attorney of the municipal court and a separate signature line for the district attorney of the justice court. You should send your packet to the City Attorney's Office first for approval and once you receive it back from them, then send it to the District Attorney's Office for approval.

**What do I give to the District Attorney's Office?** The following documents should be submitted to the District Attorney's Office:

1. Signed original and 1 copy of the Petition (including Affidavit)
2. Signed original and 1 copy of the Order,
3. One copy of the Criminal History Report from the Nevada Criminal History Central Repository. You should keep the originals to submit to the court.
4. If applicable, a copy of the District Court Judgment of Conviction and discharge from probation, or other form of successful completion of requirements, if petitioning to seal records pursuant to NRS 176A.265, 179.259 and/or 453.3365.
5. A 9" x 12" self-addressed envelope with at least \$2.00 in postage affixed to the envelope.

**How long does it take the Court to process record sealing forms?** Call the appropriate Court Clerk (See Frequently Called Numbers) and ask for the current time frames.

**How long does it take the Las Vegas Metropolitan Police Department to seal records?** Call LVMPD at (702) 828-3475 and ask for the current time frames.

**How do I seal my juvenile records?** Chapter 62H, Records Related to Children, governs the sealing of juvenile records. The Juvenile Court is the court of jurisdiction. You should first contact the probation officer who handled the case by calling (702) 455-5290. If there was not a probation officer involved or if you have a legal question regarding the sealing of juvenile records, you can call the Juvenile Division of the Clark County District Attorney's Office at (702) 455-5320.

**How do I obtain a pardon?** The Nevada Board of Pardons Commissioners is comprised of the Governor, the Attorney General and members of the Nevada Supreme Court. (See Nevada Revised Statutes 213.020). You can obtain an application for a pardon by writing to:

EXECUTIVE SECRETARY OF THE PARDONS BOARD  
1445 Hot Springs Road, Suite 108-B  
Carson City, NV 89711

Or, you can download the form from the following site:

<http://www.silversource.state.nv.us/forms/parole/parole2.pdf>

**How do I restore my civil rights?** If you have satisfied the statutory criteria for sealing records, the District Court record sealing forms incorporate restoration of civil rights. Call Parole and Probation at (775) 684-2605 if you are not eligible to seal records or if you have questions.

**Where can I get the record sealing forms?** User friendly forms are available in the Record Sealing Forms section of our website.

<http://www.clarkcountynv.gov/district-attorney/crm/Pages/sampleformsnotice.aspx>

**Who do I contact if I have a question about the record sealing process?** We suggest you contact private counsel or The Legal Aid Center of Southern Nevada.

### **Links to Regional Justice Center and Other Local and State Agencies**

The Regional Justice Center is located at 200 Lewis Avenue, in Downtown Las Vegas, Nevada and houses the Eighth Judicial District Court, Las Vegas Township Justice Court and Municipal Court.

These links are provided for information purposes only. The Clark County District Attorney's Office is not responsible for the content on these sites and has no control over their accuracy or whether they are kept up-to-date.

Additional information about the Clark County Courts, Regional Justice Center, Court Clerk, Justice Court, District Court and Law Library may be obtained on the following website:

<http://www.clarkcountycourts.us>

**Nevada Criminal History Central Repository:** 775-684-6262 ♦ [www.NVRepository.State.NV.us](http://www.NVRepository.State.NV.us)

**Clark County Virtual Court Center:** [www.clarkcountycourts.us](http://www.clarkcountycourts.us)

**Las Vegas Township Justice Court:**

Regional Justice Center 200 Lewis Avenue  
Las Vegas, NV 89101  
702-671-3444  
[www.clarkcountycourts.us/lvjc/](http://www.clarkcountycourts.us/lvjc/)

**Clark County District Court:** 702-671-0530 ♦ [www.clarkcountycourts.us/ejdc](http://www.clarkcountycourts.us/ejdc)

**State of Nevada Appeals Court (Nevada Supreme Court):** 702-486-9300 ♦

[http://supreme.nvcourts.gov/Supreme/Court Information/Overvie w of the Supreme Court/](http://supreme.nvcourts.gov/Supreme/Court%20Information/Overview%20of%20the%20Supreme%20Court/)

**Family Division Eighth Judicial District Court:** 702-455-2591 ♦

[www.clarkcountycourts.us/ejdc/courts-and-judges/family.html](http://www.clarkcountycourts.us/ejdc/courts-and-judges/family.html)

601 N. Pecos  
Las Vegas, NV 89155

**U.S. District Court (Federal Court):** 702-464-5400 ♦ [www.nvd.uscourts.gov](http://www.nvd.uscourts.gov)

333 Las Vegas Blvd. South  
Las Vegas, NV 89101

**Las Vegas Municipal Court:** 702-382-6878 ♦ [www.lasvegasnevada.gov/Government/municipalcourt.htm](http://www.lasvegasnevada.gov/Government/municipalcourt.htm)

Regional Justice Center  
200 Lewis Avenue  
Las Vegas, NV 89101

**Nevada Highway Patrol:** 702-486-4100 ♦ <http://nhp.nv.gov>

4615 W. Sunset Road  
Las Vegas, NV 89118

**Las Vegas Metropolitan Police Department (Records Section):** 702-828-3475

[www.lvmpd.com/Sections/PoliceRecordsBureau/tabid/181/Default.aspx](http://www.lvmpd.com/Sections/PoliceRecordsBureau/tabid/181/Default.aspx)

400 S. Martin Luther King, Bldg. C  
Las Vegas, NV 89106

**North Las Vegas Police Department:** 702-633-9111

[www.cityofnorthlasvegas.com/Departments/Police/Police.shtm](http://www.cityofnorthlasvegas.com/Departments/Police/Police.shtm)

1301 E. Lake Mead Blvd.  
N. Las Vegas, NV 89030

**Henderson Police Department:** 702-267-5000 ♦ [www.cityofhenderson.com/police/](http://www.cityofhenderson.com/police/)

223 Lead Street  
Henderson, NV 89015

**Clark County Detention Center:** 702-671-3900 ♦ [www.clarkcountynv.gov/depts/ccdc/Pages/About.aspx](http://www.clarkcountynv.gov/depts/ccdc/Pages/About.aspx)

330 S. Casino Center  
Las Vegas, NV 89101

**Eighth Judicial District Court-Probate:** 702-455-2650

[www.clarkcountycourts.us/ejdc/courts-and-judges/probate/probate.html](http://www.clarkcountycourts.us/ejdc/courts-and-judges/probate/probate.html)

601 N. Pecos Road  
Las Vegas, NV 89101

## POTENTIAL AGENCIES INVOLVED FOR SEALING RECORDS

(List only the agencies involved in your request to seal records in the petition and order)

Boulder City Justice Court	Mesquite Municipal Court and City Attorney
Boulder City Municipal Court and City Attorney	Moapa Justice Court
Boulder City Police Department	Moapa Valley Justice Court
Bunkerville Justice Court	Nevada Attorney General
Clark County District Attorney	Nevada Criminal History Central Repository
Goodsprings Justice Court	Nevada Department of Corrections
Henderson Justice Court	Nevada Department of Motor Vehicles and Public Safety
Henderson Municipal Court and City Attorney	Nevada Department of Parole and Probation
Henderson Police Department	Nevada Gaming Control Board
Las Vegas Justice Court	North Las Vegas Justice Court
Las Vegas Metropolitan Police Department	North Las Vegas Municipal Court and City Attorney
Las Vegas Municipal Court and City Attorney	North Las Vegas Police Department
Laughlin Justice Court	Searchlight Justice Court
Mesquite Justice Court	

### Record Sealing Forms Instructions

The legal documents (petition, affidavit and order) are prepared with arrest information as reflected on your criminal history. You cannot proceed without this information. (See Guideline for Utilizing the Stipulation Process –Criminal History Records)

**How do I determine my Court of Jurisdiction?** (See Guidelines for Utilizing the Stipulation Process – Court of Jurisdiction)

**How do I go from field to field in the forms?** Press F11 – Type the requested information and press F11 again to navigate to the next field.

**Example of inserts:**

Attorney or Petitioner's Name

=

F11 + John Doe + F11

Bar # (if attorney)

=

Space bar if not represented by counsel + F11

Street Address

=

1234 Main Street + F11

City, State & Zip Code

=

Las Vegas, Nevada 89000 + F11

Telephone Number

=

(702) 123-4567

The Internet forms are not protected and allow for the insertion of required information. The forms allow for the sealing of multiple arrests entries. This will enable you to insert all sealable events, one under the other, in the body of the petition and order. Each sealable entry should include the date of arrest, the name of the arresting agency and charge(s), final disposition and the date when the case was closed or when the petitioner was released from incarceration, probation or parole. Attachments listing sealable items are not acceptable to the court.

## **NOTICE:**

The following forms contain information as recommended by the District Attorney's Office for sealing of criminal records.

### **Microsoft WORD Documents**

For user friendly, fill in the blank form, or to print a sample, click the appropriate District or Justice Court link below.

[District Court Forms](#)

OR

[Justice Court Forms](#)

NO PORTION OF THIS WEBSITE SHOULD BE CONSTRUED AS PROVIDING LEGAL ADVICE. RECORD SEALING IS A HIGHLY SENSITIVE AREA. YOU ARE ENCOURAGED TO CONSULT WITH PRIVATE LEGAL COUNSEL.

### **STATUTORY REQUIREMENTS**

#### **NRS 179.245**

1. Except as otherwise provided in subsection 6 and NRS 176A.265, 176A.295, 179.259, 453.3365 and 458.330, 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 pursuant to NRS 200.408 or 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 paragraph (a), 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, other than a felony, 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) 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) 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.



(continued)

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 or 458.330, 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; and

(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.

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 attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records 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 prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

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, the California Bureau of Criminal Identification and Information 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) 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;

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

(e) 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;

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

(g) A violation of NRS 488.420 or 488.425.

7. 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.

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

(2) Sexual assault pursuant to NRS 200.366.

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

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

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

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this paragraph.

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

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

(9) Incest pursuant to NRS 201.180.

(continued)

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

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

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

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

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

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

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

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

#### **NRS 179.255**

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

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

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

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

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

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal, for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal.

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

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

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

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

(continued)

(c) If the petition references NRS 453.3365 or 458.330, 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;

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

(e) 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 charges that were dismissed or of which the petitioner was acquitted; and

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

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

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

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

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

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

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

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

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

6. If the prosecuting attorney stipulates to the sealing of the records after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

(continued)

7. If the court finds that there has been an acquittal, that the prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal, declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

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

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

#### **NRS 179.259**

1. Except as otherwise provided in subsections 3, 4 and 5, 4 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person'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. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the

Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, 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.

3. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

4. The Division of Insurance of the Department of Business and Industry is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

5. A person may not petition the court to seal records relating to a conviction of a crime against a child or a sexual offense.

(continued)

6. As used in this section:

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

(b) "Eligible person" means a person who has:

(1) Successfully completed a program for reentry, which the person participated in pursuant to NRS 209.4886, 209.4888, 213.625 or 213.632; and

(2) Been convicted of a single offense which was punishable as a felony and which did not involve the use or threatened use of force or violence against the victim. For the purposes of this subparagraph, multiple convictions for an offense punishable as a felony shall be deemed to constitute a single offense if those offenses arose out of the same transaction or occurrence.

(c) "Program for reentry" means:

(1) A correctional program for reentry of offenders and parolees into the community that is established by the Director of the Department of Corrections pursuant to NRS 209.4887; or

(2) A judicial program for reentry of offenders and parolees into the community that is established in a judicial district pursuant to NRS 209.4883.

(d) "Sexual offense" has the meaning ascribed to it in paragraph

(b) of subsection [7] 8 of NRS 179.245.

**NRS 179.265** Rehearings after denial of petition: Time for; number.

1. A person whose petition is denied under NRS 179.245 or 179.255 may petition for a rehearing not sooner than 2 years after the denial of the previous petition.

2. No person may petition for more than two rehearings.

**NRS 179.275** Order sealing records: Distribution to Central Repository and persons named in order; compliance. Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, a copy of the order must be sent to:

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

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

**NRS 179.275**

Where the court orders the sealing of a record pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330, or section 5 of this act, a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and
2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

**NRS 179.285**

Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 [:] or section 5 of this act:

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

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

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

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

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

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

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

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

#### **NRS 179.295**

1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 or section 5 of this act may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection.