

ASSEMBLY BILL NO. 181—ASSEMBLYMEN FRIERSON, OHRENSCHALL, YEAGER; ARAUJO, BENITEZ-THOMPSON AND MCCURDY II

PREFILED FEBRUARY 13, 2017

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Revises provisions governing the restoration of civil rights for ex-felons. (BDR 14-720)

FISCAL NOTE: Effect on Local Government: No. Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to civil rights; revising provisions governing the restoration of civil rights to certain persons who have been convicted of felonies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, unless a person has been convicted of certain specified
2 felonies, a person who has been convicted of a felony is restored to his or her civil
3 rights by operation of law upon: (1) an honorable discharge from probation; (2) an
4 honorable discharge from parole; or (3) the completion of his or her sentence and
5 release from prison. Conversely, a person must petition a court for the restoration of
6 his or her civil rights if the person was convicted: (1) of a category A felony; (2)
7 of an offense that would constitute a category A felony if committed as of the date
8 of discharge from probation, discharge from parole or release from prison; (3) of a
9 category B felony involving the use of force or violence that resulted in substantial
10 bodily harm; (4) of an offense involving the use of force or violence that resulted in
11 substantial bodily harm and that would constitute a category B felony if committed
12 as of the date of discharge from probation, discharge from parole or release from
13 prison; or (5) two or more times of a felony, except under certain circumstances.
14 (NRS 176A.850, 213.155, 213.157) Sections 1-3 of this bill provide, respectively,
15 that if the probationer, parolee or person who completed his or her sentence and
16 was released from prison was convicted: (1) two or more times of a felony, his or
17 her right to vote must be restored immediately after discharge from probation,
18 discharge from parole or release from prison; and (2) of any of the other offenses
19 enumerated above, his or her right to vote must be restored 2 years after discharge
20 from probation, discharge from parole or release from prison.

21 Existing law sets forth circumstances under which a person whose term of
22 probation has expired must be given a dishonorable discharge and precludes the



23 probationer from obtaining the restoration of certain civil rights. (NRS 176A.870)
24 **Section 1** maintains the requirement that such a probationer be given a
25 dishonorable discharge, but **section 5** of this bill eliminates the prohibition on the
26 restoration of civil rights.

27 **Section 4** of this bill provides for the restoration of civil rights to residents of
28 this State who: (1) have not had their civil rights restored; (2) are not on probation
29 or parole or serving a sentence of imprisonment on October 1, 2017; and (3) before
30 October 1, 2017, were discharged from probation or parole or released from prison
31 after serving their sentences.

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

1 **Section 1.** NRS 176A.850 is hereby amended to read as
2 follows:

3 176A.850 1. A person who:

4 (a) Has fulfilled the conditions of probation for the entire period
5 thereof;

6 (b) Is recommended for earlier discharge by the Division; or

7 (c) Has demonstrated fitness for honorable discharge but
8 because of economic hardship, verified by the Division, has been
9 unable to make restitution as ordered by the court,

10 ↪ may be granted an honorable discharge from probation by order
11 of the court.

12 2. *A person whose term of probation has expired and:*

13 (a) *Whose whereabouts are unknown;*

14 (b) *Who has failed to make restitution in full as ordered by the*
15 *court, without a verified showing of economic hardship; or*

16 (c) *Who has otherwise failed to qualify for an honorable*
17 *discharge as provided in subsection 1,*

18 ↪ *is not eligible for an honorable discharge and must be given a*
19 *dishonorable discharge. A dishonorable discharge releases the*
20 *person from any further obligation, except as otherwise provided*
21 *in subsection 3.*

22 3. Any amount of restitution remaining unpaid constitutes a
23 civil liability arising upon the date of discharge and is enforceable
24 pursuant to NRS 176.275.

25 ~~{3. Except as otherwise provided in subsection 4, a}~~

26 4. A person who has been ~~{honorably}~~ discharged from
27 probation:

28 (a) Is free from the terms and conditions of probation.

29 (b) Is immediately restored to the ~~{following civil rights:~~

30 ~~—— (1) The right to vote; and~~

31 ~~—— (2) The} right to serve as a juror in a civil action.~~

32 (c) *Except as otherwise provided in paragraph (d), is*
33 *immediately restored to the right to vote.*



1 (d) Two years after the date of discharge from probation, is
2 restored to the right to vote if the person has previously been
3 convicted in this State:

4 (1) Of a category A felony.

5 (2) Of an offense that would constitute a category A felony
6 if committed as of the date of discharge from probation.

7 (3) Of a category B felony involving the use of force or
8 violence that resulted in substantial bodily harm to the victim.

9 (4) Of an offense involving the use of force or violence that
10 resulted in substantial bodily harm to the victim and that would
11 constitute a category B felony if committed as of the date of
12 discharge from probation.

13 (e) Four years after the date of ~~honorable~~ discharge from
14 probation, is restored to the right to hold office.

15 ~~(d)~~ (f) Six years after the date of ~~honorable~~ discharge from
16 probation, is restored to the right to serve as a juror in a criminal
17 action.

18 ~~(e)~~ (g) If the person meets the requirements of NRS 179.245,
19 may apply to the court for the sealing of records relating to the
20 conviction.

21 ~~(f)~~ (h) Must be informed of the provisions of this section and
22 NRS 179.245 in the person's probation papers.

23 ~~(g)~~ (i) Is exempt from the requirements of chapter 179C of
24 NRS, but is not exempt from the requirements of chapter 179D of
25 NRS.

26 ~~(h)~~ (j) Shall disclose the conviction to a gaming establishment
27 and to the State and its agencies, departments, boards, commissions
28 and political subdivisions, if required in an application for
29 employment, license or other permit. As used in this paragraph,
30 "establishment" has the meaning ascribed to it in NRS 463.0148.

31 ~~(i)~~ (k) Except as otherwise provided in paragraph ~~(h)~~, (j),
32 need not disclose the conviction to an employer or prospective
33 employer.

34 ~~4. Except as otherwise provided in this subsection, the civil~~
35 ~~rights set forth in subsection 3 are not restored to a person honorably~~
36 ~~discharged from probation if the person has previously been~~
37 ~~convicted in this State:~~

38 ~~—(a) Of a category A felony.~~

39 ~~—(b) Of an offense that would constitute a category A felony if~~
40 ~~committed as of the date of the honorable discharge from probation.~~

41 ~~—(c) Of a category B felony involving the use of force or violence~~
42 ~~that resulted in substantial bodily harm to the victim.~~

43 ~~—(d) Of an offense involving the use of force or violence that~~
44 ~~resulted in substantial bodily harm to the victim and that would~~



1 ~~constitute a category B felony if committed as of the date of~~
2 ~~honorable discharge from probation.~~

3 ~~—(e) Two or more times of a felony, unless a felony for which the~~
4 ~~person has been convicted arose out of the same act, transaction or~~
5 ~~occurrence as another felony, in which case the convictions for~~
6 ~~those felonies shall be deemed to constitute a single conviction for~~
7 ~~the purposes of this paragraph.~~

8 ~~→ A person described in this subsection may petition a court of~~
9 ~~competent jurisdiction for an order granting the restoration of civil~~
10 ~~rights as set forth in subsection 3.~~

11 5. The prior conviction of a person who has been ~~honorably~~
12 discharged from probation may be used for purposes of
13 impeachment. In any subsequent prosecution of the person, the prior
14 conviction may be pleaded and proved if otherwise admissible.

15 6. ~~Except for a person subject to the limitations set forth in~~
16 ~~subsection 4, upon honorable~~ Upon discharge from probation, the
17 person so discharged must be given an official document which
18 provides:

19 (a) That the person has received an honorable discharge *or*
20 *dishonorable discharge, as applicable*, from probation;

21 (b) That the person ~~has been~~ *is* restored to his or her civil
22 rights to vote and to serve as a juror in a civil action as of the ~~date~~
23 ~~of honorable discharge from probation;~~ *applicable dates set forth*
24 *in paragraphs (b), (c) and (d) of subsection 4;*

25 (c) The date on which the person's civil right to hold office will
26 be restored pursuant to paragraph ~~(e)~~ *(e)* of subsection ~~3~~ *4*;
27 and

28 (d) The date on which the person's civil right to serve as a juror
29 in a criminal action will be restored pursuant to paragraph ~~(d)~~ *(f)*
30 of subsection ~~3~~ *4*.

31 7. ~~Subject to the limitations set forth in subsection 4, a~~ *A*
32 person who has been ~~honorably~~ discharged from probation in this
33 State or elsewhere and whose official documentation of ~~honorable~~
34 discharge from probation is lost, damaged or destroyed may file a
35 written request with a court of competent jurisdiction to restore the
36 person's civil rights pursuant to this section. Upon verification that
37 the person has been ~~honorably~~ discharged from probation and is
38 eligible to be restored to the civil rights set forth in subsection ~~3~~ *4*,
39 the court shall issue an order restoring the person to the civil rights
40 set forth in subsection ~~3~~ *4*. A person must not be required to pay a
41 fee to receive such an order.

42 8. A person who has been ~~honorably~~ discharged from
43 probation in this State or elsewhere may present:

44 (a) Official documentation of ~~honorable~~ discharge from
45 probation, if it contains the provisions set forth in subsection 6; or



1 (b) A court order restoring the person's civil rights,
2 ↪ as proof that the person has been restored to the civil rights set
3 forth in subsection ~~3.~~ 4.

4 **Sec. 2.** NRS 213.155 is hereby amended to read as follows:

5 213.155 1. ~~Except as otherwise provided in subsection 2, a~~
6 *A* person who receives ~~an honorable~~ *a* discharge from parole
7 pursuant to NRS 213.154:

8 (a) Is immediately restored to the ~~following civil rights:~~

9 ~~— (1) The right to vote; and~~

10 ~~— (2) The~~ right to serve as a juror in a civil action.

11 (b) *Except as otherwise provided in paragraph (c), is*
12 *immediately restored to the right to vote.*

13 (c) *Two years after the date of his or her discharge from*
14 *parole, is restored to the right to vote if the person has previously*
15 *been convicted in this State:*

16 (1) *Of a category A felony.*

17 (2) *Of an offense that would constitute a category A felony*
18 *if committed as of the date of discharge from parole.*

19 (3) *Of a category B felony involving the use of force or*
20 *violence that resulted in substantial bodily harm to the victim.*

21 (4) *Of an offense involving the use of force or violence that*
22 *resulted in substantial bodily harm to the victim and that would*
23 *constitute a category B felony if committed as of the date of*
24 *discharge from parole.*

25 (d) Four years after the date of his or her ~~honorable~~ discharge
26 from parole, is restored to the right to hold office.

27 ~~(e)~~ (e) Six years after the date of his or her ~~honorable~~
28 discharge from parole, is restored to the right to serve as a juror in a
29 criminal action.

30 2. ~~Except as otherwise provided in this subsection, the civil~~
31 ~~rights set forth in subsection 1 are not restored to a person who has~~
32 ~~received an honorable discharge from parole if the person has~~
33 ~~previously been convicted in this State:~~

34 ~~— (a) Of a category A felony.~~

35 ~~— (b) Of an offense that would constitute a category A felony if~~
36 ~~committed as of the date of his or her honorable discharge from~~
37 ~~parole.~~

38 ~~— (c) Of a category B felony involving the use of force or violence~~
39 ~~that resulted in substantial bodily harm to the victim.~~

40 ~~— (d) Of an offense involving the use of force or violence that~~
41 ~~resulted in substantial bodily harm to the victim and that would~~
42 ~~constitute a category B felony if committed as of the date of his or~~
43 ~~her honorable discharge from parole.~~

44 ~~— (e) Two or more times of a felony, unless a felony for which the~~
45 ~~person has been convicted arose out of the same act, transaction or~~



1 ~~occurrence as another felony, in which case the convictions for~~
2 ~~those felonies shall be deemed to constitute a single conviction for~~
3 ~~the purposes of this paragraph.~~

4 ~~↳ A person described in this subsection may petition a court of~~
5 ~~competent jurisdiction for an order granting the restoration of his or~~
6 ~~her civil rights as set forth in subsection 1.~~

7 ~~— 3. — Except for a person subject to the limitations set forth in~~
8 ~~subsection 2, upon~~ **Upon** his or her **{honorable}** discharge from
9 parole, a person so discharged must be given an official document
10 which provides:

11 (a) That the person has received an honorable discharge **or**
12 **dishonorable discharge, as applicable**, from parole;

13 (b) That the person **{has been}** **is** restored to his or her civil
14 rights to vote and to serve as a juror in a civil action as of the **{date**
15 ~~of his or her honorable discharge from parole;}~~ **applicable dates set**
16 **forth in paragraphs (a), (b) and (c) of subsection 1;**

17 (c) The date on which his or her civil right to hold office will be
18 restored to the person pursuant to paragraph **{(b)}** **(d)** of subsection
19 1; and

20 (d) The date on which his or her civil right to serve as a juror in
21 a criminal action will be restored to the person pursuant to
22 paragraph **{(e)}** **(e)** of subsection 1.

23 ~~{4. — Subject to the limitations set forth in subsection 2, a}~~

24 **3.** A person who has been **{honorable}** discharged from parole
25 in this State or elsewhere and whose official documentation of his or
26 her **{honorable}** discharge from parole is lost, damaged or destroyed
27 may file a written request with a court of competent jurisdiction to
28 restore his or her civil rights pursuant to this section. Upon
29 verification that the person has been **{honorable}** discharged from
30 parole and is eligible to be restored to the civil rights set forth in
31 subsection 1, the court shall issue an order restoring the person to
32 the civil rights set forth in subsection 1. A person must not be
33 required to pay a fee to receive such an order.

34 ~~{5.}~~ **4.** A person who has been **{honorable}** discharged from
35 parole in this State or elsewhere may present:

36 (a) Official documentation of his or her **{honorable}** discharge
37 from parole, if it contains the provisions set forth in subsection **{3;}**
38 **2;** or

39 (b) A court order restoring his or her civil rights,
40 ↳ as proof that the person has been restored to the civil rights set
41 forth in subsection 1.

42 ~~{6.}~~ **5.** The Board may adopt regulations necessary or
43 convenient for the purposes of this section.



1 **Sec. 3.** NRS 213.157 is hereby amended to read as follows:

2 213.157 1. ~~{Except as otherwise provided in subsection 2, a}~~

3 A person convicted of a felony in the State of Nevada who has
4 served his or her sentence and has been released from prison:

5 (a) Is immediately restored to the ~~{following civil rights:~~

6 ~~— (1) The right to vote; and~~

7 ~~— (2) The~~ right to serve as a juror in a civil action.

8 (b) *Except as otherwise provided in paragraph (c), is*
9 *immediately restored to the right to vote.*

10 (c) *Two years after the date of his or her release from prison,*
11 *is restored to the right to vote if the person has previously been*
12 *convicted in this State:*

13 (1) *Of a category A felony.*

14 (2) *Of an offense that would constitute a category A felony*
15 *if committed as of the date of his or her release from prison.*

16 (3) *Of a category B felony involving the use of force or*
17 *violence that resulted in substantial bodily harm to the victim.*

18 (4) *Of an offense involving the use of force or violence that*
19 *resulted in substantial bodily harm to the victim and that would*
20 *constitute a category B felony if committed as of the date of his or*
21 *her release from prison.*

22 (d) Four years after the date of his or her release from prison, is
23 restored to the right to hold office.

24 ~~{(e)}~~ (e) Six years after the date of his or her release from
25 prison, is restored to the right to serve as a juror in a criminal action.

26 2. ~~{Except as otherwise provided in this subsection, the civil~~
27 ~~rights set forth in subsection 1 are not restored to a person who has~~
28 ~~been released from prison if the person has previously been~~
29 ~~convicted in this State:~~

30 ~~— (a) Of a category A felony.~~

31 ~~— (b) Of an offense that would constitute a category A felony if~~
32 ~~committed as of the date of his or her release from prison.~~

33 ~~— (c) Of a category B felony involving the use of force or violence~~
34 ~~that resulted in substantial bodily harm to the victim.~~

35 ~~— (d) Of an offense involving the use of force or violence that~~
36 ~~resulted in substantial bodily harm to the victim and that would~~
37 ~~constitute a category B felony if committed as of the date of his or~~
38 ~~her release from prison.~~

39 ~~— (e) Two or more times of a felony, unless a felony for which the~~
40 ~~person has been convicted arose out of the same act, transaction or~~
41 ~~occurrence as another felony, in which case the convictions for~~
42 ~~those felonies shall be deemed to constitute a single conviction for~~
43 ~~the purposes of this paragraph.~~



1 ~~→ A person described in this subsection may petition a court of~~
2 ~~competent jurisdiction for an order granting the restoration of his or~~
3 ~~her civil rights as set forth in subsection 1.~~

4 ~~— 3. Except for a person subject to the limitations set forth in~~
5 ~~subsection 2, upon~~ *Upon* his or her release from prison, a person so
6 released must be given an official document which provides:

7 (a) That the person has been released from prison;

8 (b) That the person ~~has been~~ *is* restored to his or her civil
9 rights to vote and to serve as a juror in a civil action as of the ~~date~~
10 ~~of his or her release from prison;~~ *applicable dates set forth in*
11 *paragraphs (a), (b) and (c) of subsection 1;*

12 (c) The date on which his or her civil right to hold office will be
13 restored to the person pursuant to paragraph ~~{(b)}~~ *(d)* of subsection
14 1; and

15 (d) The date on which his or her civil right to serve as a juror in
16 a criminal action will be restored to the person pursuant to
17 paragraph ~~{(e)}~~ *(e)* of subsection 1.

18 ~~{4. Subject to the limitations set forth in subsection 2, a}~~

19 *3.* A person who has been released from prison in this State or
20 elsewhere and whose official documentation of his or her release
21 from prison is lost, damaged or destroyed may file a written request
22 with a court of competent jurisdiction to restore his or her civil
23 rights pursuant to this section. Upon verification that the person has
24 been released from prison and is eligible to be restored to the civil
25 rights set forth in subsection 1, the court shall issue an order
26 restoring the person to the civil rights set forth in subsection 1. A
27 person must not be required to pay a fee to receive such an order.

28 ~~{5.}~~ *4.* A person who has been released from prison in this
29 State or elsewhere may present:

30 (a) Official documentation of his or her release from prison, if it
31 contains the provisions set forth in subsection ~~{3.}~~ *2;* or

32 (b) A court order restoring his or her civil rights,

33 ~~→~~ as proof that the person has been restored to the civil rights set
34 forth in subsection 1.

35 **Sec. 4.** 1. Any person residing in this State who:

36 (a) Is not subject to the provisions of subsection 2;

37 (b) Before October 1, 2017, was discharged from probation
38 pursuant to NRS 176A.850 or 176A.870, discharged from parole
39 pursuant to NRS 213.155 or released from prison pursuant to NRS
40 213.157, as those sections existed before October 1, 2017;

41 (c) Is not on probation or parole or serving a sentence of
42 imprisonment on October 1, 2017; and

43 (d) Has not already had his or her civil rights restored,

44 ~~→~~ is immediately restored to the right to serve as a juror in a civil
45 action and the right to vote. Four years after the date on which the



1 person was discharged from probation, discharged from parole or
2 released from prison, as applicable, he or she is restored to the right
3 to hold office. Six years after the date on which the person was
4 discharged from probation, discharged from parole or released from
5 prison, as applicable, he or she is restored to the right to serve as a
6 juror in a criminal action.

7 2. Any person residing in this State who:

8 (a) Before October 1, 2017:

9 (1) Was discharged from probation pursuant to NRS
10 176A.850 or 176A.870, discharged from parole pursuant to NRS
11 213.155 or released from prison pursuant to NRS 213.157, as those
12 sections existed before October 1, 2017; and

13 (2) Was previously convicted in this State:

14 (I) Of a category A felony;

15 (II) Of an offense that would constitute a category A
16 felony if committed as of the date of discharge from probation,
17 discharge from parole or release from prison, as applicable;

18 (III) Of a category B felony involving the use of force or
19 violence that resulted in substantial bodily harm to the victim;

20 (IV) Of an offense involving the use of force or violence
21 that resulted in substantial bodily harm to the victim and that would
22 constitute a category B felony if committed as of the date of
23 discharge from probation, discharge from parole or release from
24 prison, as applicable; or

25 (V) Two or more times of a felony, unless a felony for
26 which the person has been convicted arose out of the same act,
27 transaction or occurrence as another felony, in which case the
28 convictions for those felonies shall be deemed to constitute a single
29 conviction for the purposes of this sub-subparagraph;

30 (b) Is not on probation or parole or serving a sentence of
31 imprisonment on October 1, 2017; and

32 (c) Has not already had his or her civil rights restored,

33 ➤ is immediately restored to the right to serve as a juror in a civil
34 action. Two years after the date on which the person was discharged
35 from probation, discharged from parole or released from prison, as
36 applicable, he or she is restored to the right to vote. Four years after
37 the date on which the person was discharged from probation,
38 discharged from parole or released from prison, as applicable, he or
39 she is restored to the right to hold office. Six years after the date on
40 which the person was discharged from probation, discharged from
41 parole or released from prison, as applicable, he or she is restored to
42 the right to serve as a juror in a criminal action.

43 3. A person who is restored to his or her civil rights pursuant to
44 this section and whose official documentation which demonstrates
45 that the person qualifies to have his or her civil rights restored



1 pursuant to this section is lost, damaged or destroyed may file a
2 written request with a court of competent jurisdiction to restore his
3 or her civil rights pursuant to this section. Upon verification that the
4 person qualifies to have his or her civil rights restored pursuant to
5 this section, the court shall issue an order restoring the person to the
6 civil rights set forth in this section. A person must not be required to
7 pay a fee to receive such an order.

8 4. A person who is restored to his or her civil rights pursuant to
9 this section may present official documentation that he or she
10 qualifies to have his or her civil rights restored pursuant to this
11 section or a court order restoring his or her civil rights as proof that
12 he or she has been restored to the civil rights set forth in this section.

13 **Sec. 5.** NRS 176A.870 is hereby repealed.

TEXT OF REPEALED SECTION

176A.870 Dishonorable discharge. A defendant whose term of probation has expired and:

1. Whose whereabouts are unknown;
2. Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
3. Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,

↳ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution which is enforceable pursuant to NRS 176.275, but does not entitle the probationer to any privilege conferred by NRS 176A.850.



