



Records, Communications and Compliance Division  
333 West Nye Lane, Suite 100  
Carson City, Nevada 89706  
Telephone (775) 684-6262 ~ Fax (775) 687-3289  
[www.rccd.nv.gov](http://www.rccd.nv.gov)

## SEALING OF CRIMINAL HISTORY RECORDS (General Information)

By statute, an individual may request that a court seal records of arrest, criminal conviction, acquittal, or dismissal. The purpose of this information, which includes sample forms, is to identify the law and the District Attorney's Office procedures for utilizing the stipulation process when petitioning a court to seal records of arrest, conviction, acquittal, or dismissal.

For clarification purposes, an order sealing records is not an expungement of records, which allows for the destruction of the records. Rather, an order sealing records removes the records from general information sources but does not authorize their destruction. In fact, a record sealed pursuant to statute may later be used in certain circumstances. (See NRS 179.295 and 179.301).

Additionally, although the entry of an order by a court requires that certain criminal justice agencies located outside the State of Nevada are to comply with its direction, these agencies are not bound to follow this order. Therefore, it is possible that these records will not be removed from their record entry systems.

The process can take between 2 to 4 months to complete but this is depending the on accuracy of all the information on the Court Order.

### **OBTAINING COPY OF CRIMINAL HISTORY RECORD**

Obtaining Criminal History Records applicable to sealing records after a conviction, acquittal or dismissal (NRS 179.245, 179.255, 176A.265, 179.259 and/or 453.3365).

Prior to preparing a Petition and Order, a request for a current, verified copy of applicant's criminal history **for the purpose of sealing records** should be made of the Criminal History Repository. There is a fee for this service. *Effective October 1, 2017 NRS 179.245.2(a)(2) & 179.255.3(a)(2); obtaining a copy of criminal history from the local law enforcement agency of the city or county in which the conviction was entered will no longer be required.*

Request for criminal history form and FBI information is available at the following web site.  
<http://www.rccd.nv.gov>.

To have your fingerprints taken you can go to any local Police Department or Sheriff's Office and have your prints rolled. There is a fee for this which varies by agency.

The District Attorney's Office will be able to give you all the requirements for the county in which the arrest(s) is to be sealed.

## **STATUTORY REQUIREMENTS**

- **NRS 179.245 Sealing records after conviction: Persons eligible; petition; notice; hearing; order.**

1. Except as otherwise provided in subsection 5 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 or B felony after 15 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
  - (b) A category C or D felony after 12 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;
  - (c) A category E felony after 7 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 5 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; or
  - (f) Any other misdemeanor 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.
2. A petition filed pursuant to subsection 1 must:
  - (a) Be accompanied by the petitioner's current, verified records received from:
    - (1) The Central Repository for Nevada Records of Criminal History; and
    - (2) All agencies of criminal justice which maintain such records within the city or county in which the conviction was entered;
  - (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 the hearing on the petition.

4. If, after the hearing, 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.
5. 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](#).
6. 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.
7. 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](#).
- (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.

(Added to NRS by [1971, 955](#); A [1983, 1088](#); [1991, 303](#); [1993, 38](#); [1997, 1673, 1803, 3159](#); [1999, 647, 648, 649](#); [2001, 1167, 1692](#); [2001 Special Session, 261](#); [2003, 312, 316, 319, 1385](#); [2005, 2355](#); [2007, 2751](#); [2009, 105, 418, 1884](#); [2013, 107, 980, 1165, 1382](#); [2015, 909, 1441](#))

- **NRS 179.255 Sealing of records after dismissal, decline of prosecution or acquittal: Petition; notice; hearing; order; inspection of records.**
  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 10 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:
      - (1) The Central Repository for Nevada Records of Criminal History; and
      - (2) All agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court;
    - (b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

- (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.
    - (c) The prosecuting attorney and any person having relevant evidence may testify and present evidence at the 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.
    - (c) The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.
  6. If, after the hearing on a petition submitted pursuant to subsection 1, 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.
  7. If, after the hearing on a petition submitted pursuant to subsection 2, 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.

8. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 6, 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](#).

(Added to NRS by [1971, 955](#); A [1997, 3160](#); [2001, 1693](#); [2009, 1439](#); [2013, 110, 1385](#))

- **NRS 179.259 Sealing records after completion of program for reentry: Persons eligible; procedure; order; inspection of sealed records by certain entities.**
  1. Except as otherwise provided in subsections 3, 4 and 5, 5 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.
  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 of [NRS 179.245](#).

(Added to NRS by [2001, 1166](#); A [2003, 26, 2586](#); [2007, 2753](#); [2015, 3509](#))

- **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.

(Added to NRS by [1971, 956](#))

- **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.

(Added to NRS by [1971, 956](#); A [1991, 304](#); [1999, 2089](#); [2001, 1168](#); [2001 Special Session, 261](#); [2003, 312](#); [2009, 107, 420](#); [2013, 111](#))

- **NRS 179.285 Order sealing records: Effect; proceedings deemed never to have occurred; restoration of civil rights.** 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](#):
    - (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.

(Added to NRS by [1971, 956](#); A [1981, 1105](#); [1991, 304](#); [2001, 1169, 1694](#); [2001 Special Session, 262](#); [2003, 312, 316, 319, 2687](#); [2009, 108, 420](#); [2011, 22](#))

• **NRS 179.295 Reopening of sealed records.**

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](#) 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. Except as otherwise provided in this section, subsection 8 of [NRS 179.255](#) and [NRS 179.259](#) and [179.301](#), the court may not order the inspection of the records under any other circumstances.
2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.
3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.
4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to [NRS 176A.265](#), [176A.295](#), [179.245](#), [179.255](#), [179.259](#), [453.3365](#) or [458.330](#) in determining whether to grant a petition pursuant to [NRS 176A.265](#), [176A.295](#), [179.245](#), [179.255](#), [179.259](#), [453.3365](#) or [458.330](#) for a conviction of another offense.

(Added to NRS by [1971, 956](#); A [1981, 1105](#); [1991, 304](#); [1997, 3160](#); [2001, 1169, 1694](#); [2001 Special Session, 262](#); [2003, 312, 316, 319](#); [2009, 108, 420](#); [2013, 1386](#))

- **NRS 179.301 Inspection of certain sealed records by certain persons and agencies.**
  1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to [NRS 179.245](#) or [179.255](#), if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to [chapter 463](#) of NRS. Events and convictions, if any, which are the subject of an order sealing records:
    - (a) May form the basis for recommendation, denial or revocation of those licenses.
    - (b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.
  2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to [NRS 179.245](#) or [179.255](#), if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.
  3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to [NRS 179.245](#) or [179.255](#) if:
    - (a) The records relate to a violation or alleged violation of [NRS 202.575](#); and
    - (b) The person who is the subject of the records has been arrested or issued a citation for violating [NRS 202.575](#).
  4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to [NRS 179.245](#) or [179.255](#) that constitute information relating to sexual offenses, and may notify employers of the information in accordance with [NRS 179A.180](#) to [179A.240](#), inclusive.
  5. Records which have been sealed pursuant to [NRS 179.245](#) or [179.255](#) and which are retained in the statewide registry established pursuant to [NRS 179B.200](#) may be inspected pursuant to [chapter 179B](#) of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.
  6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to [NRS 179.245](#) or [179.255](#) if the person who is the subject of the records has applied for a pardon from the Board.
  7. As used in this section:
    - (a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.
    - (b) "Sexual offense" has the meaning ascribed to it in [NRS 179A.073](#).

(Added to NRS by [1981, 1105](#); A [1987, 1759](#); [1997, 1674](#); [2003, 2688](#), [2833](#); [2003, 20th Special Session, 16](#); [2005, 973](#); [2011, 23](#); [2013, 111](#); [2015, 3510](#))

## **Pardons**

**(See Nevada Revised Statutes 213.020)**

The Nevada Board of Pardons Commissioners is comprised of the Governor, the Attorney General and the members of the Nevada Supreme Court.

You can obtain an application for a pardon by writing to:

Executive Secretary  
Nevada Board of Pardons  
1445 Hot Springs Road, Suite 108B  
Carson City, NV 89710

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

<http://pardons.nv.gov/About/Application>

### **Court of Jurisdiction**

The Judicial **District Court**, the highest court in the Counties governed by Nevada statutes, can be petitioned to seal all charges within the County including municipal, justice and/or district court cases.

If petitioning to seal a justice court case, the heading of the petition and order should list the specific township where the case was, or would have been, prosecuted. One petition and order can seal charges within multiple townships.

### **Preparation of Forms**

There are two (2) legal documents (a Petition and an Order) which the applicant must prepare when requesting a record sealing. If petitioning through the district or justice court system, these forms should be submitted to the District Attorney's Office along with all appropriate attachments within 30 days of receipt of criminal history information. The Petition and Order should accurately and completely identify each record to be sealed. Minimally, the following information is required:

Date of Arrest, Arresting Agency, Charge and Final Disposition. Supporting information, such as the arresting agency report number, court case number and PCN#, if available, and documented for each arrest/citation, may also be included in the forms.

Additionally, it is extremely important that the Petition and Order include a list of any public or private agency, company, official or other custodian of records who is reasonably known to have possession of records of the conviction, acquittal or dismissal, and to whom the order to seal records, if issued, will be directed (i.e.: law enforcement agencies, justice/municipal/district court(s), city and/or county prosecuting agencies)

**All information must be provided. Receipt of partial information may be cause for denial of a request for sealing of records. It shall be the responsibility of the petitioner to provide written documentation of the final disposition if the criminal history, as received from the law enforcement agency, does not include a final disposition for an arrest/citation. This documentation may be obtained from the court where the arrest/citation was filed or from the law enforcement agency involved in the incident.**

#### Submittal of Forms

Once the legal documents are prepared and the originals are signed by the applicant, the following should be taken to the District Attorney's Office of the county you are petitioning for sealing of records.

1. Original and minimum of one copy of the Petition (including Affidavit)
2. Original and minimum of one copy of the Order
3. Criminal history record as received from the Criminal History Repository or law enforcement agency involved.
4. Copy of the Judgment of Conviction and documentation of successful completion of requirements should also be provided if petitioning to seal records pursuant to NRS 176A.265, 179.259 and/or 453.3365.
5. The District Attorney's Office will retain one copy of all documents for their files and will notify you by telephone or mail when the Petition and Order are ready for pick up.

#### Approval

If the District Attorney's Office has stipulated to sealing records, take the originals and necessary copies of the Petition and Order to the Clerk of the appropriate court. Justice Court documents are filed in the appropriate township. You should contact the Clerk of the Court and inquire if there is a filing fee for sealing records and acceptable form of payment. The Clerk of the Court will retain your paperwork and submit your Order to the Judge for his/her signature. Ask the Clerk if you will be notified to pick up your forms. When you pick up your documents, you should ask the Clerk for as many certified copies of the signed Order as needed for distribution to the law enforcement agencies, courts, and prosecuting officials involved in the sealing of records as specifically named in the Petition and Order. (Gaming Control Board, Nevada Parole and Probation, Nevada Department of Corrections, Criminal History Repository, etc.) A certified copy of the Order should also be retained for your records.

Except where the Court orders otherwise, it shall be the responsibility of the Petitioner to serve each of the agencies named within the Order with a copy of the Order.

Once the Repository has all the information needed to process the Court Order Seal it will take between 2 to 4 months for completion of the Sealing of Records.

1 Case No. \_\_\_\_\_

2 Dept. No. \_\_\_\_\_

3

4

5 IN THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WHITE PINE

7

8 In the Matter of the Application of

9

\_\_\_\_\_

10 Petitioner's Name  
FOR AN ORDER SEALING AND  
11 EXPUNGING RECORDS.

**PETITION TO SEAL RECORDS**  
**PURSUANT TO NRS 179.245**  
**(CONVICTION)**

12

13 \_\_\_\_\_

14 COMES NOW, \_\_\_\_\_, and petitions this Court for an Order  
15 (Petitioner's Name)

16 Pursuant to NRS 179.245 sealing the file and sealing all records concerning and in connection

17 with the arrest of petition on or about \_\_\_\_\_ by the \_\_\_\_\_  
18 (Date of Arrest) (Arresting Agency's Name)

19 for the crime(s) of \_\_\_\_\_,  
20 (Charge)

21 a \_\_\_\_\_, a violation of \_\_\_\_\_.  
22 (Class of Crime) (Statute or County Code)

23 The Information filed on \_\_\_\_\_ in the 7th Judicial District Court Case  
24 (Filing Date)

25 No. \_\_\_\_\_ charged petitioner with \_\_\_\_\_, a  
26 (Case Number) (Charge)

27 \_\_\_\_\_, a violation of \_\_\_\_\_.  
28 (Class of Crime) (Statute or County Code)

On \_\_\_\_\_, petitioner pled guilty to/ was convicted of  
(Date)

1 \_\_\_\_\_, a \_\_\_\_\_, a violation of  
(Charge) (Class of Crime)

2 \_\_\_\_\_  
(Statue of County Code)

3 All other charges were dismissed.

4  
5 This petition is accompanied by a current, verified record of the criminal history of  
6 Petitioner received from the State of Nevada Criminal History Repository and the White Pine  
7 County Sheriff's Department. Petitioner request that the following public and private agencies,  
8 companies, officials, or other custodians of records who are reasonably known to Petitioner to  
9 have possession of his/her arrest be directed to seal their records:

- 10 1. White Pine County Sheriff's Department Case Number \_\_\_\_\_;
- 11 2. White Pine County District Attorney's Office Case Number \_\_\_\_\_;
- 12 3. The Ely Justice Court Case Number \_\_\_\_\_;
- 13 4. Nevada Highway Part 01 Case Number \_\_\_\_\_;
- 14 5. Seventh Judicial District Court Case Number \_\_\_\_\_;
- 15 6. Other Law Enforcement Agency \_\_\_\_\_; Case No \_\_\_\_\_; and
- 16 7. Nevada Criminal History Repository.

17  
18 Petitioner submits that the records he/she seeks to seal include the incident reports and  
19 Records in the possession of the White Pine Co. Sheriff's Department, the White  
20 Pine Co. District Attorney, The Ely Justice Court, Ely Municipal Court, or  
21 the Seventh Judicial District Court

22 \_\_\_\_\_  
(Add any other public or private agencies that have possession of the records.)

23 ///

24 ///

25 ///

26 ///

27 ///

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Petitioner respectfully requests the Court order the records sealed pursuant to NRS 179.235

(4).

Petitioner request that this matter be set for a hearing in due course.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Petitioner

**CERTIFICATE OF SERVICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify pursuant to NRCP 5(b), that I am the Petitioner herein, and that on this date I served counsel for the State of Nevada by mailing/delivering a true and correct copy of the Petition to Seal Records Pursuant to NRS 179.255 to the following addresses:

White Pine Co. District Attorney  
801 Clark St., Ste. 3  
Ely, NV 89301

White Pine Co. Sheriff  
1785 Great Basin Blvd.  
Ely, NV 89301

Ely Justice Court  
801 Clark St., Ste. 6  
Ely, NV 89301

Nevada Criminal History Repository  
808 West Nye Lane  
Carson City, NV 89703

**(ADD ADDRESSES OF ANY ADDITIONAL AGENCIES THAT HAVE RECORDS REGARDING THE CONVICTION)**

DATED: This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Petitioner

1 Case No. \_\_\_\_\_

2 Dept. No. \_\_\_\_\_

3

4

5 IN THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

6 IN AND FOR THE COUNTY OF WHITE PINE

7

8 In the Matter of the Application of

9

10 Petitioner's Name  
FOR ORDER SEALING AND  
11 EXPUNGING RECORDS.

**ORDER SEALING RECORDS**  
**(CONVICTION)**

12

13

14 This matter came before this Court pursuant to a Petition to Seal Records of an arrest and  
15 Non-Opposition to Petition filed by the District Attorney's Office, the Court finding that the  
16 statutory requirements of NRS 179.245 are satisfied, and good cause appearing,

17

18

19

20

21

22

23

24

25

26

27

28

**IT IS HEREBY ORDERED** that the following records relating to the charges made  
against the petitioner and the records relating to the proceedings leading to the conviction be  
sealed in conformity with the provisions set forth in Nevada Revised Statutes:

1. The Ely Justice Court Case Number \_\_\_\_\_ as it related to the charges made  
against the petitioner by an agent of the White Pine Co. Sheriff's Department on  
\_\_\_\_\_, for the crime(s) of \_\_\_\_\_,  
(Date of Arrest) (Charge)
- a \_\_\_\_\_, a violation of \_\_\_\_\_.  
(Class of Crime) (Statute or County Code)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. White Pine Co. District Attorney's file number \_\_\_\_\_ as it related to the charges made against the petitioner by an agent of the White Pine Co. Sheriff's Department on \_\_\_\_\_, for the crime(s) of \_\_\_\_\_, a \_\_\_\_\_, a violation of \_\_\_\_\_.

(Date of Arrest) (Charge)  
(Class of Crime) (Statute or County Code)

3. White Pine Co. Sheriff's Department case number \_\_\_\_\_ as it related to the charges made against the petitioner by an agent of the White Pine Co Sheriff's Department on \_\_\_\_\_, for the crime(s) of \_\_\_\_\_, a \_\_\_\_\_, a violation of \_\_\_\_\_.

(Date of Arrest) (Charge)  
(Class of Crime) (Statute or County Code)

4. 7th Judicial District Court Case Number \_\_\_\_\_ as it related to the charges made against the petitioner by an agent of the White Pine Co Sheriff's Department on \_\_\_\_\_, for the crime(s) of \_\_\_\_\_, a \_\_\_\_\_, a violation of \_\_\_\_\_.

(Date of Arrest) (Charge)  
(Class of Crime) (Statute or County Code)

A copy of this Order shall be sent by Petitioner, pursuant to NRS 179.275, to each public or private agency, company, official named herein as well as the Nevada Department of Public Safety, Records and Technology Division. The persons, agencies, companies, officials or custodians named in this order shall seal the records delineated herein and shall advise the Court of his/her/their compliance, and shall then seal the Order.

Pursuant to NRS 179.285(1), all proceedings recounted in the sealed records are deemed never to have occurred, subject to the provisions set forth in NRS 179.295, and the petitioner 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IT IS FURTHER ORDERED pursuant to NRS 179.285(2) that the civil rights of the petitioner be restored in connection with the dismissal of charges in the criminal matter which is the subject of this civil petition for sealing of records, including the right to vote, the right to hold office, and the right to serve on a jury. The order for restoration of civil rights does not restore the petitioner's civil rights in any other cases in any other court, jurisdiction or state where the civil rights have not been restored herein.

Dated: This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

1 Case No.

2 Dept. No.

3  
4 The undersigned hereby affirms that  
5 this document does not contain the  
6 social security number of any person.

7  
8 IN THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9 IN AND FOR THE COUNTY OF WHITE PINE

10 \_\_\_\_\_,  
11 Petitioner,

**AFFIDAVIT OF MAILING**

12 v.

13 \_\_\_\_\_,  
14 Respondent.

15 \_\_\_\_\_/  
16 STATE OF \_\_\_\_\_ )  
17 )ss:  
18 County of \_\_\_\_\_ )

19 The undersigned, being first duly sworn, deposes and says: That affiant is, and was when  
20 the herein described mailing took place, a citizen of the United States of lawful age; That on the  
21 \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, affiant deposited in the Post Office at \_\_\_\_\_,  
22 \_\_\_\_\_m. " \_\_\_\_\_ (Time)  
23 \_\_\_\_\_ (Title of Document) " enclosed

24 in a sealed envelope upon which first class postage was fully prepaid, addressed to:

25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_

28 ///  
///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

and that there is a regular communication by mail between the place of mailing and the place so addressed.

Subscribed and Sworn to before me

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
(print name)

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
(signature)

court may not order the inspection of the records under any other circumstances.

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

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

4. This section does not prohibit a court from considering a conviction for which records have been 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* in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 *or section 5 of this act* for a conviction of another offense.

**Sec. 11.** (Deleted by amendment.)

**Sec. 12.** NRS 179A.030 is hereby amended to read as follows:

179A.030 "Agency of criminal justice" means:

1. Any court; and
2. Any governmental agency or subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its budget to a function in the administration of criminal justice ~~+~~, *including, without limitation, a local law enforcement agency, the Nevada Highway Patrol, the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections.*

**Sec. 13.** (Deleted by amendment.)

**Sec. 14.** The amendatory provisions of sections 7 and 8 of this act apply to a petition for the sealing of a record of criminal history that is filed on or after October 1, 2017. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.



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.

**Sec. 10.** NRS 179.295 is hereby amended to read as follows:

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. Except as otherwise provided in this section, subsection {8} 9 of NRS 179.255 and NRS 179.259 and 179.301, the



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.

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.

**Sec. 9.3.** NRS 179.275 is hereby amended to read as follows:

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.

**Sec. 9.7.** NRS 179.285 is hereby amended to read as follows:

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 ~~{7}~~ *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



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.

~~{7.}~~ 8. If ~~{, after the hearing on a petition submitted pursuant to subsection 2,}~~ 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.

~~{8.}~~ 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 ~~{6.}~~ 7, 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.

**Sec. 9.** NRS 179.259 is hereby amended to read as follows:

179.259 1. Except as otherwise provided in subsections 3, 4 and 5, ~~{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.



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 ~~the~~ *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 ~~the~~ *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.***

7. If ~~after the hearing on a petition submitted pursuant to subsection 1,~~ 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



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

**Sec. 8.** NRS 179.255 is hereby amended to read as follows:

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 ~~10~~ 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~~:

~~— (1) The~~ *the* Central Repository for Nevada Records of Criminal History; ~~and~~

~~— (2) All agencies of criminal justice which maintain such records within the city or county in which the petitioner appeared in court;~~

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

(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

