

MOCK-UP

PROPOSED AMENDMENT 6043 TO
ASSEMBLY BILL NO. 357

PREPARED FOR ASSEMBLYWOMAN FIORE
APRIL 2, 2015

PREPARED BY THE LEGAL DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

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 follows:
2 176A.850 1. A person who:
3 (a) Has fulfilled the conditions of probation for the entire period
4 thereof;
5 (b) Is recommended for earlier discharge by the Division; or
6 (c) Has demonstrated fitness for honorable discharge but because of
7 economic hardship, verified by the Division, has been unable to make
8 restitution as ordered by the court,
9 may be granted an honorable discharge from probation by order of the
10 court.
11 2. Any amount of restitution remaining unpaid constitutes a civil
12 liability arising upon the date of discharge.
13 3. Except as otherwise provided in subsection 4-~~[1]~~ and ~~[section 2]~~
14 sections 2.5 of this act, a person who has been honorably
15 discharged from probation:
16 (a) Is free from the terms and conditions of probation.
17 (b) Is immediately restored to the following civil rights:
18 (1) The right to vote; and
19 (2) The right to serve as a juror in a civil action.

1 (c) Four years after the date of honorable discharge from probation, is
2 restored to the right to hold office.

3 (d) Six years after the date of honorable discharge from probation, is
4 restored to the right to serve as a juror in a criminal action.

5 (e) If the person meets the requirements of NRS 179.245, may apply to
6 the court for the sealing of records relating to the conviction.

7 (f) Must be informed of the provisions of this section and NRS
8 179.245 in the person's probation papers.

9 (g) Is exempt from the requirements of chapter 179C of NRS, but is
10 not exempt from the requirements of chapter 179D of NRS.

11 (h) Shall disclose the conviction to a gaming establishment and to the
12 State and its agencies, departments, boards, commissions and political
13 subdivisions, if required in an application for employment, license or other
14 permit. As used in this paragraph, "establishment" has the meaning
15 ascribed to it in NRS 463.0148.

16 (i) Except as otherwise provided in paragraph (h), need not disclose the
17 conviction to an employer or prospective employer.

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

21 (a) Of a category A felony.

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

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

26 (d) Of an offense involving the use of force or violence that resulted in
27 substantial bodily harm to the victim and that would constitute a category
28 B felony if committed as of the date of honorable discharge from
29 probation.

30 (e) Two or more times of a felony, unless a felony for which the person
31 has been convicted arose out of the same act, transaction or occurrence as
32 another felony, in which case the convictions for those felonies shall be
33 deemed to constitute a single conviction for the purposes of this paragraph.

34 A person described in this subsection may petition a court of competent
35 jurisdiction for an order granting the restoration of civil rights as set forth
36 in subsection 3.

37 5. The prior conviction of a person who has been honorably
38 discharged from probation may be used for purposes of impeachment. In
39 any subsequent prosecution of the person, the prior conviction may be
40 pleaded and proved if otherwise admissible.

41 6. Except for a person subject to the limitations set forth in subsection
42 4, upon honorable discharge from probation, the person so discharged must
43 be given an official document which provides:

44 (a) That the person has received an honorable discharge from
45 probation;

1 (b) That the person has been restored to his or her civil rights to vote
2 and to serve as a juror in a civil action as of the date of honorable
3 discharge from probation;

4 (c) The date on which the person's civil right to hold office will be
5 restored pursuant to paragraph (c) of subsection 3; and

6 (d) The date on which the person's civil right to serve as a juror in a
7 criminal action will be restored pursuant to paragraph (d) of subsection 3.

8 7. Subject to the limitations set forth in subsection 4, a person who
9 has been honorably discharged from probation in this State or elsewhere
10 and whose official documentation of honorable discharge from probation
11 is lost, damaged or destroyed may file a written request with a court of
12 competent jurisdiction to restore the person's civil rights pursuant to this
13 section. Upon verification that the person has been honorably discharged
14 from probation and is eligible to be restored to the civil rights set forth in
15 subsection 3, the court shall issue an order restoring the person to the civil
16 rights set forth in subsection 3. A person must not be required to pay a fee
17 to receive such an order.

18 8. A person who has been honorably discharged from probation in
19 this State or elsewhere may present:

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

22 (b) A court order restoring the person's civil rights,
23 as proof that the person has been restored to the civil rights set forth in
24 subsection 3.

25 **Sec. 2. (Deleted by amendment.)**

26 **Sec. 2.3. Chapter 179 of NRS is hereby amended by adding**
27 **thereto the provisions set forth as sections 2.5.**

28 ***Sec. 2.5. 1. If a person is prohibited pursuant to paragraph (a) of***
29 ***subsection 1 of NRS 202.360 from owning or having in his or her***
30 ***possession or under his or her custody or control any firearm because he***
31 ***or she has been convicted of a felony or a misdemeanor crime of domestic violence***
32 ***as defined in 18 U.S.C. § 921(a)(33) or exercising the civil rights described in***
33 ***subsection 3 of section 1 of NRS 176A.850, and after meeting requirements of subsection 2***
34 ***and subsection 8 of this section, the person may petition the district court in***
35 ***the county in which the person resides or in which the person was convicted***
36 ***of a disabling offense for the restoration of his or her right to own or have***
37 ***in his or her possession, custody or control any firearm and the restoration***
38 ***of all other civil rights.***

39

40 ***2. (a) The person is not currently serving any sentence or facing***
41 ***any new charges.***

42 ***(b) If the petitioner is seeking the restoration of the right to possess***
43 ***a firearm, the person is not otherwise prohibited from possessing a firearm***
44 ***under any other applicable provision of the laws of this State.***

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
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

- 3. A petition filed pursuant to subsection 1 must:**
- (a) Be accompanied by the petitioner's current, verified record of criminal history from the Central Repository for Nevada Records of Criminal History.**
 - (b) Contain the following information:**
 - (1) The petitioner's full legal name.**
 - (2) Each alias that the petitioner has used or under which the petitioner may have been known.**
 - (3) The petitioner's date of birth.**
 - (4) The petitioner's driver's license number.**
 - (5) The petitioner's current residential address.**
 - (6) Each residential address of the petitioner during the 10 years preceding the filing of the petition.**
 - (7) The rights for which restoration is sought**
 - (8) For each criminal conviction of the petitioner:**
 - (I) The arresting agency;**
 - (II) The date of arrest;**
 - (III) The charges that were filed against the petitioner;**
 - (IV) Whether the offense committed was a misdemeanor or felony and if the felony was a category A, B, C, D or E felony.**
 - (V) The sentencing court;**
 - (VI) The case number;**
 - (VII) The date of the final disposition of the case;**
 - (VIII) The sentence imposed upon the petitioner; and**
 - (IX) The date on which the petitioner completed the sentence.**
 - (X) The date of any previous petitions filed under this section**

4. Upon the receiving a petition from a petitioner who meets the requirements of subsection 3, the court shall, at least 30 days prior to a hearing on the petition, notify the district attorney for the county in which the court is located and the district attorney for each county in which the petitioner was convicted of a felony or misdemeanor for domestic violence.

5. Unless waived by the consent of both the petitioner and the district attorney for the county in which the petition is filed, a date for a hearing on the petition must be set not earlier than 30 days and more later than 120 days after a petition complying with the the requirements of subsection 3 is filed. Notwithstanding Title 4 of the Nevada Revised Statutes, any judicial determination made pursuant to this section may be heard and determined upon live testimony, declarations, affidavits, police reports, or any other evidence submitted by the parties which is material, relevant, and reliable. The court shall issue its decision within 30 days after hearing on the petition is completed.

1 *6. If the court determines that the petitioner is eligible to apply under*
2 *paragraph (a) of section 8, the court shall issue an order setting forth the*
3 *restoration of all rights. If the court determines that the petitioner is*
4 *eligible to apply under paragraph (b)(c) or (d) of section 8 and the petitioner*
5 *proves by clear and convincing evidence that he or she is rehabilitated*
6 *and is unlikely to use the rights that are restored in an unlawful manner,*
7 *the court shall issue an order setting forth which rights are restored.*
8 *The court must provide a copy of any order issued under this subsection*
9 *to the petitioner and to the Department of Public Safety.*

10 *7. If the court determines that the petitioner who is eligible under*
11 *paragraph (b)(c) or (d) of section 8 does not prove by clear and convincing*
12 *evidence that he or she is rehabilitated and is not unlikely to use the right or rights*
13 *that are requested to be restored in a unlawful manner, the court shall issue an*
14 *order denying the restoration of the petitioner's right of said rights and stating the*
15 *basis for the denial. A petitioner who is denied the restoration of any right*
16 *pursuant to this subsection may reapply for the restoration of that a right*
17 *not earlier than one year after the date the court order is entered.*

18 *8. Waiting periods in this section begin from the completion of the most recent*
19 *sentence that involved a felony or misdemeanor for domestic violence.*

20 *(a) One day if the person has never been convicted of domestic violence and the*
21 *only felony case for which the person was convicted involved category D or E*
22 *felonies for which they were honorably discharged from probation and that the*
23 *offenses did not include as an element of the offense:*

- 24 *(1) An attempt, threat or conspiracy to commit an act of violence*
25 *against another person;*
26 *(2) An act of intentional violence against another person; or*
27 *(3) The intentional use of a deadly weapon.*

28 *(b) Two years if person has never been convicted of domestic violence or a Category*
29 *B or A felony, and no felony offenses that includes as an element of the offense:*

- 30 *(1) An attempt, threat or conspiracy to commit an act of violence against*
31 *another person;*
32 *(2) An act of intentional violence against another person; or*
33 *(3) The intentional use of a deadly weapon.*

34 *(c) Seven years if person has convicted of Category E, D, C felonies or not more than*
35 *once convicted of domestic violence, and no offenses that involved the intentional use*
36 *of a deadly weapon with the intent to do substantial bodily harm or more than one*
37 *conviction for domestic violence.*
38
39
40
41
42
43
44
45
46

1 ***9. A person who has lost their civil rights as a result of a conviction in***
2 ***another state may petition for relief under this section if they would***
3 ***otherwise be eligible under this section if the conviction or***
4 ***convictions that resulted in the loss of the rights occurred in this state.***
5
6

7 **Sec. 3.** NRS 179.301 is hereby amended to read as follows:

8 179.301 1. The State Gaming Control Board and the Nevada
9 Gaming Commission and their employees, agents and representatives may
10 inquire into and inspect any records sealed pursuant to NRS 179.245 or
11 179.255, if the event or conviction was related to gaming, to determine the
12 suitability or qualifications of any person to hold a state gaming license,
13 manufacturer's, seller's or distributor's license or registration as a gaming
14 employee pursuant to chapter 463 of NRS. Events and convictions, if any,
15 which are the subject of an order sealing records:

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

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

21 2. A prosecuting attorney may inquire into and inspect any records
22 sealed pursuant to NRS 179.245 or 179.255 if:

23 (a) The records relate to a violation or alleged violation of NRS
24 202.575; and

25 (b) The person who is the subject of the records has been arrested or
26 issued a citation for violating NRS 202.575.

27 3. ***A prosecuting attorney may:***

28 (a) ***Inquire into and inspect any records sealed pursuant to NRS***
29 ***179.245 or 179.255 if the person who is the subject of the records has***
30 ***petitioned to have his or her right to own or have in his or her possession***
31 ***or under his or her control or custody any firearm pursuant to section***
32 ***~~f2~~ 2.7 of this act; and***

33 (b) ***Use any such records as evidence during a hearing on the***
34 ***petition.***

35 4. The Central Repository for Nevada Records of Criminal History
36 and its employees may inquire into and inspect any records sealed pursuant
37 to NRS 179.245 or 179.255 that constitute information relating to sexual
38 offenses, and may notify employers of the information in accordance with
39 NRS 179A.180 to 179A.240, inclusive.

40 ~~f4~~ 5. Records which have been sealed pursuant to NRS 179.245 or
41 179.255 and which are retained in the statewide registry established
42 pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of
43 NRS by an officer or employee of the Central Repository for Nevada

1 Records of Criminal History or a law enforcement officer in the regular
2 course of his or her duties.

3 ~~5.1~~ 6. The State Board of Pardons Commissioners and its agents and
4 representatives may inquire into and inspect any records sealed pursuant to
5 NRS 179.245 or 179.255 if the person who is the subject of the records has
6 applied for a pardon from the Board.

7 ~~6.1~~ 7. As used in this section:

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

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

12 **Sec. 4.** NRS 6.010 is hereby amended to read as follows:

13 6.010 Except as otherwise provided in this section, every qualified
14 elector of the State, whether registered or not, who has sufficient
15 knowledge of the English language, and who has not been convicted of
16 treason, a felony, or other infamous crime, and who is not rendered
17 incapable by reason of physical or mental infirmity, is a qualified juror of
18 the county in which the person resides. A person who has been convicted
19 of a felony is not a qualified juror of the county in which the person resides
20 until the person's civil right to serve as a juror has been restored pursuant
21 to NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 ~~or section 2.5~~
22 ~~2.5~~ *this act.*

23 **Sec. 5.** NRS 202.360 is hereby amended to read as follows:

24 202.360 1. A person shall not own or have in his or her possession
25 or under his or her custody or control any firearm if the person:

26 (a) Has been convicted of a felony in this *State* or any other state, or in
27 any political subdivision thereof, or of a felony in violation of the laws of
28 the United States of America, unless the person ~~has~~ :

29 (1) *Has* received a pardon and the pardon does not restrict his or her
30 right to bear arms; *or*

31 (2) *Has had his or her right to own or have in his or her*
32 *possession or under his or her custody or control any firearm restored*
33 *pursuant to section 2.5 of this act* ~~;~~ ;

34 (b) *Has been convicted in this State or any other state of a*
35 *misdemeanor crime ~~that constitutes~~ of domestic violence ~~pursuant to~~*
36 *NRS 33.018 or a substantially similar law of any other state;* *as defined*
37 *in 18 U.S.C. § 921(a)(33), unless the person has had his or her right to*
38 *own or have in his or her possession or under his or her custody or*
39 *control any firearm restored pursuant to section 2.5 of this act;*

40 (c) Is a fugitive from justice; or

41 ~~(e)~~ (d) Is an unlawful user of, or addicted to, any controlled
42 substance.

43 A person who violates the provisions of this subsection is guilty of a
44 category B felony and shall be punished by imprisonment in the state
45 prison for a minimum term of not less than 1 year and a maximum term of

1 not more than 6 years, and may be further punished by a fine of not more
2 than \$5,000.

3 2. A person shall not own or have in his or her possession or under his
4 or her custody or control any firearm if the person:

5 (a) Has been adjudicated as mentally ill or has been committed to any
6 mental health facility; or

7 (b) Is illegally or unlawfully in the United States.

8 A person who violates the provisions of this subsection is guilty of a
9 category D felony and shall be punished as provided in
10 NRS 193.130.

11 3. As used in this section:

12 (a) "Controlled substance" has the meaning ascribed to it in 21 U.S.C.
13 § 802(6).

14 (b) "Firearm" includes any firearm that is loaded or unloaded and
15 operable or inoperable.

16 **Sec. 6.** NRS 209.511 is hereby amended to read as follows:

17 209.511 1. When an offender is released from prison by expiration
18 of his or her term of sentence, by pardon or by parole, the Director:

19 (a) May furnish the offender with a sum of money not to exceed \$100,
20 the amount to be based upon the offender's economic need as determined
21 by the Director;

22 (b) Shall give the offender notice of the provisions of chapter 179C of
23 NRS and NRS 202.357 and 202.360;

24 (c) Shall require the offender to sign an acknowledgment of the notice
25 required in paragraph (b);

26 (d) Shall give the offender notice of the provisions of NRS 179.245
27 and the provisions of NRS 213.090, 213.155 or 213.157, ~~and [section 2]~~
28 *section 2.5 of this act*, as applicable;

29 (e) Shall provide the offender with information relating to obtaining
30 employment, including, without limitation, any programs which may
31 provide bonding for an offender entering the workplace and any
32 organizations which may provide employment or bonding assistance to
33 such a person;

34 (f) Shall provide the offender with a photo identification card issued by
35 the Department and information and reasonable assistance relating to
36 acquiring a valid driver's license or identification card to enable the
37 offender to obtain employment, if the offender:

38 (1) Requests a photo identification card; or

39 (2) Requests such information and assistance and is eligible to
40 acquire a valid driver's license or identification card from the Department
41 of Motor Vehicles;

42 (g) May provide the offender with clothing suitable for reentering
43 society;

44
45

1 (h) May provide the offender with the cost of transportation to his or
2 her place of residence anywhere within the continental United States, or to
3 the place of his or her conviction;

4 (i) May, but is not required to, release the offender to a facility for
5 transitional living for released offenders that is licensed pursuant to chapter
6 449 of NRS; and

7 (j) Shall require the offender to submit to at least one test for exposure
8 to the human immunodeficiency virus.

9 2. The costs authorized in paragraphs (a), (f), (g), (h) and (j) of
10 subsection 1 must be paid out of the appropriate account within the State
11 General Fund for the use of the Department as other claims against the
12 State are paid to the extent that the costs have not been paid in accordance
13 with subsection 5 of NRS 209.221 and
14 NRS 209.246.

15 3. As used in this section:

16 (a) "Facility for transitional living for released offenders" has the
17 meaning ascribed to it in NRS 449.0055.

18 (b) "Photo identification card" means a document which includes the
19 name, date of birth and a color picture of the offender.

20 **Sec. 7.** NRS 213.155 is hereby amended to read as follows:

21 213.155 1. Except as otherwise provided in subsection 2-~~1~~ and
22 ~~section 2~~ *section 2.5 of this act*, a person who receives an
23 honorable discharge from parole pursuant to NRS 213.154:

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

25 (1) The right to vote; and

26 (2) The right to serve as a juror in a civil action.

27 (b) Four years after the date of his or her honorable discharge from
28 parole, is restored to the right to hold office.

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

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

35 (a) Of a category A felony.

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

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

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

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

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

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

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

9 (a) That the person has received an honorable discharge from parole;
10 (b) That the person has been restored to his or her civil rights to vote
11 and to serve as a juror in a civil action as of the date of his or her honorable
12 discharge from parole;

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

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

18 4. Subject to the limitations set forth in subsection 2, a person who
19 has been honorably discharged from parole in this State or elsewhere and
20 whose official documentation of his or her honorable discharge from
21 parole is lost, damaged or destroyed may file a written request with a court
22 of competent jurisdiction to restore his or her civil rights pursuant to this
23 section. Upon verification that the person has been honorably discharged
24 from parole and is eligible to be restored to the civil rights set forth in
25 subsection 1, the court shall issue an order restoring the person to the civil
26 rights set forth in subsection 1. A person must not be required to pay a fee
27 to receive such an order.

28 5. A person who has been honorably discharged from parole in this
29 State or elsewhere may present:

30 (a) Official documentation of his or her honorable discharge from
31 parole, if it contains the provisions set forth in subsection 3; 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 forth in
34 subsection 1.

35 6. The Board may adopt regulations necessary or convenient for the
36 purposes of this section.

37 **Sec. 8.** NRS 213.157 is hereby amended to read as follows:

38 213.157 1. Except as otherwise provided in subsection 2-~~4~~ and
39 ~~section 2~~ section 2.5 of this act, a person convicted of a felony
40 in the State of Nevada who has served his or her sentence and has been
41 released from prison:

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

43 (1) The right to vote; and

44 (2) The right to serve as a juror in a civil action.

45

1 (b) Four years after the date of his or her release from prison, is
2 restored to the right to hold office.

3 (c) Six years after the date of his or her release from prison, is restored
4 to the right to serve as a juror in a criminal action.

5 2. Except as otherwise provided in this subsection, the civil rights set
6 forth in subsection 1 are not restored to a person who has been released
7 from prison if the person has previously been convicted in this State:

8 (a) Of a category A felony.

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

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

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

16 (e) Two or more times of a felony, unless a felony for which the person
17 has been convicted arose out of the same act, transaction or occurrence as
18 another felony, in which case the convictions for those felonies shall be
19 deemed to constitute a single conviction for the purposes of this paragraph.

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

23 3. Except for a person subject to the limitations set forth in subsection
24 2, upon his or her release from prison, a person so released must be given
25 an official document which provides:

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

27 (b) That the person has been restored to his or her civil rights to vote
28 and to serve as a juror in a civil action as of the date of his or her release
29 from prison;

30 (c) The date on which his or her civil right to hold office will be
31 restored to the person pursuant to paragraph (b) of subsection 1; and

32 (d) The date on which his or her civil right to serve as a juror in a
33 criminal action will be restored to the person pursuant to paragraph (c) of
34 subsection 1.

35 4. Subject to the limitations set forth in subsection 2, a person who
36 has been released from prison in this State or elsewhere and whose official
37 documentation of his or her release from prison is lost, damaged or
38 destroyed may file a written request with a court of competent jurisdiction
39 to restore his or her civil rights pursuant to this section. Upon verification
40 that the person has been released from prison and is eligible to be restored
41 to the civil rights set forth in subsection 1, the court shall issue an order
42 restoring the person to the civil rights set forth in subsection 1. A person
43 must not be required to pay a fee to receive such an order.

44 5. A person who has been released from prison in this State or
elsewhere may present:

- 1 (a) Official documentation of his or her release from prison, if it
2 contains the provisions set forth in subsection 3; or
3 (b) A court order restoring his or her civil rights,
4 as proof that the person has been restored to the civil rights set forth in
5 subsection 1.

6 **Sec. 9.** NRS 293.540 is hereby amended to read as follows:

7 293.540 The county clerk shall cancel the registration:

8 1. If the county clerk has personal knowledge of the death of the
9 person registered, or if an authenticated certificate of the death of any
10 elector is filed in the county clerk's office.

11 2. If the county clerk is provided a certified copy of a court order
12 stating that the court specifically finds by clear and convincing evidence
13 that the person registered lacks the mental capacity to vote because he or
14 she cannot communicate, with or without accommodations, a specific
15 desire to participate in the voting process.

16 3. Upon the determination that the person registered has been
17 convicted of a felony unless:

18 (a) If the person registered was convicted of a felony in this State, the
19 right to vote of the person has been restored pursuant to the provisions of
20 NRS 213.090, 213.155 or 213.157-~~1~~ *or section-~~2~~ 2.5 of this act.*

21 (b) If the person registered was convicted of a felony in another state,
22 the right to vote of the person has been restored pursuant to the laws of the
23 state in which the person was convicted.

24 4. Upon the production of a certified copy of the judgment of any
25 court directing the cancellation to be made.

26 5. Upon the request of any registered voter to affiliate with any
27 political party or to change affiliation, if that change is made before the
28 end of the last day to register to vote in the election.

29 6. At the request of the person registered.

30 7. If the county clerk has discovered an incorrect registration pursuant
31 to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has
32 failed to respond or appear to vote within the required time.

33 8. As required by NRS 293.541.

34 9. Upon verification that the application to register to vote is a
35 duplicate if the county clerk has the original or another duplicate of the
36 application on file in the county clerk's office.

37 **Sec. 10.** NRS 293.543 is hereby amended to read as follows:

38 293.543 1. If the registration of an elector is cancelled pursuant to
39 subsection 2 of NRS 293.540, the county clerk shall reregister the elector
40 upon notice from the clerk of the district court that the elector has been
41 found by the district court to have the mental capacity to vote. The court
42 must include the finding in a court order and, not later than 30 days after
43 issuing the order, provide a certified copy of the order to the county clerk
44 of the county in which the person is a resident and to the Office of the
45 Secretary of State.

1 2. If the registration of an elector is cancelled pursuant to subsection 3
2 of NRS 293.540, the elector may reregister after presenting satisfactory
3 evidence which demonstrates that the elector's:
4 (a) Conviction has been overturned; or
5 (b) Civil rights have been restored:
6 (1) If the elector was convicted in this State, pursuant to the
7 provisions of NRS 213.090, 213.155 or 213.157-~~1~~ *or section-~~2~~ 2.5 or*
8 *2.7 of this act.*
9 (2) If the elector was convicted in another state, pursuant to the
10 laws of the state in which he or she was convicted.
11 3. If the registration of an elector is cancelled pursuant to the
12 provisions of subsection 5 of NRS 293.540, the elector may reregister
13 immediately.
14 4. If the registration of an elector is cancelled pursuant to the
15 provisions of subsection 6 of NRS 293.540, after the close of registration
16 for a primary election, the elector may not reregister until after the primary
17 election.
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

*PROPOSED AMENDMENT TO AB357

