

Sealing and Unsealing of Records Statutory Amendments

NRS 62H.130 Procedure for sealing records of child who is less than 21 years of age

1. If a child is less than 21 years of age the child or a probation **or parole** officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed not earlier than 3 years: ~~after the child:~~
 - (a) **After the child** ~~was~~ last adjudicated in need of supervision or adjudicated delinquent **or placed under supervision pursuant to NRS 62C.230; or and**
 - (b) ~~Was last referred to the juvenile court,~~ **The child has no current delinquency or other criminal charges pending**
~~£ whichever is later~~
2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation **or parole** officer is not the petitioner, the chief probation officer **or chief of the Youth Parole Bureau**.
3. The district attorney and the chief probation officer, or any of their deputies, **or the chief of the Youth Parole Bureau, or his designee**, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.
4. After the hearing on the petition, the juvenile court ~~shall~~**may** enter an order sealing all records relating to the child **less than 18 years of age**, if the juvenile court finds that:
 - (a) During the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and
 - (b) The child has been rehabilitated to the satisfaction of the juvenile court. **The court may consider all of the following in determining whether a child has been rehabilitated to the satisfaction of the juvenile court:**
 - (i) **The age of the child;**
 - (ii) **The nature of the offense and role of the child in the offense;**
 - (iii) **The behavior of the child after the adjudication and the child's response to treatment and rehabilitation programs;**
 - (iv) **The education and employment history of the child;**
 - (v) **The victim's statement;**
 - (vi) **The sealing of the record would be in the best interest of the child and the State; and**
 - (vi) **Any other circumstances that may relate to the rehabilitation of the child who is subject of the record under consideration.**
5. After the hearing on the petition, the juvenile court shall enter an order sealing all records relating to a child when the child reaches the age of 18 or thereafter, if the juvenile court finds that:
 - (a) During the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and
 - (b) The child has been rehabilitated to the satisfaction of the juvenile court. The court may consider all of the following in determining whether a child has been rehabilitated to the satisfaction of the juvenile court:
 - (i) **The age of the child;**
 - (ii) **The nature of the offense and role of the child in the offense;**
 - (iii) **The behavior of the child after the adjudication and the child's response to treatment and rehabilitation programs;**
 - (iv) **The education and employment history of the child;**
 - (v) **The victim's statement;**
 - (vi) **The sealing of the record would be in the best interest of the child and the State; and**

- (vii) Any other circumstances that may relate to the rehabilitation of the child who is subject of the record under consideration.

6. When the court retains jurisdiction over a civil judgment and the persons against whom the civil judgment was entered pursuant to NRS 62B.420, the records may be sealed, but such portions that the court determines pertinent to enforcement and collection shall be public until the civil judgment expires or is satisfied. Thereafter, a petition may be filed by the child or persons named as a judgment debtors to seal the portions of the record which were previously deemed public.

NRS 62H.140 Automatic sealing of records when child reaches 21 years of age; exception. Except as otherwise provided in [NRS 62H.130](#) and [NRS 62H.150](#), when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

NRS 62H.150 Limitations on sealing records related to certain delinquent acts.

1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to [NRS 62H.130](#) before the child reaches 21 years of age, those records must not be sealed before the child reaches 30 years of age.
2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.
3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer **or the chief of the Youth Parole Bureau**.
4. The district attorney and the chief probation officer, or any of their deputies, **or the chief of the Youth Parole Bureau, or his designee**, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.
5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.
6. The provisions of this section apply to any of the following unlawful acts:
 - (a) An unlawful act which, if committed by an adult, would have constituted:
 - (1) Sexual assault pursuant to [NRS 200.366](#);
 - (2) Battery with intent to commit sexual assault pursuant to [NRS 200.400](#); or
 - (3) Lewdness with a child pursuant to [NRS 201.230](#).
 - (b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

NRS 62H.170 Effect of sealing records; inspection of sealed records in certain circumstances.

1. Except as otherwise provided in this section, if the records of a person are sealed:
 - (a) All proceedings recounted in the records are deemed never to have occurred; and
 - (b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.
2. The juvenile court may order the inspection of records that are sealed if:
 - (a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;
 - (b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency; or

- (c) A **prosecuting attorney or a defendant** ~~district attorney or an attorney representing a defendant~~ in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons who were involved in the acts detailed in the records.
 - (d) **A person who intends to bring or has brought a civil action, or any other person who is a party to the civil action, petitions the juvenile court where a child has committed an act which may form the basis of a civil action and also subjected to the jurisdiction of the juvenile court.**
3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.