

Office of the Douglas County District Attorney

SEALING OF RECORDS

Conviction/Acquittal/Dismissal



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INTRODUCTION

This Website contains instructions for the record sealing process in Douglas County, Nevada.

An individual may request that a court seal records of arrest, criminal conviction, acquittal, or dismissal in accordance with NRS 179.245 through NRS 179.301.¹ The purpose of this document is to provide an overview of the procedure for requesting an order to seal such records. This document should not be viewed as a replacement of the statutes, but may be helpful if reviewed in addition to the statutes. The document and the associated forms should not be considered legal advice and individuals are always encouraged to consult with an attorney about their particular case.

In general, an order sealing records will direct agencies to remove the applicable records from general information sources. The order does not authorize the destruction of the affected records. Petitioners should also be aware that there are certain circumstances under which a sealed record may later be used. *See* NRS 179.295 and NRS 179.301.

NO SECTION OF THIS WEBSITE SHOULD BE CONSTRUED AS PROVIDING LEGAL ADVICE. YOU ARE ENCOURAGED TO CONSULT WITH PRIVATE LEGAL COUNSEL.

¹ You are encouraged to review current versions of the Nevada Revised Statutes, which are available online through the Nevada Legislature's website; you are also encouraged to review Enrolled Bills from the Legislature to ensure that the statutory material is current. You may also review current versions of the Nevada Revised Statutes and Legislative Advance Sheets at the Law Library in the Judicial and Law Enforcement Center during normal business hours.

STEPS TO TAKE

1. **Obtain a verified copy of your criminal history:** Request the verified copy of your criminal history from the State of Nevada Criminal History Repository (NRS 179.245, 179.255).

In order to get a copy of your criminal history, you will need to be fingerprinted. You can be fingerprinted at the Douglas County Sheriff's Department if you live locally, or at the Department of Public Safety, Records and Technology Division. There is a fee for these services, please check with the agency for the current fees.

Douglas County Sheriff's Department

1038 Buckeye Road
Minden, Nevada 89423
775-782-9933

Department of Public Safety

Records and Technology
333 West Nye Street
Carson City, Nevada 89706
(775)684-6262

2. **Collect information about the records to be sealed:** In order to complete your documents, you will need to list all of the agencies that are reasonably known to have possession of records to be sealed (NRS 179.245(2)(c)). The agencies might include the court, district attorney's office, sheriff's department, and criminal history repository. You will also need to include information that accurately and completely identifies the records to be sealed (NRS 179.245(2)(d)). Identifying information may include case numbers, the petitioner's date of birth, the date of arrest, and conviction to which the records to be sealed pertain. Case numbers and other identifying information can frequently be found in court documents pertaining to the records to be sealed.
3. **Prepare the Petition to Seal and the Order Sealing Records:** The website provides sample forms for these documents. In general, you should ensure that you include the following information:
 - a. *Identify the appropriate Court:* Depending on your request, a petition can be filed in Justice Court or District Court. If you are trying to seal records relating only to a misdemeanor offense, you can file your petition in the Justice Court in which the criminal proceedings took place. If you are trying to seal records relating to a gross misdemeanor or felony offense, or if you are trying to seal records pertaining to multiple different offenses that took place in different courts in Douglas County, you should file your Petition in the District Court.
 - b. *Case Information:* Remember to include all of the case information that you collected during Step #2, above.

- c. *May address multiple cases:* You may request to seal records pertaining to more than one underlying offense, but you should make sure to go through each offense individually, so that it is clear which case numbers or agency numbers pertain to which offenses.
 - d. *Criminal History (w/I 30 days of filing):* Make sure that you attach the criminal history that you collected during Step #1, above. You should also make sure that you file your petition within 30 days of the date on your criminal history. Otherwise, your criminal history may be deemed stale and you may be required to obtain a new one.
 - e. *Contact Information:* Make sure you include your current and correct contact information in your Petition. Depending on the circumstances, the Court may set a hearing and will use the contact information that you provide to give you notice.
4. **File and Serve the Documents:** File the Petition in the appropriate court. You should bring the original and at least 2 additional copies of your Petition when you bring in your documents for filing. You should also bring the Clerk of the Court a copy of your proposed Order at this time. The Court Clerk will file the original of your Petition, and return the file stamped copies of the Petition to you. One copy is for you to keep, and the other copy is for the District Attorney's Office. You will be required to serve the District Attorney's office with a file stamped copy of the Petition.
5. **The District Attorney's Office will review your petition.**
 - a. If there is no objection to the petition, the District Attorney's Office will file a Non-Opposition to the Petition and mail a copy to you.
 - b. If there is an objection to the petition, the District Attorney's Office will file an Opposition to the Petition and mail a copy to you.
 - c. The District Attorney's Office does not stipulate to the sealing of records.
6. **Hearing:** The Court will determine if a hearing is necessary and will notify you of the date and time of any such hearing.
7. **Order:** If the Judge signs the Order Sealing Records, it is your responsibility to make sure that each of the involved agencies receives a copy.

FREQUENTLY CALLED NUMBERS

Douglas County District Attorney's Office (775)782-9800
Post Office Box 218
Minden, Nevada 89423

Ninth Judicial District Court Clerk..... (775)782-9820
Post Office Box 218
Minden, Nevada 89423

Justice Courts

East Fork Township Justice Court..... (775)782-9955
Post Office Box 218
Minden, Nevada 89423

Tahoe Township Justice Court..... (775)586-7200
Post Office Box 7169
Stateline, Nevada 89449

Nevada Criminal History Records Repository..... (775)684-6262
333 West Nye Lane
Carson City, Nevada 89706

STATUTORY REQUIREMENTS

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

1. Except as otherwise provided in subsection 6 and [NRS 176A.265](#), [176A.295](#), [179.247](#), [179.259](#), [201.354](#), [453.3365](#) and [458.330](#), a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence pursuant to [NRS 200.408](#) or burglary pursuant to [NRS 205.060](#) after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of [NRS 422.540](#) to [422.570](#), inclusive, a violation of [NRS 484C.110](#) or [484C.120](#) other than a felony, or a battery which constitutes domestic violence pursuant to [NRS 33.018](#) other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to [NRS 200.481](#), harassment pursuant to [NRS 200.571](#), stalking pursuant to [NRS 200.575](#) or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

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

(b) If the petition references [NRS 453.3365](#) or [458.330](#), include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

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

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney,

including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting attorney who prosecuted the petitioner for the crime stipulates to the sealing of the records after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the prosecuting attorney does not stipulate to the sealing of the records, a hearing on the petition must be conducted.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) A violation of [NRS 484C.110](#) or [484C.120](#) that is punishable as a felony pursuant to paragraph (c) of subsection 1 of [NRS 484C.400](#);

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

(e) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by [NRS 484C.110](#), [484C.130](#) or [484C.430](#);

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

(g) A violation of [NRS 488.420](#) or [488.425](#).

7. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

8. As used in this section:

(a) “Crime against a child” has the meaning ascribed to it in [NRS 179D.0357](#).

(b) “Sexual offense” means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of [NRS 200.030](#).

(2) Sexual assault pursuant to [NRS 200.366](#).

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

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

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

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

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

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

(9) Incest pursuant to [NRS 201.180](#).

(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](#); [2017, 1328](#), [1482](#), [1653](#), [2413](#))

NRS 179.255 Sealing of records after dismissal, decline of prosecution or acquittal: Petition; notice; hearing; exceptions; 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 8 years after the arrest; or

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

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

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

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

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

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

(c) If the petition references [NRS 453.3365](#) or [458.330](#), include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

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

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Added to NRS by [1971, 955](#); A [1997, 3160](#); [2001, 1693](#); [2009, 1439](#); [2013, 110, 1385](#); [2017, 2415](#))

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, 4 years after an eligible person completes a program for reentry, the court may order sealed all documents, papers and exhibits in the eligible person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court may order those records sealed without a hearing unless the Division of Parole and Probation of the Department of Public Safety petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the court orders sealed the record of an eligible person, the court shall send a copy of the order to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

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

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

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

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 8 of [NRS 179.245](#).

(Added to NRS by [2001, 1166](#); A [2003, 26, 2586](#); [2007, 2753](#); [2015, 3509](#); [2017, 2417](#))

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 174.034](#), [176A.265](#), [176A.295](#), [179.245](#), [179.247](#), [179.255](#), [179.259](#), [179.2595](#), [201.354](#), [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](#); [2017, 1485, 1655, 2418, 3015](#))

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 174.034](#), [176A.265](#), [176A.295](#), [179.245](#), [179.247](#), [179.255](#), [179.259](#), [179.2595](#), [201.354](#), [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](#); [2017, 1485, 1655, 2418, 3015](#))

NRS 179.295 Reopening of sealed records.

1. The person who is the subject of the records that are sealed pursuant to [NRS 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 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 9 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 174.034, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 201.354, 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, 179.2595, 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](#); [2017, 1486, 1656, 2419, 3016](#))