



## Civil Rights of Discharged Probationers



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### **NRS 176A.850 Honorable discharge from probation: When granted; restoration of civil rights; effect; documentation. [Effective through December 31, 2018.]**

1. A person who:
  - (a) Has fulfilled the conditions of probation for the entire period thereof;
  - (b) Is recommended for earlier discharge by the Division; or
  - (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,may be granted an honorable discharge from probation by order of the court.
2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to [NRS 176.275](#).
3. Except as otherwise provided in subsection 4, a person who has been honorably discharged from probation:
  - (a) Is free from the terms and conditions of probation.
  - (b) Is immediately restored to the following civil rights:
    - (1) The right to vote; and
    - (2) The right to serve as a juror in a civil action.
  - (c) Four years after the date of honorable discharge from probation, is restored to the right to hold office.
  - (d) Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.
  - (e) If the person meets the requirements of [NRS 179.245](#), may apply to the court for the sealing of records relating to the conviction.
  - (f) Must be informed of the provisions of this section and [NRS 179.245](#) in the person's probation papers.
  - (g) Is exempt from the requirements of [chapter 179C](#) of NRS, but is not exempt from the requirements of [chapter 179D](#) of NRS.
  - (h) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in [NRS 463.0148](#).
  - (i) Except as otherwise provided in paragraph (h), need not disclose the conviction to an employer or prospective employer.
4. Except as otherwise provided in this subsection, the civil rights set forth in subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:
  - (a) Of a category A felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Added to NRS by [1967, 1436](#); A [1989, 1983](#); [1993, 1517](#); [1997, 1672](#); [2001, 1639, 1690](#); [2003, 67, 2685](#); [2005, 81, 2354](#); [2015, 2574](#))

**NRS 176A.850 Honorable discharge from probation: When granted; ineligibility; restoration of civil rights; effect; documentation. [Effective January 1, 2019.]**

1. A person who:
  - (a) Has fulfilled the conditions of probation for the entire period thereof;
  - (b) Is recommended for earlier discharge by the Division; or
  - (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court, may be granted an honorable discharge from probation by order of the court.
2. A person whose term of probation has expired and:
  - (a) Whose whereabouts are unknown;
  - (b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
  - (c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1

' is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.
3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to [NRS 176.275](#).
4. Except as otherwise provided in subsection 5, a person who has been discharged from probation:
  - (a) Is free from the terms and conditions of probation.
  - (b) *Is immediately restored to the right to serve as a juror in a civil action.*
  - (c) *Except as otherwise provided in paragraph (d), is immediately restored to the right to vote.*
  - (d) Two years after the date of discharge from probation, is restored to the right to vote if the person has previously been convicted in this State:
    - (1) Of a category B felony involving the use of force or violence.
    - (2) Of an offense involving the use of force or violence that would constitute a category B felony if committed as of the date of discharge from probation.
  - (e) Four years after the date of discharge from probation, is restored to the right to hold office.
  - (f) Six years after the date of discharge from probation, is restored to the right to serve as a juror in a criminal action.

(g) If the person meets the requirements of [NRS 179.245](#), may apply to the court for the sealing of records relating to the conviction.

(h) Must be informed of the provisions of this section and [NRS 179.245](#) in the person's probation papers.

(i) Is exempt from the requirements of [chapter 179C](#) of NRS, but is not exempt from the requirements of [chapter 179D](#) of NRS.

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

(k) Except as otherwise provided in paragraph (j), need not disclose the conviction to an employer or prospective employer.

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

(a) Of a category A felony.

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

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

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

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

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

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

7. Except for a person subject to the limitations set forth in subsection 5, upon discharge from probation, the person so discharged must be given an official document which provides:

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

(b) That the person is restored to his or her civil rights to vote and to serve as a juror in a civil action as of the applicable dates set forth in paragraphs (b), (c) and (d) of subsection 4;

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

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

8. Subject to the limitations set forth in subsection 5, a person who has been discharged from probation in this State or elsewhere and whose official documentation of discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

9. A person who has been discharged from probation in this State or elsewhere may present:

(a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection 7; or

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

(Added to NRS by [1967, 1436](#); A [1989, 1983](#); [1993, 1517](#); [1997, 1672](#); [2001, 1639, 1690](#); [2003, 67, 2685](#); [2005, 81, 2354](#); [2015, 2574](#); [2017, 2227](#), effective January 1, 2019)