

PROPOSED CONCEPTUAL AMENDMENT TO ASSEMBLY BILL 488

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BACKGROUND

Assembly Bill 488 proposes to expand eligibility beyond nonviolent offenses to allow survivors of human trafficking to petition for relief from any state or local offense. Survivors may submit official documentation to establish their trafficking status, creating a rebuttable presumption in their favor. If the court finds that the offense was a result of their trafficking, it must vacate the conviction and seal all related records. The bill prohibits retaliation against those who file petitions and applies retroactively to all qualifying convictions.

PROPOSED AMENDMENTS

1. Replace the first sentence of Section 1, Subsection 8 with the following: “If the presumption set forth in subsection 5 or 6 does not apply, and if the prosecuting agency files a written objection within 30 days after receiving notification pursuant to subsection 4, the court shall, upon receipt of a petition filed pursuant to subsection 1, determine whether the petition sets forth a prima facie case for granting the relief requested.”
2. Replace the existing contents of Section 1, Subsection 10 with the following: “If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner’s record, the court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.”
3. Include in Section 1, Subsection 1 that the documents, papers and exhibits to be sealed include all work cards, sheriff’s cards, licenses, and non-conviction, victim related entries.