

PROPOSED CONCEPTUAL AMENDMENT TO ASSEMBLY BILL 488

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. Delete the first sentence of Section 1, Subsection 8.
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.
4. Replace the existing contents of Section 1, Subsection 5 with the following: “There is a rebuttable presumption that vacatur of judgment should occur and the records should be sealed. Nothing in this section shall bar a prosecuting agency from issuing an objection to that vacatur of judgment or sealing of records, and the court considering such a petition shall have discretion to consider any relevant factors before that court in issuing a decision regarding vacatur of judgment or sealing of records.”
5. Remove in Section 1, Subsection 13(c)(3) that a member of the board of directors or person serving as the executive director of an agency or service which provides services to victims of human trafficking may be a “qualified third party.”