

SEALING CRIMINAL RECORDS

Know Your Rights: A Fact Sheet from Nevada Legal Services, Inc.

What are the steps to seal my criminal record?

- 1) Get a certified copy of your criminal record from the Nevada Department of Public Safety. This is the only record you are required to attach to your petition. It is still a good idea to get at least one additional certified “local” record for each charge so you can make sure you are eligible to seal your criminal records before ordering your Criminal History Report (CHR).
- 2) Determine the category and waiting period for your most recent conviction. The time period starts running from the completion of your sentence.
- 3) File your petition with the appropriate court and include a signed Declaration or statement supporting your petition and explaining why your record should be sealed. You can possibly seal your entire criminal history by filing one petition in the district court having jurisdiction over the criminal charges.
- 4) Once the petition is filed, send a copy of the petition and a Stipulation to Seal Records to the prosecutor’s office for the case. Make sure to include a cover letter with your story and why you believe you should have your record sealed. The prosecuting attorney has 30 days to sign the Stipulation or file an opposition.
- 5) If the court grants your record sealing petition, ask for **at least ten certified copies** of your record sealing order, and mail a record sealing order to each agency (police department, court, prosecutor, the DMV etc.) that may have a copy of your record. Be sure to mail a copy of your record sealing order to the Nevada Department of Public Safety to ensure your record is removed from state and federal criminal history reports.

How do I get a certified copy of my CHR?

- 1) Get a fingerprint card from your local sheriff’s office or a private vender (note: local law enforcement will usually charge less for fingerprinting services, but may have limited availability)
- 2) Complete a request for a Nevada Criminal History available at <http://rccd.nv.gov> or call (775) 684-6262 and ask for form “DPS-006.”
- 3) Mail completed form DPS-006 with a money order made out to “Department of Public Safety” (no cash or personal checks) for \$27 to:

Department of Public Safety
Records, Communication and Compliance
333 West Nye Lane, Suite 100
Carson City, Nevada 89706



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Call 711 for relay services

www.nevadalegalservices.org

Resources

You can access additional information and forms on the NLS website at nlslaw.net.

You can also check out our YouTube videos at our Nevada Legal Services Now! Channel.

ELIGIBILITY

To be eligible for record sealing you must:

1) Serve the entire sentence:

- Count from your date of release from actual custody or discharge from parole or probation.
- With a suspended sentence, you must be released from custody or no longer be under a suspended sentence.

2) Remain conviction free (except minor traffic violations) for the required waiting period **OR** have your later conviction sealed.

3) Determine the category of your conviction, if your records do not indicate, call the court and use the case number on your record to look up the case.

Do I still need local records?

While the CHR is the only record required to be filed with your petition, it is still a good idea to get court records first. The court records will help determine if you are eligible before paying for fingerprints and your criminal history report. Local records will also help clear up missing or inaccurate information on your criminal history report. Finally, local records might have information related to the completion of your sentence which is necessary to determine if the relevant time periods have run.

Charge	Waiting Period (Starts when sentence completed)
Category A felony, burglary, crime of violence pursuant to NRS 200.408	10 years
Category B, C or D felony	5 years
Category E felony	2 years
Non-felony DUI	7 years
Non-felony battery domestic violence	7 years
Gross misdemeanors	2 years
All other misdemeanors	1 year
Acquittals / dismissals	No wait!

Convictions such as DUIs that result in injury/fatality to another, sex offenses, crimes against children, armed home invasion and kidnapping by a non-parent cannot be sealed.

What court do I file in?

You can file a petition in district court to seal your entire criminal record, including misdemeanor cases from justice court or municipal court. You still have to be eligible to have each offense or arrest on your record sealed. If you only have charges in one court, you can still file in that court.

Will there be a hearing?

A hearing is required if the prosecuting attorney does not stipulate to the sealing of your criminal record and the judge does not sign the Order to Seal without a hearing. Remember, you need to send a Stipulation to Seal Records to each prosecuting attorney involved in the criminal history you want to seal. If the prosecuting attorney does not sign the Stipulation after 30 days you will need to submit your petition to the court. The court will either sign the order or schedule a hearing at that time. If the prosecuting attorney does sign the Stipulation, you will want to submit a proposed order to the judge so it can be signed without a hearing.