

# 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 from the arresting agency 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 if all charges are located in that county.
- 4) Once the petition is filed, the prosecuting attorney has 30 days to file an opposition or not oppose. The Court will notify all arresting law enforcement agencies and prosecuting attorneys.
- 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 vendor (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



#### **LAS VEGAS OFFICE**

701 E. Bridger Ave., Suite 400  
Las Vegas, Nevada 89101  
Phone: (702) 386-0404  
Toll Free: (866) 432-0404  
Fax: (702) 388-1641

#### **RENO OFFICE**

449 S. Virginia Street, 3rd Fl.  
Reno, NV 89501  
Phone: (775) 284-3491  
Toll Free: (800) 323-8666  
Fax: (775) 284-3497

#### **CARSON CITY OFFICE**

209 N. Pratt Ave.  
Carson City, NV 89701  
Phone: (775) 883-0404  
Fax: (775) 461-7237

#### **ELKO OFFICE**

790 Commercial Street, Suite B  
Elko, Nevada 89801  
Phone: (775) 753-5880  
Fax: (775) 753-5890

**\*Issues in Tribal Court, please contact the Reno office\***

**Call 711 for relay services**

#### **SELF-HELP LEGAL KIOSKS**

Free self-help legal forms and resources are available at Legal Kiosks located in 28 libraries throughout the Nevada.

**To find a Legal Kiosk near you, visit:**

**[LegalKiosks.com/Projects/Nevada](http://LegalKiosks.com/Projects/Nevada)**

# Resources

You can access additional information and forms on the NLS website at [nevadalegalervices.org](http://nevadalegalervices.org).

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

## 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.

## ELIGIBILITY (Nevada State Charges Only)

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.

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!

## 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.

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.

## 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. Hearings may occur if the judge has questions about the charges, such as whether restitution was paid in the criminal case, or other rehabilitative efforts. While many petitions are granted in chambers without a hearing, hearings will still get set fairly regularly if the petition is not stipulated to.