

SEALING MISDEMEANOR
CRIMINAL RECORDS IN THE
HENDERSON MUNICIPAL COURT

*Office of the Henderson City Attorney
Criminal Division
243 Water Street, MS 711
P.O. Box 95050
Henderson, NV 89009-5050
(702) 267-1370*

This Booklet contains only procedural information that relates to the process for sealing records of cases filed and/or prosecuted in the Henderson Municipal Court.

The information contained herein should not be construed as legal advice. Any questions which relate to specific cases and/or personal issues should be directed to a private attorney.

By state law, an individual may petition the Henderson Municipal Court to seal records of a misdemeanor arrest, misdemeanor criminal conviction, acquittal on misdemeanor charges, or dismissal of misdemeanor charges that were originally filed with the Henderson Municipal Court. The purpose of these instructions and sample forms is to identify the law and procedures that must be followed when filing a petition requesting the Henderson Municipal Court to seal records of arrest, conviction, acquittal, or dismissal of misdemeanor offenses committed or filed in the City of Henderson.

An order sealing records is not the same as an expungement of the records. When records are expunged, the order directs the actual records to be destroyed. An order sealing records requires that the records be removed from the shelves, computer files, or any other information storage source and be placed into a sealed file. The order **does not** authorize or direct the destruction of the actual records.

Having a misdemeanor record sealed results in having all proceedings recounted in the record deemed never to have occurred. Consequently, the person to whom it pertains may properly answer accordingly to any inquiry concerning the arrest, conviction or acquittal and the events and proceedings relating to the arrest, conviction or acquittal. In certain circumstances sealed records may be reopened.

LIMITATIONS

Misdemeanor criminal convictions for Battery Domestic Violence (NRS 33.018) and DUI Offenses (NRS 484C.110) may be sealed if the petitioner has not been arrested, except for minor moving or standing traffic violations, after the passing of seven (7) years following the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later. NRS 179.245 (1)(e).

Any other misdemeanor convictions may be sealed if the petitioner has not been arrested, except for minor moving or standing traffic violations, after the passing of two (2) years following the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later. NRS 179.2451 (f).

Misdemeanor charges that result in either an acquittal or a dismissal with prejudice of the charge may be sealed at any time after the date of dismissal or acquittal. Misdemeanor charges that result in a dismissal **without** prejudice of the charge may only be sealed after the expiration of the one (1) year statute of limitations for misdemeanor charges. (Without prejudice means that the Prosecuting Attorney can decide to refile the charge within the statute of limitations) NRS179.255(1)(b).

Question: **How can an individual begin the process of seeking to have a misdemeanor criminal record sealed by the Henderson Municipal Court?**

Answer: An individual seeking to have misdemeanor criminal records sealed by the Henderson Municipal Court must obtain their criminal history from the Henderson Police Department (SCOPE) and Verified criminal history from the Central Repository for Nevada Records of Criminal History.

Residents of the City of Henderson seeking to obtain their criminal histories should go to the Henderson Police Department and obtain their (SCOPE) history from the Henderson Police Department and complete a fingerprint card. If you are not a resident of the City of Henderson then you would need to get your (SCOPE) history and fingerprint card processed by the Las Vegas Metropolitan Police Department.

Henderson Police Department Civil Processing Office is located at 223 Lead Street, Henderson, NV 89015. They can assist Henderson residents with fingerprint processing. (There is a fee for this service. Call 702-267-4720 for applicable fees and the acceptable means of payment).

If the petitioner is **not a Henderson resident**, they should contact the Las Vegas Metropolitan Police Department, Fingerprint Section, 400 South Martin Luther King Blvd. Building C, Las Vegas, NV 89106. (There is a fee for this service. Call 702-828-3271 for applicable fees and the acceptable means of payment).

After being fingerprinted the petitioner must mail the fingerprint card to the Criminal History Records Repository for Nevada. A request for a verified record of the petitioner's criminal history must be included with the fingerprint card.

Additionally, a fee of \$23.50 payable to the Nevada Department of Public Safety must be included with the fingerprint card when requesting the verified record from Criminal History Records Repository.

The request, fingerprint card, and **certified check or money order** must be mailed to:

State of Nevada
Criminal History Records Repository
333 W. Nye Lane, Ste. 100
Carson City, NV 89706 (775) 684-6262

The Criminal History Records Repository at the address indicated on the request form will send the criminal history records directly to the petitioner or their designated second party.

As a courtesy the Central Repository for Nevada Records of Criminal History Request for Criminal History Form (DPS-006) is provided at the back of this booklet.

Question: After receiving the verified records of the individual's criminal history what is the next step in seeking to have a misdemeanor record sealed by the Henderson Municipal Court?

Answer: Upon receipt of the verified record of the petitioner's criminal history, the petitioner must prepare legal documents formally requesting the Henderson Municipal Court to seal the misdemeanor record.

Question: What legal document is the petitioner required to prepare?

Answer: The petitioner must prepare a Petition, a Stipulation, and an Order when requesting the sealing of a misdemeanor record to submit to the Henderson Municipal Court. These forms should be submitted to the Henderson Municipal Court, along with all appropriate attachments, within 90 days of receipt of criminal history information. Forms of each document can be found in this booklet.

How to Request Court to Seal Your Records

You will need the following documents and paperwork to submit to the Court to seal your criminal record:

1. A verified record of your criminal history from the Department of Public Safety's Criminal History Repository division **AND** a SCOPE history.
2. A signed original and one copy of the Petition, including an Affidavit. The Affidavit form requires a notarized signature or a Declaration and Verification form.

The Petition must include the following for each record requested to be sealed:

- Petitioner's Full Name;
- Henderson Police DR #;
- Date of Arrest;
- Charge;
- Henderson Municipal Court Case No.;
- Final Disposition;
- Date of Final Disposition;
- An original and one (1) copy of the Order signed by Petitioner;
- An original and one (1) copy of the Stipulation signed by Petitioner;

All information must be provided for proper consideration of a Petition to Seal Record. Receipt of partial information is a basis for denial of the Petition. It is the responsibility of the petitioner to submit written documentation of the final disposition if the criminal history received from the Repository does not include the final disposition. The documentation may be obtained from the Henderson Municipal Court.

Question: After preparing the legal documents what must the petitioner do to file the documents with the Henderson Municipal Court?

Answer: Once the legal documents are prepared, signed by the petitioner, notarized, and copied, the original documents and one copy should be taken to the Henderson Municipal Court located at 243 Water Street, Henderson, NV 89009. The Petition will then be filed with the court.

The City Attorney's Office will notify the petitioner within sixty (60) days whether or not the stipulation has been signed and submitted to the Henderson Municipal Court. If the City Attorney's Office has signed the Stipulation and Order, the documents will be submitted to the Henderson Municipal Court Clerk's Office.

Question: Is there a filing fee with the Henderson Municipal Court?

Answer: There is a \$50.00 non-refundable filing fee.

Question: After filing what action does the Henderson Municipal Court take on the petition?

Answer: After receiving the Stipulation and Order the documents and copies will be forwarded to the Municipal Court Judges of the Henderson Municipal Court for review and signature. Once reviewed and signed by a Judge, the Municipal Court Clerk will provide four (4) certified copies of the signed Order. The petitioner must then serve certified copies of the Order to the Nevada Criminal History Records Repository, the Henderson Police Department, and the City Attorney's Office. The petitioner should also keep a certified copy of the Order for their records.

Question: What is the procedure if the City Attorney's Office refuses to sign the Stipulation and Petition?

Answer: If the City Attorney's Office refuses to sign the proposed Stipulation and/or Order the documents will be returned with an explanation for the refusal. The petitioner may then correct the documents or file the Petition and Order with the Henderson Municipal Court. The Municipal Court Clerk's Office will then schedule the matter for hearing before a Judge of the Municipal Court. The petitioner must notify the City Attorney's Office of the hearing date and time.

*Selected Sections of the Nevada Revised Statutes
Regarding Sealing Records of Criminal Proceedings*

NRS 179.245 Sealing records after conviction: Persons eligible; petition; notice; hearing; order.

1. Except as otherwise provided in subsection 5 and NRS 453.3365, a person may petition the court in which he was convicted for the sealing of all records relating to a conviction of:

(e) A violation of NRS 484.379 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony may, after 7 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

(f) Any other misdemeanor may, after 2 years from the date of his release from actual custody or from the date when he is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by current, verified records of the petitioner's criminal history received from:

(1) The central repository for Nevada records of criminal history; and

(2) The local law enforcement agency of the city or county in which the conviction was entered;

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(c) Include information that to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(b) If the person was convicted in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of the court, ... and all other law enforcement agencies reasonably known by either the petitioner or the court to have possession of such records.

NRS 179.255 Sealing records after dismissal or acquittal: Petition; notice; hearing; order.

1. If a person has been arrested for alleged criminal conduct and the charges are dismissed or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; or

(b) The court in which the acquittal was entered, at any time after the date of the acquittal, for the sealing of all records relating to the arrest and the proceedings leading to the dismissal or acquittal.

2. A petition filed pursuant to this section must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court:

(b) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the proceedings leading to the dismissal or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(b) If the charges were dismissed or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

4. If, after the hearing, the court finds that there has been an acquittal or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal or dismissal which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

NRS 179.265 Rehearings after denial of petition: Time for; number.

1. A person whose petition is denied under NRS 179.245 or 179.255 may petition for a rehearing not sooner than 2 years after the denial of the previous petition.

2. No person may petition for more than two rehearings.

NRS 179.285 Order sealing records: Effect; proceedings deemed never to have occurred.

Except as otherwise provided in NRS 179.301, if the court orders a record sealed pursuant to NRS 179.245, 179.255 or 453.3365:

1. All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

Frequently Called Numbers

Eighth Judicial District Court

Records Information

Clark County Clerk's Office(702) 671-0500

Justice Courts

Boulder City.....(702) 455-8000
Bunkerville..... (702) 346-5711
Goodsprings(702) 874-1405
Henderson.....(702) 455-7951
Las Vegas.....(702) 671-3116
Laughlin(702) 298-4622
Mesquite.....(702) 346-5298
Moapa(702) 864-2333
Moapa Valley.....(702) 397-2840
North Las Vegas(702) 455-7801
Searchlight(702) 297-1252

Municipal Courts

Henderson.....(702) 267-3300
Boulder City.....(702) 293-9278
Las Vegas.....(702) 382-6878
Mesquite.....(702) 346-5291
North Las Vegas(702) 633-1130

Prosecuting Officials

Clark County District Attorney's Office(702) 671-2500
Henderson City Attorney's Office (Criminal Division)(702) 267-1370
Boulder City Office of the City Attorney(702) 293-9238
Las Vegas City Attorney's Office(702) 229-6629
Mesquite City Attorney's Office (702) 346-5295
North Las Vegas City Attorney's Office.....(702) 633-1050
Nevada Criminal History Records Repository(775) 684-6262

**THE FOLLOWING FORMS ARE FOR EXAMPLE
PURPOSES ONLY**

The Stipulation, Petition and Order must be substantially similar to the examples attached. If the Petitioner has questions not resolved upon review of this booklet they should contact a private attorney for advice.

PETITIONER NAME
address
city, state zip
702-XXX-XXXX
APPEARING IN PROPER PERSON

**HENDERSON MUNICIPAL COURT
CLARK COUNTY, NEVADA**

In the Matter of the Application of)
)
Petitioner Name)
SSN# XXX-XX-XXXX)
) Case No.
)
For an Order to Seal Records.)
)
_____)

ORDER

Pursuant to the Petition of _____, the Petitioner, and the Stipulation to seal records by and Between Petitioner and the City Attorney for the City Of Henderson, Clark County, Nevada, and the Court finding that the statutory requirements of NRS 179.245 and/or 179.255 are satisfied, and good cause appearing therefore:

IT IS HEREBY ORDERED that the following records relating to misdemeanor charges filed in the Henderson Municipal Court be sealed:

Henderson Police DR #:
Date of Arrest:
Charge:
Court Case #:
Final Disposition:
Date of Final Disposition:

Henderson Police DR #:
Date of Arrest:
Charge:
Court Case #:
Final Disposition:
Date of Final Disposition:

A copy of this Order shall be sent by petitioner to each public or private company, agency or official of the State of Nevada, including but not limited to, Henderson Police Department Records Division, and the Office of the City Attorney, Henderson, Nevada as named in the Petition, and such organization or individual shall seal the records in its custody which relate to the matters contained in this Order, shall advise the Court of its compliance, and shall then seal the Order. All proceedings recounted in the sealed records are deemed never to have occurred, and Petitioner may properly answer accordingly to any inquiry concerning the sealed arrest, conviction, or acquittal.

DATED this _____ of _____, 20_____.

MUNICIPAL COURT JUDGE

Filed by:

(Petitioner Name)

Approved as to form and content:

JOSH REID
CITY ATTORNEY

Assistant City Attorney
NV Bar Number _____
243 Water Street
P.O. Box 95050
Henderson, NV 89009-5050

Petitioner Name
address
city, state zip
702-XXX-XXXX
APPEARING IN PROPER PERSON

**HENDERSON MUNICIPAL COURT
CLARK COUNTY, NEVADA**

In the Matter of the Application of)
)
Petitioner Name)
SSN# XXX-XX-XXXX)
)
Petition For an Order)
to Seal Records.)
)
_____)

PETITION TO SEAL RECORDS

COMES NOW, _____, the Petitioner, pursuant to the provisions of
NRS 179.245 and/or 179.255 and respectfully represents the following. That the Petitioner
was arrested as follows:

Henderson Police DR #:
Date of Arrest:
Charge:
Court Case #:
Final Disposition:
Date of Final Disposition:

Henderson Police DR #:
Date of Arrest:
Charge:
Court Case #:
Final Disposition:
Date of Final Disposition:

That the statutory time periods have been fulfilled and that, in the period prescribed
for any convictions, (or dismissal or acquittal) the petitioner has not been arrested, except
for minor moving or standing traffic violations, and that further action will not be brought
concerning any arrests resulting in dismissal or acquittal.

WHEREFORE, Petitioner prays for an Order sealing all records of this matter which are presently in the custody of this Court, or official of the State of Nevada, including but not limited to, Nevada Criminal History Records Repository and Henderson Police Department, and Office of the City Attorney, Henderson, Nevada.

DATED this _____ of _____, 20 _____.

Petitioner Name

SUBSCRIBED & SWORN to before me

this _____ day of _____, 20_____

NOTARY PUBLIC

Petitioner Name
address
city, state zip
702-XXX-XXXX
APPEARING IN PROPER PERSON

**HENDERSON MUNICIPAL COURT
CLARK COUNTY, NEVADA**

In the Matter of the Application of)
)
Petitioner Name)
SSN# XXX-XX-XXXX)
) Case No.
)
)
For an Order to Seal Records.)
_____)

STIPULATION TO SEAL RECORDS

IT IS HEREBY STIPULATED AND AGREED by and between _____,
and the Office of the City Attorney for Henderson, Clark County, Nevada, that the records of
arrest, conviction, acquittal, or dismissal, more specifically referred to in the Petition to Seal
Records on file herein, be sealed pursuant to NRS 179.245 and/or NRS 179.255.

IT IS FURTHER STIPULATED AND AGREED that no hearing is necessary in this
matter, and that it may be submitted to the court for a decision.

DATED this _____ of _____, 20 _____.

Petitioner Name

JOSH REID
CITY ATTORNEY

Assistant City Attorney
NV Bar Number _____
243 Water Street
P.O. Box 95050
Henderson, NV 89009-5050



To Obtain a Copy of Nevada Criminal History Records

The Nevada Criminal History Repository provides personal criminal history record information for the State of Nevada *only*. We cannot provide information for other states or the Federal Bureau of Investigation (FBI). In order to obtain your State of Nevada record, or proof that one does *not* exist, please follow the instructions below.

Who may request a copy of Nevada Criminal History Record Information (or proof that a record does *not* exist).

- Only the subject of the identification record can request a copy of his or her own Nevada Criminal History Record Information.

Please follow the instruction below on how to request a copy of Nevada Criminal History Record Information (or proof that a record does *not* exist).

1. Complete the Identification File Request for Nevada Records of Criminal History Form, DPS-006 (PID), found on page 3. Please note, if for a couple, family, etc., all persons must each complete the DPS-006 form in its entirety. In addition, you must include the complete mailing address where the response is to be sent.
2. Obtaining proof of identity, which consists of 1 fingerprint card (only an original card will be accepted, please do not submit copies or previously processed cards), complete with name, date of birth (DOB), place of birth (POB), sex, race, height, weight, hair color, and eye color. Fingerprints should be placed on a standard fingerprint card (FD-258), commonly used for applicant or law enforcement purposes. Please note that the fingerprint card must contain all ten fingerprints taken simultaneously (these are sometimes referred to as plain or flat impressions) and your signature must be on the card. Fingerprints must be taken, dated, and signed by a certified fingerprinting technician.
3. Please include a \$23.50 (US dollars) in the form of a money order or certified check made out to the Department of Public Safety.
 - Please be sure to sign where required
 - No personal checks or cash will be accepted
 - Must be for the exact amount
 - If for a couple, family, etc., please include \$23.50 (US dollars) for each applicant.

4. Please staple all of the items indicated in #1, #2 and #3 (listed above) together and mail to the following address:

Department of Public Safety General Services Division Attn: Fingerprint Support Unit 333 West Nye Lane, Suite 100 Carson City, Nevada 89706

Please Note: If any of the above items are missing or incomplete, the request will be returned.

*Please allow approximately **45 days** for processing, upon receipt by the Repository.*

5. What you will receive when the process is complete:

- State Negative Record Response – a letter indicating that **no** State of Nevada Record was found.

Or

- State Positive Record Response – a letter indicating that a State of Nevada Record **was** located, along with the complete content of that record.



Department of Public Safety
General Services Division
Attn: Fingerprint Support Unit
333 West Nye Lane, Suite 100
Carson City, Nevada 89706

IDENTIFICATION FILE REQUEST FOR
STATE OF NEVADA RECORDS OF CRIMINAL HISTORY FORM

I hereby authorize the State of Nevada Criminal History Repository to disclose criminal history record information, if any, within my identification file to me or the person or entity indicated below:

Today's Date: _____

Please indicate the full name, address and contact information of the individual to be searched below (to be completed by the subject of the record).

First Name: _____

Middle Name: _____

Last Name: _____

Mailing Address: _____

Street Address

City, State and Zip Code

Contact Phone: _____ Contact Email: _____
(If available) (If available)

Signature of Subject of Record Search

Date of Birth

Please indicate the complete response mailing information below:

Respond To: _____

Mailing Address: _____

Street Address

City, State and Zip Code

Please indicate reason for request: _____
(Optional)

*The use of this form is intended to safeguard the rights of the signatory and ensure the confidentiality of the requested information against non-authorized disclosure. The fingerprint card accompanying this request will be used to verify identity. A \$23.50 **certified check or money order** made payable to the Department of Public Safety must accompany each request.*