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ASSEMBLY BILL NO. 114—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE ADVISORY COMMISSION  
ON THE ADMINISTRATION OF JUSTICE)

FEBRUARY 5, 2015

Referred to Committee on Judiciary

SUMMARY—Revises provisions governing restitution.  
(BDR 14-560)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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AN ACT relating to restitution; providing that a judgment requiring the payment of restitution does not expire until it is satisfied; exempting such a judgment from the time limitation for commencing an action upon or seeking the renewal thereof; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law provides that a judgment which, among other things, requires a  
2 defendant in a criminal action to pay restitution constitutes a lien which is  
3 enforceable as a judgment in a civil action. (NRS 176.275) Existing law also  
4 provides that an action upon a judgment or decree or for the renewal of such  
5 judgment or decree must be commenced within 6 years. (NRS 11.190) This bill: (1)  
6 provides that a judgment requiring a defendant in a criminal action to pay  
7 restitution does not expire until it is satisfied; and (2) exempts such a judgment  
8 from the time limitation for commencing an action or seeking the renewal thereof.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 176.275 is hereby amended to read as follows:  
2 176.275 *1.* A judgment which imposes a fine or  
3 administrative assessment or requires a defendant to pay restitution



1 or repay the expenses of a defense constitutes a lien in like manner  
2 as a judgment for money rendered in a civil action.

3 **2. A judgment which requires a defendant to pay restitution:**

4 **(a) May be recorded, docketed and enforced as any other**  
5 **judgment for money rendered in a civil action.**

6 **(b) Does not expire until the judgment is satisfied.**

7 **3. An independent action to enforce a judgment which**  
8 **requires a defendant to pay restitution may be commenced at any**  
9 **time.**

10 **Sec. 2.** NRS 176A.850 is hereby amended to read as follows:

11 176A.850 1. A person who:

12 (a) Has fulfilled the conditions of probation for the entire period  
13 thereof;

14 (b) Is recommended for earlier discharge by the Division; or

15 (c) Has demonstrated fitness for honorable discharge but  
16 because of economic hardship, verified by the Division, has been  
17 unable to make restitution as ordered by the court,

18 ➔ may be granted an honorable discharge from probation by order  
19 of the court.

20 2. Any amount of restitution remaining unpaid constitutes a  
21 civil liability arising upon the date of discharge **†† and is**  
22 **enforceable pursuant to NRS 176.275.**

23 3. Except as otherwise provided in subsection 4, a person who  
24 has been honorably discharged from probation:

25 (a) Is free from the terms and conditions of probation.

26 (b) Is immediately restored to the following civil rights:

27 (1) The right to vote; and

28 (2) The right to serve as a juror in a civil action.

29 (c) Four years after the date of honorable discharge from  
30 probation, is restored to the right to hold office.

31 (d) Six years after the date of honorable discharge from  
32 probation, is restored to the right to serve as a juror in a criminal  
33 action.

34 (e) If the person meets the requirements of NRS 179.245, may  
35 apply to the court for the sealing of records relating to the  
36 conviction.

37 (f) Must be informed of the provisions of this section and NRS  
38 179.245 in the person's probation papers.

39 (g) Is exempt from the requirements of chapter 179C of NRS,  
40 but is not exempt from the requirements of chapter 179D of NRS.

41 (h) Shall disclose the conviction to a gaming establishment and  
42 to the State and its agencies, departments, boards, commissions and  
43 political subdivisions, if required in an application for employment,  
44 license or other permit. As used in this paragraph, "establishment"  
45 has the meaning ascribed to it in NRS 463.0148.



1 (i) Except as otherwise provided in paragraph (h), need not  
2 disclose the conviction to an employer or prospective employer.

3 4. Except as otherwise provided in this subsection, the civil  
4 rights set forth in subsection 3 are not restored to a person honorably  
5 discharged from probation if the person has previously been  
6 convicted in this State:

7 (a) Of a category A felony.

8 (b) Of an offense that would constitute a category A felony if  
9 committed as of the date of the honorable discharge from probation.

10 (c) Of a category B felony involving the use of force or violence  
11 that resulted in substantial bodily harm to the victim.

12 (d) Of an offense involving the use of force or violence that  
13 resulted in substantial bodily harm to the victim and that would  
14 constitute a category B felony if committed as of the date of  
15 honorable discharge from probation.

16 (e) Two or more times of a felony, unless a felony for which the  
17 person has been convicted arose out of the same act, transaction or  
18 occurrence as another felony, in which case the convictions for  
19 those felonies shall be deemed to constitute a single conviction for  
20 the purposes of this paragraph.

21 ➔ A person described in this subsection may petition a court of  
22 competent jurisdiction for an order granting the restoration of civil  
23 rights as set forth in subsection 3.

24 5. The prior conviction of a person who has been honorably  
25 discharged from probation may be used for purposes of  
26 impeachment. In any subsequent prosecution of the person, the prior  
27 conviction may be pleaded and proved if otherwise admissible.

28 6. Except for a person subject to the limitations set forth in  
29 subsection 4, upon honorable discharge from probation, the person  
30 so discharged must be given an official document which provides:

31 (a) That the person has received an honorable discharge from  
32 probation;

33 (b) That the person has been restored to his or her civil rights to  
34 vote and to serve as a juror in a civil action as of the date of  
35 honorable discharge from probation;

36 (c) The date on which the person's civil right to hold office will  
37 be restored pursuant to paragraph (c) of subsection 3; and

38 (d) The date on which the person's civil right to serve as a juror  
39 in a criminal action will be restored pursuant to paragraph (d) of  
40 subsection 3.

41 7. Subject to the limitations set forth in subsection 4, a person  
42 who has been honorably discharged from probation in this State or  
43 elsewhere and whose official documentation of honorable discharge  
44 from probation is lost, damaged or destroyed may file a written  
45 request with a court of competent jurisdiction to restore the person's



1 civil rights pursuant to this section. Upon verification that the person  
2 has been honorably discharged from probation and is eligible to be  
3 restored to the civil rights set forth in subsection 3, the court shall  
4 issue an order restoring the person to the civil rights set forth in  
5 subsection 3. A person must not be required to pay a fee to receive  
6 such an order.

7 8. A person who has been honorably discharged from  
8 probation in this State or elsewhere may present:

9 (a) Official documentation of honorable discharge from  
10 probation, if it contains the provisions set forth in subsection 6; or

11 (b) A court order restoring the person's civil rights,  
12 → as proof that the person has been restored to the civil rights set  
13 forth in subsection 3.

14 **Sec. 3.** NRS 176A.870 is hereby amended to read as follows:

15 176A.870 A defendant whose term of probation has expired  
16 and:

17 1. Whose whereabouts are unknown;

18 2. Who has failed to make restitution in full as ordered by the  
19 court, without a verified showing of economic hardship; or

20 3. Who has otherwise failed to qualify for an honorable  
21 discharge as provided in NRS 176A.850,

22 → is not eligible for an honorable discharge and must be given a  
23 dishonorable discharge. A dishonorable discharge releases the  
24 probationer from any further obligation, except a civil liability  
25 arising on the date of discharge for any unpaid restitution ~~†~~ *which*  
26 *is enforceable pursuant to NRS 176.275*, but does not entitle the  
27 probationer to any privilege conferred by NRS 176A.850.

28 **Sec. 4.** NRS 11.190 is hereby amended to read as follows:

29 11.190 Except as otherwise provided in NRS 40.4639,  
30 125B.050 and 217.007, actions other than those for the recovery of  
31 real property, unless further limited by specific statute, may only be  
32 commenced as follows:

33 1. Within 6 years:

34 (a) ~~†An~~ *Except as otherwise provided in NRS 176.275, an*  
35 action upon a judgment or decree of any court of the United States,  
36 or of any state or territory within the United States, or the renewal  
37 thereof.

38 (b) An action upon a contract, obligation or liability founded  
39 upon an instrument in writing, except those mentioned in the  
40 preceding sections of this chapter.

41 2. Within 4 years:

42 (a) An action on an open account for goods, wares and  
43 merchandise sold and delivered.

44 (b) An action for any article charged on an account in a store.



1 (c) An action upon a contract, obligation or liability not founded  
2 upon an instrument in writing.

3 (d) An action against a person alleged to have committed a  
4 deceptive trade practice in violation of NRS 598.0903 to 598.0999,  
5 inclusive, but the cause of action shall be deemed to accrue when  
6 the aggrieved party discovers, or by the exercise of due diligence  
7 should have discovered, the facts constituting the deceptive trade  
8 practice.

9 3. Within 3 years:

10 (a) An action upon a liability created by statute, other than a  
11 penalty or forfeiture.

12 (b) An action for waste or trespass of real property, but when the  
13 waste or trespass is committed by means of underground works  
14 upon any mining claim, the cause of action shall be deemed to  
15 accrue upon the discovery by the aggrieved party of the facts  
16 constituting the waste or trespass.

17 (c) An action for taking, detaining or injuring personal property,  
18 including actions for specific recovery thereof, but in all cases  
19 where the subject of the action is a domestic animal usually included  
20 in the term "livestock," which has a recorded mark or brand upon it  
21 at the time of its loss, and which strays or is stolen from the true  
22 owner without the owner's fault, the statute does not begin to run  
23 against an action for the recovery of the animal until the owner has  
24 actual knowledge of such facts as would put a reasonable person  
25 upon inquiry as to the possession thereof by the defendant.

26 (d) Except as otherwise provided in NRS 112.230 and 166.170,  
27 an action for relief on the ground of fraud or mistake, but the cause  
28 of action in such a case shall be deemed to accrue upon the discovery  
29 by the aggrieved party of the facts constituting the fraud or mistake.

30 (e) An action pursuant to NRS 40.750 for damages sustained by  
31 a financial institution or other lender because of its reliance on  
32 certain fraudulent conduct of a borrower, but the cause of action in  
33 such a case shall be deemed to accrue upon the discovery by the  
34 financial institution or other lender of the facts constituting the  
35 concealment or false statement.

36 4. Within 2 years:

37 (a) An action against a sheriff, coroner or constable upon  
38 liability incurred by acting in his or her official capacity and in  
39 virtue of his or her office, or by the omission of an official duty,  
40 including the nonpayment of money collected upon an execution.

41 (b) An action upon a statute for a penalty or forfeiture, where the  
42 action is given to a person or the State, or both, except when the  
43 statute imposing it prescribes a different limitation.

44 (c) An action for libel, slander, assault, battery, false  
45 imprisonment or seduction.



1 (d) An action against a sheriff or other officer for the escape of a  
2 prisoner arrested or imprisoned on civil process.

3 (e) Except as otherwise provided in NRS 11.215, an action to  
4 recover damages for injuries to a person or for the death of a person  
5 caused by the wrongful act or neglect of another. The provisions of  
6 this paragraph relating to an action to recover damages for injuries  
7 to a person apply only to causes of action which accrue after  
8 March 20, 1951.

9 (f) An action to recover damages under NRS 41.740.

10 5. Within 1 year:

11 (a) An action against an officer, or officer de facto to recover  
12 goods, wares, merchandise or other property seized by the officer in  
13 his or her official capacity, as tax collector, or to recover the price or  
14 value of goods, wares, merchandise or other personal property so  
15 seized, or for damages for the seizure, detention or sale of, or injury  
16 to, goods, wares, merchandise or other personal property seized, or  
17 for damages done to any person or property in making the seizure.

18 (b) An action against an officer, or officer de facto for money  
19 paid to the officer under protest, or seized by the officer in his or her  
20 official capacity, as a collector of taxes, and which, it is claimed,  
21 ought to be refunded.

22 **Sec. 5.** NRS 213.154 is hereby amended to read as follows:

23 213.154 1. The Division shall issue an honorable discharge to  
24 a parolee whose term of sentence has expired if the parolee has:

25 (a) Fulfilled the conditions of his or her parole for the entire  
26 period of his or her parole; or

27 (b) Demonstrated his or her fitness for honorable discharge but  
28 because of economic hardship, verified by a parole and probation  
29 officer, has been unable to make restitution as ordered by the court.

30 2. The Division shall issue a dishonorable discharge to a  
31 parolee whose term of sentence has expired if:

32 (a) The whereabouts of the parolee are unknown;

33 (b) The parolee has failed to make full restitution as ordered by  
34 the court, without a verified showing of economic hardship; or

35 (c) The parolee has otherwise failed to qualify for an honorable  
36 discharge pursuant to subsection 1.

37 3. Any amount of restitution that remains unpaid by a person  
38 after the person has been discharged from parole constitutes a civil  
39 liability as of the date of discharge **H and is enforceable pursuant**  
40 **to NRS 176.275.**

41 **Sec. 6.** The amendatory provisions of this act apply to any  
42 judgment which requires a defendant to pay restitution which is  
43 rendered before, on or after October 1, 2015.





