INSTRUCTIONS FOR SEALING RECORDS OF CRIMINAL CASES OCCURRING IN RENO MUNICIPAL COURT

When you can apply

Nevada law (NRS 179.245 et. seq.) allows you to petition the Reno Municipal Court to seal your criminal records for misdemeanor cases handled in the Reno Municipal Court as follows:

1. At any time after there has been a Dismissal or an Acquittal ("Not Guilty" at trial);

2. For DUI or domestic battery convictions:
   (a) If you received a jail sentence, 7 years after your release from custody; or
   (b) If you received a fine, community service or a suspended sentence with conditions to fulfill, 7 years after the fine, community service or suspended sentence is fully completed;

3. For all other misdemeanor convictions:
   (a) If you received a jail sentence, 2 years after the date of your release from custody; or
   (b) If you received a fine, community service or suspended sentence with conditions to fulfill, 2 years after the fine, community service or suspended sentence is fully completed.

NOTE: Records of sex crimes or crimes against children can never be sealed.

How you apply to seal your records

1. Fill out the Petition to Seal Criminal Records. [**Form is included with Petition]**

2. Be sure that Petition names any public or private agency, company, official or other Custodian of Records that is reasonably known to you to have possession of records of your criminal case, and, if known, the person to whom the Order to Seal Records should be directed if it is granted.

3. The Petition must be signed by you under penalty of perjury. You must attach the Exhibits listed below.

Obtain copies of your CURRENT, VERIFIED Criminal History to attach as Exhibits

1. You must obtain, at your own expense, a copy of your own current, verified Criminal History from the law enforcement agency that arrested you. You will attach it as an Exhibit to your Petition.

NOTE: If you were convicted and are petitioning after you have completed your sentence and the required number of years has passed, you must have **TWO** Criminal History Exhibits attached to your Petition. You must also obtain a Criminal History of yourself from the Nevada Criminal History Repository (Department of Public Safety, Division of Records & Technology, 333 West Nye Lane, Suite 100, Carson City, NV 89706, and Telephone: (775) 684-6262). **[Form is included with Petition]**

2. In order to obtain your Criminal History, you must first be fingerprinted at your own expense. You can do this at your local police department, sheriff's office or at a private fingerprint service. If you need two Criminal Histories as Exhibits, get two sets of fingerprints taken (one for each agency).

3. Send or take the original Fingerprint Card to the appropriate law enforcement agency, and, if necessary, to the Criminal History Repository, along with their request form, and payment (Money Order or Cashier's Check). Allow 2-4 weeks to get your copies back.

The Court proceedings

1. Once you receive your Criminal History, attach it/them as Exhibit(s) to your Petition. Make a full copy of all the documents for yourself and one copy for the Reno City Attorney's Office. File the Petition package (including the copies) with the Reno Municipal Court Clerk in person at One South Sierra Street, 1st Floor, Reno, Nevada or mail to Reno Municipal Court Clerk at P.O. Box 1900, Reno, Nevada 89505 (include a self-addressed envelope for the Clerk to return the file-stamped copies to you). **There is a $100 filing fee that must be paid in order to file the Petition to Seal Records.** The Clerk will keep the original Petition and will send you the other two file-stamped copies. You must mail or deliver a copy to the Reno City Attorney's Office and keep one for your records.

2. The Court will notify law enforcement and the prosecutor of your Petition and will set a date for a hearing and send you a Notice of Hearing. You should contact the Reno City Attorney to see if they oppose your request or if they will sign a Stipulation (agreement) with you, agreeing to the records sealing and to waiving (not holding) the hearing. If there is a signed Stipulation, you will not have to attend the hearing. If there is no agreement, you must attend the hearing and prove to the Court that you qualify for records sealing and give the Court the reasons that favor the sealing of your records.

3. If the sealing request is granted, you must get a sufficient number of certified copies of the Order to Seal Records to deliver to each of the persons or law enforcement agencies listed in your Petition. **(Note: The FBI will not process requests; you must first send the request to Nevada Criminal History Repository who will notify the FBI.)**You must also give them a "Return" form to sign **[Form is included with Petition]** notifying the Court when it has sealed your records (you fill in the case name and number). Once your records are sealed, all proceedings regarding your case are legally deemed to have "never occurred" and you may then legally answer accordingly, if anyone asks if you have an arrest, conviction, sentence, dismissal or acquittal.

NOTE: Even though the Court may order it, criminal justice agencies outside the State of Nevada are not required to follow the Sealing Order; often they do, but some do not, because they are governed by their own state or federal law and not our local law.

4. If the Petition to Seal is denied, you may apply to the Court for a re-hearing two years after the date of denial. No person can petition for more than two re-hearings of the same case.

Information Related to Sealing Records in Nevada

The Reno Municipal Court provides the forms necessary to seal your records. Please review the applicable NRS before attempting to seal your records. The Reno Municipal Court staff is prohibited from giving advice on any legal matters. You may hire an attorney to assist you.

NRS 179.245 http://www.leg.state.nv.us/NRS/NRS-179.html#NRS179Sec245
NRS 179.255 http://www.leg.state.nv.us/NRS/NRS-179.html#NRS179Sec255
(Full texts of the above NRS are available at the links listed).

There is also helpful information on the Washoe County Law Library website:
http://www.co.washoe.nv.us/repository/files/23/SCR-Instructions.pdf

List of agencies related to sealing of records:

Agency	Physical Address/Website	Phone Number
Reno Municipal Court Records Division	One South Sierra Street, Reno, NV, 89501 http://www.reno.gov/Index.aspx?page=237	775-334-2290
Reno Police Department Records Division	455 E. Second Street Reno, NV, 89502 www.reno.gov/Index.aspx?page=198	775-334-2155
Nevada Department of Public Safety Criminal Repository	333 West Nye Lane, Carson City, NV, 89706 http://nvrepository.state.nv.us/crim_nav.shtml **(Request form and instructions attached)**	775-684-6262
Reno City Attorney Criminal Division	One East First Street, Reno, NV, 89501 http://www.reno.gov/Index.aspx?page=266	775-334-2050
Washoe County Sheriff's Office	911 Parr Boulevard, Reno, NV, 89512 http://www.washoesheriff.com/records-section.htm	775-328-3030

THE REQUIRED FORMS TO PETITION TO SEAL CRIMINAL RECORDS FOLLOW:

1. Petition to Seal Records (2 pages + Exhibit(s))
2. Stipulation to Seal Records (2 pages)
3. Order to Seal Records (2 pages)
4. Return (1 pg) **[Separate one required for each court, company, agency or official being directed to seal criminal records]**

IN THE MUNICIPAL COURT OF THE CITY OF RENO
COUNTY OF WASHOE, STATE OF NEVADA

In the matter of: Case No. _____

_____, Dept. No. _____
(Defendant's Name)

Date of birth: _____

Petitioner.
_____/

PETITION TO SEAL RECORDS

COMES NOW, the above-named Petitioner, and pursuant to the provisions of NRS 179.245 and/or NRS 179.255, petitions the Court to seal criminal records. Petitioner was arrested /or charged on _____ by the _____
Date Law Enforcement Agency
with the crime of _____.

There was an___ Acquittal at trial; ___ Dismissal of all charges; ___ Conviction for which the sentence was successfully completed. The statutory time periods have been fulfilled and Petitioner has not been arrested since, except for minor moving or standing traffic violations, and no further actions will be brought concerning this arrest and conviction.

This Petition is being accompanied by one or more current, verified record(s) of this Petitioner's criminal history, attached as Exhibit(s) hereto.

WHEREFORE, Petitioner seeks from this Court an Order sealing all records, documents, and files in this matter which are presently in the custody of the Court, or a public or private company, agency or official in the State of Nevada, including but not limited to, the Washoe County Sheriff's Office, the Reno Police Department, the Reno City Attorney's Office, the State

of Nevada Criminal History Records Repository, the Federal Bureau of Investigations, and all other law enforcement agencies reasonably known by the Petitioner or the Court to have possession of such records.

Petitioner also moves this Court to order sealed all records of this proceeding to seal criminal records, after a proper Return has been provided to the Court by the above-named law enforcement agencies or individuals.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this _____ day of _____, _____.

_____
Signature of Petitioner

Printed Name _____

Address _____

_____

Phone_____

Email _____

EXHIBIT(S) TO PETITION TO SEAL RECORDS
(check any that apply)

_____ Current, verified Criminal History (or report of none) from the State of Nevada, Department of Public Safety, Criminal History Records Repository.

_____ Current, verified Criminal History (or report of none) from the

_____.
(Law Enforcement Agency that arrested Petitioner)

IN THE MUNICIPAL COURT OF THE CITY OF RENO

COUNTY OF WASHOE, STATE OF NEVADA

In the matter of: Case No. _____

_____,
(Defendant's Name) Dept. No. _____

Date of birth: _____

Petitioner.
_____/

STIPULATION TO SEAL RECORDS

IT IS HEREBY STIPULATED AND AGREED, by and between the parties herein, that the records of arrest, conviction, acquittal or dismissal, more specifically referred to in the Petition to Seal Records on file herein, may 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 and Order.

IT IS FINALLY STIPULATED AND AGREED that all court records of this proceeding to seal records shall be removed from public access and sealed after all Returns have been filed with the Clerk of the Court.

DATED this _____ day of _____, _____.

_____
Reno City Attorney's Office
P.O. Box 1900
Reno, NV 89505

_____
Petitioner

Address _____

_____

Phone_____

Email _____

Revised June 10, 2013

IN THE MUNICIPAL COURT OF THE CITY OF RENO

COUNTY OF WASHOE, STATE OF NEVADA

In the matter of: Case No. _____

_____,
(Defendant's Name) Dept. No. _____

Date of birth: _____

Petitioner.
_____/

ORDER TO SEAL RECORDS

IT IS HEREBY ORDERED, pursuant to NRS 179.245 and/or NRS 179.255 that all records, documents and files pertaining to this criminal case and its proceedings leading to the disposition of this case are hereby ordered to be sealed.

The Defendant, whose record is to be sealed, is identified as follows:

NAME: _____

ADDRESS:_____

_____

PHONE: _____

DATE OF BIRTH: _____

DATE OF OFFENSE: _____

AGENCY: _____

AGENCY CASE NO.: _____

ORIGINAL CHARGE (s): _____

_____

DISPOSITION(s): _____

_____

_____

IT IS FURTHER ORDERED that a copy of this Order shall be sent by Petitioner to each public or private company, agency, or official, including, but not limited to, the Reno Police Department, the Reno City Attorney's Office, the Washoe County Sheriff's Office, the State of Nevada Criminal History Records Repository, as well as other relevant agencies of the State of Nevada, directing each to seal all records, documents and files of this case and to report back to this Court, by filing a written Return thereof, indicating its compliance with this Order.

Pursuant to NRS 179.285, all proceedings recounted in the sealed records are deemed never to have occurred, and the Petitioner may properly answer accordingly to any inquiry concerning the sealed arrest, conviction, acquittal or dismissal and the events and proceedings related to the arrest, conviction, acquittal or dismissal.

IT IS ALSO ORDERED that all records of this proceeding to seal criminal records shall be removed from public access and sealed by this Court upon receipt of all the Returns served by the Petitioner in this matter.

DATED this _____ day of _____, _____.

_____
MUNICIPAL COURT JUDGE

IN THE MUNICIPAL COURT OF THE CITY OF RENO

COUNTY OF WASHOE, STATE OF NEVADA

In the matter of: Case No. _____

_____,
(Defendant's Name) Dept. No. _____

Date of birth: _____

Petitioner.
_____/

RETURN
(Order to Seal Records)

This office is in receipt of a copy of the Court's Order Sealing Records filed on the _____ day of _____, _____.

All records maintained by this agency, and more specifically: _____

_____

_____

have been so sealed.

DATED this _____ day of _____, _____.

Agency: _____

By: _____

IDENTIFICATION FILE REQUEST
FOR
NEVADA RECORDS OF CRIMINAL HISTORY

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

Today's Date: _____

Subject of Record Below (write the full name of the subject who the criminal history check is about)

First Name: _____

Middle Name: _____

Last Name: _____

Mailing Address: _____

City, State, Zip: _____

_____ _____
Signature of Subject *Date of Birth*

Respond To (agency): _____

Name: _____

Mailing Address: _____

City, State, Zip: _____

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 $21.00 certified check or money order made payable to the Department of Public Safety must accompany each request.**

ID Form DPS-006

To Obtain a Copy of Nevada Criminal History Records

The Nevada Criminal History Repository provides personal criminal record information for the state of Nevada *only*. We cannot provide information for other states or the FBI. In order to obtain your Nevada record, please follow the instructions below.

Who May Request a Copy of Record (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.

How to Request a Copy of Record

1. Complete the Nevada Personal Identification (PID) DPS-006 Criminal History Request form.

   If for a couple, family, etc., all persons must each complete a form in its entirety. Include the complete mailing address where the response is to be sent.

2. Obtain proof of identity, which consists of a set of your fingerprints (original card, no copies) with your name, date of birth and place of birth.

   Fingerprints should be placed on a standard fingerprint form (FD-258), commonly used for applicant or law enforcement purposes. Include rolled impressions of all ten fingerprints and impressions of all ten fingerprints taken simultaneously (these are sometimes referred to as plain or flat impressions.) Have your fingerprints taken by a certified fingerprinting technician. Previously processed fingerprint cards will not be accepted.

3. Include $21.00 – US dollars in the form of a money order or certified check made payable to the Department of Public Safety.

   Be sure to sign where required. No personal checks or cash. Money order or certified check must be for the exact amount. If for a couple, family, etc., include $21 for each person.

4. Mail the items #1, #2, #3 (listed above) to the following address:

DPS Criminal History Repository
333 W. 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. Allow approximately 2 weeks for processing, upon receipt to the Repository.

What You Will Receive

Negative Record Response - A letter indicating that no state record was found.

- or -

Positive Record Response - A letter indicating that a state record was located along with the complete content of that record.