

Asking the Court to Seal Your Records

The following information is furnished as a guide only and should not be construed as legal advice. Sealing records is a highly sensitive issue and you are encouraged to consult with an attorney.

The level of an offense controls when you can ask a court to seal your record. The requirements vary depending on whether it was a misdemeanor, gross misdemeanor, or felony, and whether or not the case resulted in an acquittal or dismissal. The nature of the offense is also important.

Generally, a request to seal a general misdemeanor conviction can be submitted to a court after one year from the date of your release from actual custody or from the date you were no longer under a suspended sentence, whichever occurs later. If your misdemeanor case was dismissed or you were acquitted, you can submit your request at any time after the dismissal or acquittal is entered by the court.

There are exceptions! To see what applies to you, read Nevada Revised Statute 179.245 and 179.255. As stated above, you may want to seek legal advice.

Sealing is not an expungement of your records. An order sealing records only removes the records from general information sources whereas expungement is an actual destruction of the records.

Although the entry of an order by a court requires that certain criminal justice agencies located outside the State of Nevada comply with its direction, these outside agencies are not bound to follow the order. It is possible that records will not be removed from some record entry systems.

Our clerks are always happy to assist you, but it is against the law for our staff to give legal advice.

Steps for sealing your records:

1. Obtain a current, verified copy of your records from the Central Repository for Nevada Records of Criminal History. For instructions on how to obtain those records, contact:

Department of Public Safety Records, Communications and Compliance Division
333 West Nye Lane, Suite 100, Carson City, NV 89706
775-684-6262
<http://rccd.nv.gov>

2. Obtain a current, verified copy of your records from the local sheriff's office. For instructions on how to obtain those records, contact:

Storey County Sheriff's Office
205 South C Street, (PO Box 498), Virginia City, NV 89440
775-847-0959

2. Within 30 days of receipt of your criminal history information, prepare and submit one original and at least two copies of the following documents to the Virginia Township Justice Court. *It's important that you file the petition within 30 days of receipt of the criminal information!*

- 1) Petition to Seal Records with the verified records
- 2) Proposed Order
- 3) Initial Appearance Affirmation
- 4) Civil Cover Sheet
- 5) Filing Fee \$51.00 (\$37.50 = Civil Fee, \$12.50 = Court Specialty Fee, and \$1.00 = Census Fee)

You may submit the above forms in person or by mail. Important: If submitting by mail, include a self-addressed, stamped envelope so our office can return a filed copy of your packet to you.

4. Upon filing, the court clerk will:

- 1) Give you a file-stamped copy
- 2) Send one copy to the Storey County District Attorney;
- 3) Send one copy to our local arresting agency;
- 4) Set a hearing on the Petition.
 - a. The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.
 - b. If the prosecuting attorney stipulates to your request, the hearing will be vacated and you will be notified that the Order has been signed by the judge and is ready for pick-up.

5. When you pick up your Order, ask for as many certified copies of the signed Order as needed for distribution. You will also want to keep a certified copy for your records. Be prepared to pay a fee for the copies and the certification of each copy. Our current fees are .50 per copy, and \$3.00 for each certification.

6. It is your responsibility to notify all applicable agencies of the Order Sealing Records. Attach to each order a Return form. The agency sealing the records should send the return form to our court and to you. Again, it is your responsibility to follow-up with each agency.