

Nevada



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The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Legal Effect:

In Nevada, the law returns the survivor to pre-record status. This means that for all practical purposes, once the process is complete, it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes also include the automatic destruction of the records so they cannot be used against the survivor in the future.

Time Limitations and Wait Times:

Nevada has no time limit, restriction, or wait time for survivors to clear their criminal records.

Trafficking Nexus:

The nexus or connection to trafficking the survivor must prove in Nevada is currently "as a result" of trafficking. This is less restrictive than other states and will allow more survivors to access relief.

NEEDS IMPROVEMENT:

Court Can Take Other Factors Into Account:

In Nevada, the statute allows the courts to make decisions on whether the survivor may obtain criminal record relief by judging the survivor on factors like their rehabilitation efforts, the relationship the survivor had with their trafficker, etc. This puts the onus of responsibility and judgment on the survivor, even though the original conviction was tied to their own victimization.

Arrests and Adjudication Relief:

Relief in Nevada only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Nevada is inadequate because relief only applies to non-violent offenses - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Nevada would expand the statute to include all offenses so more survivors are eligible for relief.

