

Pyramid Lake Paiute Tribal Council

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RESOLUTION NO.: PL 082-19

RESOLUTION OF THE TRIBAL COUNCIL OF THE PYRAMID LAKE PAIUTE TRIBE NIXON, NEVADA

WHEREAS, the Pyramid Lake Paiute Tribe is organized pursuant to the provisions of Section 16 of the Indian Reorganization Act (25 U.S.C. § 476) and is federally recognized by the United States Government through the Secretary of the Interior and the Bureau of Indian Affairs; and possesses attributes of sovereignty over both the members and territory.

WHEREAS, the Pyramid Lake Paiute Tribe, pursuant to Article VI, Section 1 of the Constitution and By-laws of the Pyramid Lake Paiute Tribe, authorized the Pyramid Lake Tribal Council to act on behalf of the Pyramid Lake Tribe, and to promulgate ordinances to safeguard the peace and safety of residents of the Reservation and to establish courts for the adjudication of claims and disputes; and

WHEREAS: pursuant to these powers, the Tribal Council has created a Law & Order Code and other laws and ordinances to govern the conduct of people within the Tribe's Reservation; and

WHEREAS: the Tribal Council has recognized the importance of reviewing and updating the Law and Order Code to ensure the Code meets the Tribe's needs and best serves to protect the interests of the Tribe, its members and persons living and working on Tribal lands; and

WHEREAS: to meet this goal, the Tribe's Law and Order Committee has recommended that the Tribal Council add revised Chapter 2 with resolution of the Law and Order Code 2013 to current code.

WHEREAS: the revised Chapter 2 with resolution was posted for at least thirty days to allow for public comment, No comments received by the Law and Order Committee and the Committee submitted its recommendation to the Tribal Council;

NOW, THEREFORE BE IT RESOLVED, that the Pyramid Lake Paiute Tribal Council hereby accepts the recommendation of the Law and Order Committee and hereby adopts the revised Chapter 2 with resolution of the Law and Order Code.

BE IT FURTHER RESOLVED, the Tribal Chairman or designee is hereby authorized to effectuate any and all administrative actions necessary for implementation of this resolution.

BE IT FINALLY RESOLVED, nothing in this resolution shall be construed as a waiver of the sovereign immunity of the Pyramid Lake Paiute Tribe.

CERTIFICATION

It is hereby certified that the foregoing resolution of the Pyramid Lake Paiute Tribal Council, governing body of the Pyramid Lake Paiute Tribe, composed of ten members, of whom nine (9) constituting a quorum were present at a meeting duly held on the 20th day of September, 2019 was adopted by the affirmative vote of seven (7) FOR and zero (0) AGAINST, with zero (0) ABSTENTIONS; pursuant to the authority contained in the Constitution and By-laws of the Pyramid Lake Paiute Tribe.



Brenda A. Henry, Tribal Secretary
Pyramid Lake Paiute Tribal Council

CHAPTER 2

TRIBAL COURT SYSTEM

3.2.100 PYRAMID LAKE TRIBAL COURT (hereinafter "Court")

3.2.102 Judges

A. CHIEF JUDGE. The Court shall include one Chief Judge who shall have the authority to hear all cases before the Court, or otherwise designate an Associate Judge to hear a case. The Chief Judge shall also be responsible for the management of the Court in consultation with the Court Administrator. The Chief Judge shall be appointed by the Tribal Council in accordance with applicable hiring or contracting procedures.

B. ASSOCIATE JUDGE. The Court shall further consist of one or more Associate Judges. An Associate Judge may act only when so designated by the Chief Judge or when immediate action by a Tribal Judge is required and the Chief Judge cannot be reached. The Associate Judge shall be appointed by the Tribal Council in accordance with applicable hiring or contracting procedures.

3.2.104 Term of Office

A. Each Judge shall hold office for a period of three (3) years, unless sooner removed for cause. Each judge shall be eligible for reappointment.

B. A judge may be removed for cause under the following circumstances:

1. Neglect of duty
2. Violation of Tribal law or custom;
3. Violation of the Tribe's Code of Ethics;
4. Disciplinary proceedings against the judge by a state bar where he is licensed resulting in suspension and/or disbarment.

3.2.106 Qualifications of Judges

A person shall be eligible to serve as the Chief Judge of the Pyramid Lake Tribal Court if that person:

1. has a degree from an accredited law school;
2. is licensed to practice law by the highest court of any state; and
3. is familiar with Federal Indian law and the laws of the Pyramid Lake Paiute Tribe.

B. A person shall be eligible to serve as an Associate Judge of the Pyramid Lake Tribal Court if that person meets the qualifications set out for Chief Judge of the Pyramid Lake Tribal Court, or

1. is an Indian or Tribal member familiar with the laws and customs of the Pyramid Lake Paiute Tribe;
2. is at least 25 years of age;
3. has never been convicted of a felony within five (5) years prior to the appointment; or
4. has never been convicted of a misdemeanor within five (5) years prior to the appointment.

C. No judge shall be qualified to act as a judge in any case when he has any direct interest or wherein any relative by marriage or by blood, in the first or second degrees, is a party.

3.2.108 Discipline of a Judge

A. A complaint against a judge may be filed with the Tribal Secretary's office in accordance with the Tribe's Complaint Policy. Upon receipt of the complaint and within thirty (30) days, the Law and Order Committee shall investigate the allegations. If no reasonable grounds are found, the Law and Order Committee shall dismiss the complaint. If reasonable grounds appear to exist, the Law and Order Committee shall prepare and submit a written recommendation to the Tribal Council to conduct a disciplinary hearing.

B. Within ten (10) days of receiving a recommendation to conduct a disciplinary hearing from the Law and Order Committee, the Tribal Council shall decide by majority vote whether the recommendation is frivolous and should be dismissed, or whether the recommendation requires a disciplinary hearing before the Tribal Council. Within five (5) days of this decision, the Judge shall be notified of the Tribal Council's decision.

C. If the Tribal Council decides to proceed to a disciplinary hearing, the notice of the Tribal Council's decision shall include a copy of the complaint and the Law and Order Committee's recommendation. The notice shall also state the date, time and location of the disciplinary hearing, and must be served upon the Judge at least ten (10) days prior to the date of the hearing. The notice shall be served upon the Judge via certified mail, return receipt requested.

D. The Tribal Council shall have the discretion to determine the process to follow in conducting the disciplinary hearing. However, the Judge shall have an opportunity to address the Tribal Council regarding the complaint. After due consideration of all the evidence presented at the disciplinary hearing, the Tribal Council shall decide by at least a two-thirds (2/3) majority vote whether grounds exist to discipline the Judge, and if grounds exist to discipline the Judge, then the Tribal Council shall determine the type of discipline to impose on the Judge, which may include removal. Notice of the Tribal Council's disciplinary hearing decision must be sent via certified mail to the Judge within five (5) days of the decision.

E. A Judge removed for cause may be reappointed after five (5) years from the date of removal.

3.2.110 Rules of Court

A. PROMULGATION. The time and place of court sessions and all other details of judicial procedure not prescribed in this Law and Order Code shall be prescribed in Court Rules promulgated by the Chief Judge. The Court Rules shall be deemed in effect within thirty (30) days of promulgation unless repealed or modified by the Tribal Council in consultation with the Law and Order Committee and Court Administrator.

B. LAW AND ORDER COMMITTEE RECOMMENDATION AND TRIBAL COUNCIL REVIEW. Immediately following promulgation of any Court Rules, the Chief Judge shall deliver a copy of the rule(s) to the Law and Order Committee in consultation with the Court Administrator, for recommendation to the Tribal Council. The Tribal Council may repeal or modify any Court Rule upon recommendation of the Law and Order Committee.

C. APPLICABILITY OF FEDERAL RULES OF PROCEDURE AND EVIDENCE. To the extent that court procedures are not covered by the Pyramid Lake Tribal Court Rules of Court, this Law and Order Code or any applicable rules of appellate procedure, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the Federal Rules of Appellate Procedure shall apply.

3.2.112 Prosecutor

The Tribal Prosecutor shall serve as an officer of the Court. The Prosecutor shall represent the Tribe in all adult criminal and adult quasi-criminal matters and in juvenile justice matters before the Court. The Prosecutor shall institute criminal or civil proceedings against any persons who violate the provisions of this Code. The Tribal Prosecutor shall be appointed by the Tribal Council in accordance with applicable hiring or contracting procedures.

3.2.114 Defense Advocate

The Defense Advocate shall serve as an officer of the Court. The Defense Advocate shall represent criminal defendants unable to afford their own criminal defenses, shall represent juvenile offenders as provided in the Juvenile Code herein and perform other duties as prescribed in this Code. The Defense Advocate shall be appointed by the Tribal Council in accordance with applicable hiring or contracting procedures.

3.2.116 Court Administrator

The Court Administrator shall serve as an officer of the Court. The Court Administrator shall establish, implement and maintain the Tribal Court system, including, but not limited to, case management, record keeping, judicial program management and overseeing and coordinating the administrative and management functions of the Judicial Department, in consultation with the Chief Judge. The Court Administrator shall collect fines, civil penalties, and fees authorized by this Code; shall submit all such funds to the Tribe's Finance Department; and shall make an accounting thereof to the Tribal Council. The Court Administrator shall follow all Tribal Financial Policies and Procedures. When necessary, the Court Administrator will also undertake the duties of the Clerk of the Court. The Court

Administrator will be selected by the Tribal Council in accordance with applicable hiring procedures.

3.2.118 Clerk of the Court

The Clerk of the Court ("Court Clerk" or "Clerk") shall serve as an officer of the Court and shall be selected by the Court Administrator in consultation with the Chief Judge, in accordance with applicable hiring procedures. The Clerk of the Court shall be supervised by the Court Administrator in consultation with the Chief Judge. The duties of the Clerk shall include but are not limited to, attending and keeping a written record or a taped transcript of all proceedings of the Court, administering oaths to witnesses, and performing other related duties as required or assigned.

3.2.120 Probation Officer

The Probation Officer shall serve as an officer of the Court. The Probation Officer shall insure that persons on probation shall obey the orders of the Court and the requirements of this Code. The Probation Officer shall perform other duties as prescribed in this Code or in an order issued by the Court. The Probation Officer shall be supervised by the Court Administrator for all administrative matters (e.g., sick leave, training, annual leave, etc.) and by the issuing Judge in probation matters. The Probation Officer will be selected by the Court Administrator in accordance with applicable hiring procedures.

3.2.122 Juvenile Probation Officer

The Juvenile Probation Officer shall serve as an officer of the Court. The Juvenile Probation Officer shall insure that persons on probation shall obey the orders of the Court and perform other duties as prescribed in this Code or in an order issued by the Court. The Juvenile Probation Officer shall be supervised by the Court Administrator for all administrative matters (e.g., sick leave, training, annual leave, etc.) and by the issuing judge in probation matters. The Juvenile Probation Officer will be selected by the Court Administrator in accordance with applicable hiring procedures.

3.2.124 Children's Advocate

The Children's Advocate shall serve as an officer of the Court. The Children's Advocate shall act on behalf of a minor under the age of 18 in accordance with the Juvenile Code and perform other duties as prescribed in this Code. The Children's Advocate shall be supervised by the Court Administrator for all administrative matters (e.g., sick leave, training, annual leave, etc.) and by the Chief Judge or Associate Judge for Children's Court or Juvenile Court, or other domestic or family law matters. The Children's Advocate will be hired by the Court Administrator in accordance with applicable hiring procedures.

3.2.126 Guardian ad Litem

The *Guardian ad Litem* serves as an officer of the Court. Any presiding Judge of the Court may appoint a *Guardian ad Litem* to represent the interests of a minor in any court proceeding as required by law.

3.2.128 Definition of "Indian"

For all purposes in the Pyramid Lake Paiute Tribe Law and Order Code, unless otherwise stated, an "Indian" shall be defined as any person who is a member of the

Pyramid Lake Paiute Tribe, a federally recognized tribe or who is eligible to be a member of a Federally recognized tribe; or who is defined as "Indian" by applicable Federal law.

3.2.200 JURISDICTION

3.2.202 Criminal Jurisdiction

A. The Pyramid Lake Tribal Court shall have jurisdiction over all criminal offenses committed by any Indian as provided in this Law and Order Code. The Tribal Court is authorized to exercise criminal jurisdiction over any person to the fullest extent permitted under Federal law.

B. CONCURRENT FEDERAL JURISDICTION. With respect to any of the offenses enumerated in the ordinances of the Pyramid Lake Paiute Tribe over which federal courts may have lawful jurisdiction, the jurisdiction of the Pyramid Lake Tribal Court shall be concurrent and not exclusive. It shall be the duty of the Pyramid Lake Tribal Court to order delivery to the proper authorities any person detained or in the custody of the Tribe according to applicable Federal or Tribal law.

3.2.204 Civil Jurisdiction

A. SUBJECT MATTER JURISDICTION. The Pyramid Lake Tribal Court shall have jurisdiction over all civil suits wherein the cause of action arose within the exterior boundaries of the Pyramid Lake Indian Reservation. No judgment shall be given on any suit unless the defendant has received actual or constructive notice of such suit and has been given ample opportunity to appear in court in his/her defense. Evidence of service of the notice shall be kept as part of the record in the case.

B. The Pyramid Lake Tribal Court shall have *in rem* jurisdiction over property located within the exterior boundaries of the Pyramid Lake Indian Reservation so long as such jurisdiction is not inconsistent with Federal law.

C. PERSONAL JURISDICTION. The Pyramid Lake Tribal Court shall have personal jurisdiction over all persons who have had sufficient minimum contact with the Pyramid Lake Paiute Tribe or the Pyramid Lake Indian Reservation including but not limited to, those who reside, commit a tort, enter into a marriage, drive, obtain any Tribal license, enter into or perform contracts, transact business or own or lease real property within the exterior boundaries of the Pyramid Lake Indian Reservation.

D. Definition of Person. For purposes of this Law and Order Code, "person" shall be defined as any individual, partnership, corporation or other entity.

3.2.300 PYRAMID LAKE TRIBAL COURT OF APPEALS

3.2.302 Jurisdiction

There is hereby established an appellate court which shall be called the Pyramid Lake Court of Appeals. The Court of Appeals shall have jurisdiction over all cases appealed from the Tribal Court.

3.2.304 Composition

A. All judges of the Pyramid Lake Tribal Court shall be eligible to sit on the Court of Appeals, except that the judge from whose decision the appeal is taken shall not sit on

the Court of Appeals for that case. Three judges shall sit on the Pyramid Lake Court of Appeals.

1. At least one (1) judge of the Pyramid Lake Tribal Court of Appeals must meet the qualifications for the Chief Judge as set forth in this Chapter.
2. At least one (1) judge on the Appellate Panel must be an enrolled member of the Pyramid Lake Paiute Tribe who does not have to be an attorney, cannot be a member of the Tribal Council; cannot have any interest in the case under appeal; and have an understanding and knowledge of the Tribe's Law and Order Code.

B. Nothing in §3.2.300 to §3.2.308 shall prevent the Tribal Council from entering into an agreement with other tribes, reservations and colonies of Nevada Indians to form an appellate court system to hear appeals from various tribal courts, including the Pyramid Lake Tribal Court. Any such agreement by the Tribal Council and the rules of the intertribal appellate court system shall take precedence over the general provisions contained in §3.2.300 to §3.2.308, except for §3.2.306.A.

3.2.306 Appellate Procedure

A. Any party may appeal a final decision or judgment of the Tribal Court by filing a written Notice of Appeal with the Clerk of the Court within thirty (30) calendar days of service of the formal notice of the entry of the Judge's decision. Where a decision is not delivered at a hearing with both parties present, the thirty (30) days does not begin to run until the service date of the formal notice of the decision. The Clerk of the Court shall serve the notice of entry of the order to the parties within five (5) days of receipt from the Judge. A decision of the Tribal Court on subject-matter jurisdiction over a case against the Tribe or its officials, employees, or agents in their official capacities shall be considered final for appellate court purposes.

B. Upon receiving the Notice of Appeal, the Clerk of the Court shall create an appellate case file and transfer the entire record, including any notation indicating the existence of a recording of the proceedings, to the Court of Appeals. Only specific and relevant parts of the recorded transcript shall be necessary to become a part of the appellate record. A party shall designate the specific parts of the recorded transcript needed and shall pay the appropriate cost as required.

C. Whenever possible, in order to eliminate unnecessary travel and delay, appeals shall be decided on the record of the case or briefs of the parties of the case, including the written order or decision and any recording or transcript of the trial proceedings. The Court of Appeals, exercising its discretion, may require an oral argument or if one of the parties so requests.

D. After the Appellate Court decides an appeal, their decision shall be reduced to writing, signed by all judges participating in the decision and a copy of the decision shall be sent to each party by certified mail. The original shall be filed in the case file and remain a part of the record in any further proceedings.

3.2.308 Stay of Execution

Any party may request a Stay of Execution of the Judgment until final disposition of the case by the Court of Appeals is made. Such request shall be filed with the trial court

who may issue protective orders, a bond, and take other action necessary to protect the interests of the parties as required.

3.2.400 PRACTICE BEFORE THE TRIBAL COURT

3.2.402 Establishment of the Pyramid Lake Tribal Court Bar Association and Roll of Attorneys

The Chief Judge is hereby authorized to establish the Pyramid Lake Tribal Court Bar Association by Court Rules setting forth the requirements, qualifications and disciplinary and ethical rules as required.

A. The Bar of the Tribal Court shall consist of those persons who have previously been admitted to practice and those who will in the future be admitted to practice before the Court;

B. The names of all persons admitted to practice in Tribal Court shall be recorded on the Court's Roll of Attorneys/Advocates. The Court Administrator shall be responsible for maintaining the Roll of Attorneys/Advocates.

3.2.404 Eligibility for Admission to the Bar of the Court

A. Any attorney who is a member in good standing of any Federal, District, or State Supreme Court shall be eligible for admission to practice before the Court upon fulfilling the procedural requirements set forth in this Chapter.

B. Any member of a Federally-recognized tribe who is twenty-one (21) years of age or older shall be eligible for admission to practice before the Tribal Court, provided that he has fulfilled the procedural requirements set forth in this Chapter and has never been convicted of a felony.

C. Any person has the right to represent himself before the Tribal Court.

D. Any person who practices as an attorney/advocate before the Tribal Court shall be required to have adequate knowledge of substantive and procedural Tribal law as set forth in this Law and Order Code and the Rules of the Court to properly and adequately represent the best interests of his client.

E. Any qualified person who is not licensed to practice law shall be permitted to practice before the Court. Non-attorney advocates shall enter their appearance by filing an action or a notice of appearance in writing with the Clerk of the Court. Non-attorney Advocates shall be held to the same standards of knowledge and ability as are expected of attorneys. A person who retains the services of a non-attorney Advocate in his defense of a criminal charge against him thereby exercises his right to the assistance of counsel. Any person who retains the services of a non-attorney Advocate does so at his own risk regarding the competency of the Advocate.

F. Any person who practices as legal counsel before the Tribal Court shall sign an Oath of Confidentiality, which will be kept on file with the Court. By signing this Oath, the Advocate shall be deemed to understand that criminal and/or civil charges may be brought against him for any unauthorized disclosure of privileged information, in addition to his immediate dismissal from the bar. Other violations of applicable standards for

attorneys/advocates, such as misuse or tampering with Tribal property, shall be prosecuted under the appropriate sections of this Code.

3.2.406 Procedure for Admission

A. Each applicant for admission to the Bar of the Tribal Court shall file with the Clerk of the Court an application to practice before the Court, setting forth the following:

1. Residence and office addresses and telephone numbers;
2. General and legal education;
3. Courts to which the applicant has been admitted to practice;
4. Whether or not he is a Tribal member or a member of another tribe;
5. Age;
6. Whether or not he has been convicted of a felony; and
7. Any other information required by the Court as set forth in the approved Rules of Court.

B. Each applicant shall be required to demonstrate competence through adequate knowledge of substantive and procedural Tribal law as set forth in this Code and the approved Rules of the Court.

C. Each applicant shall execute the Court Officer's Oath as set forth in the approved Rules of the Court.

D. The Chief Judge will review the application and will grant admission to the Pyramid Lake Tribal Bar if the applicant satisfies all of the requirements of this Chapter.

3.2.408 Permission to Participate in a Particular Case

A person eligible to practice before the Court pursuant to this Chapter may be granted permission by the Judge to participate in a particular case without filing a full petition, but must file an affidavit stating that he is eligible to practice before the Court under the provisions of this Section.

3.2.410 Admission

A. All persons admitted to practice in the Court and wishing to maintain enrollment in the Pyramid Lake Tribal Bar shall pay an annual fee, as determined by the Chief Judge, by January 31st of each year.

B. All persons admitted to practice before the Court for a particular case shall pay the fee set by the Chief Judge upon the grant of permission by a Tribal Judge.

C. The Clerk of the Court shall post a list of all attorneys and advocates admitted to practice before the Court, in a place accessible to those persons who may need legal representation; however, a person is not restricted to using only those attorneys or

advocates listed so long as any other attorney or advocate follows the procedures for admission to the bar.

D. The proceeds from the annual admission fees shall be deposited with Tribal Finance and may be used by the Court for court costs and expenditures associated with regulation of Admission to the Bar as provided in this Chapter.

3.2.412 Disbarment and Discipline

A. The Chief Judge and a representative from the Law and Order Committee may jointly disbar a person from practice before the Court upon the recommendation of a Chief Judge or another Tribal Judge in consultation with the Court Administrator, or may suspend from practice said person as deemed appropriate on any of the following grounds:

1. False swearing;
2. Conviction of a felony;
3. Disbarment by Federal or State Court or Bar Association;
4. Conduct unbecoming an officer of the Court;
5. Failure to adhere to the provisions of the Law and Order Code or the Rules of the Court; or
6. Failure to meet the standards of knowledge and ability to represent a client adequately.

B. The Court may otherwise discipline a person admitted to practice before the Court on the above grounds if it deems that disbarment or suspension is not warranted under the circumstances.

3.2.500 LAW AND ORDER COMMITTEE

3.2.502 Establishment

The Law and Order Committee is hereby established as a standing committee of the Pyramid Lake Paiute Tribe.

3.2.504 Membership

A. The Law and Order Committee shall consist of five (5) Pyramid Lake Tribal members who shall be at least twenty-one (21) years of age and a resident of the Pyramid Lake Indian Reservation for at least one (1) year prior to appointment to the Committee.

B. At such time of a resignation or removal of a Committee member, a new member will be appointed in accordance with the provisions of this Chapter. The Tribal Council shall select the Committee member from the list of interested individuals, following the posting of the vacancy.

3.2.506 Power and Authority of the Law and Order Committee

The Law and Order Committee shall have the power and authority to:

A. Review and study law enforcement and judicial problems on the Reservation in consultation with appropriate staff and to report its findings and recommendations thereon to the Tribal Council;

B. Review and make recommendations to the Tribal Council on Rules of Court submitted by the Judges of the Court;

C. Review and make recommendations to the Tribal Council on proposed revisions to the Hunting and Fishing Regulations in consultation with appropriate staff;

D. Review and make recommendations to the Tribal Council on General Orders of the Tribal Police Department in consultation with appropriate staff;

E. Review and make recommendations to the Tribal Council on proposed revisions to the Law and Order Code in consultation with appropriate staff;

F. Participate in the selection process of all Court personnel in accordance with applicable hiring procedures;

G. Participate in hearings on the removal of judges; and

H. No individual Committee member may act on behalf of the Committee without the express consent of the entire Committee.

3.2.508 Meetings

The Law and Order Committee shall meet monthly at a time and place on the Reservation designated by the Committee Chairman. Meeting agendas will be prepared by the Committee Secretary in consultation with the Committee Chairman and posted in all public posting locations prior to the established meeting date.

3.2.510 Minutes

All minutes of Law and Order Committee meetings will be maintained and stored at the Tribal Secretary's office, who may release approved meeting minutes upon request. Confidential material shall not appear in the minutes.

3.2.600 RECORDS OF THE COURT

3.2.602 Court Files

A. Except as expressly limited by this Code, the Court shall keep a record of all proceedings of the Court for inspection by the public. These records shall be maintained and stored by the Clerk of the Court under the supervision of the Court Administrator.

B. Court records shall include title of the case, the names of the parties, the pleadings filed in the case, the names and addresses of all witnesses, the date of the hearing or trial, the name of the judge by whom the hearing or trial was conducted, the findings of the court or jury and the judgment of the Court, together with any other documents deemed to be of importance to the case.

C. All written decisions of the Pyramid Lake Tribal Court of Appeals shall be filed and made available for public inspection by the Clerk of the Court.

D. The Clerk of the Court shall electronically record all court proceedings. The proceedings shall be identified by case number by the Clerk of the Court and kept for a period of no less than five (5) years.

E. The Court Administrator will ensure safe and to the extent possible, permanent storage of all court orders. The copy of a record shall be made available to the public upon written request submitted to the Court Administrator.

The person requesting a copy of the record of a court proceeding shall pay the costs of preparing such recording, including the costs of transcribing electronically recorded records of court proceedings. The Court Administrator shall be responsible for determining the amount to be charged for preparing copies of court records and collecting the fees. Such fees shall not exceed actual costs of reproduction. The Court Administrator will ensure that all fees are posted and made available to the public at all times.

F. Records of all juvenile proceedings shall not be open to the public for inspection. Such records shall only be available to authorized law enforcement personnel and the juvenile's parents or legal guardian upon written request submitted to the Court.

G. Archival Records. The Court Administrator shall cause court records to be archived in a permanent, appropriate and cost-effective manner for retrieval.

3.2.604 Expungement of Criminal Records

A. Except as otherwise provided in this Code, a person may petition the Court for sealing of all records relating to a conviction in the Court of:

1. A Class A Offense after fifteen (15) years from the date of final payment of all fines or the date of release from actual custody or discharge from parole and probation, whichever occurs later;
2. A Class B Offense, after twelve (12) years from the date of final payment of all fines or the date of release from actual custody or discharge from parole or probation, whichever occurs later;
3. A Class C Offense, after seven (7) years from the date of final payment of all fines or the date of release from actual custody or discharge from parole or probation, whichever occurs later;
4. A Class D and E Offense, after seven (7) years from the date of final payment of all fines or the date of release from actual custody or discharge from probation, whichever occurs later;
5. For a violation of a battery that constitutes domestic violence, after seven (7) years from the date of final payment of all fines or the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

B. A petition filed under this Section must 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.

The petition must 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.

The petition must include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

C. Upon receiving a petition pursuant to this Section, the Court shall notify Tribal Police that arrested the petitioner for the crime, the Prosecutor and any person having relevant evidence that may testify and present evidence at the hearings on the petition.

D. If, after the hearing, the Court finds that, in the period prescribed in this Section, 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.

E. A person may not petition the Court to seal records relating to a conviction of a crime against a child or a sexual offense.

F. A person whose petition is denied under this Section may petition for a rehearing not sooner than two (2) years after the denial of the previous petition and no person may petition for more than two (2) hearings.

G. Where the Court orders the sealing of a record pursuant to this Section, the petitioner must send a copy of the order to the Central Repository for Nevada Records of Criminal History, and each public or private company, agency or official named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, and shall advise the Court of compliance and shall then seal the order.

H. If the Court orders a record sealed pursuant to this Section, 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, including without hesitation, any inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.