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## CHAPTER 239 - PUBLIC RECORDS

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<a href="#">NRS 239.110</a>	<b>Judicial records: Destruction; reproductions.</b> [Effective January 1, 2015, if the provisions of Senate Joint Resolution No. 14 (2011) are approved and ratified by the voters at the 2014 General Election.]
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### IN GENERAL

**NRS 239.001 Legislative findings and declaration.** The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;
2. The provisions of this chapter must be construed liberally to carry out this important purpose;
3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly; and
4. The use of private entities in the provision of public services must not deprive members of the public access to inspect and copy books and records relating to the provision of those services.

(Added to NRS by [2007, 2061](#); A [2011, 2723](#))

**NRS 239.005 Definitions.** As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.
2. "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.
3. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.
4. "Division" means the Division of State Library and Archives of the Department of Administration.
5. "Governmental entity" means:
  - (a) An elected or appointed officer of this State or of a political subdivision of this State;
  - (b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State, including, without limitation, an agency of the Executive Department, or of a political subdivision of this State;
  - (c) A university foundation, as defined in [NRS 396.405](#); or
  - (d) An educational foundation, as defined in [NRS 388.750](#), to the extent that the foundation is dedicated to the assistance of public schools.

6. "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are:

- (a) Substantially similar to the services provided by the public employees of the governmental entity; and
- (b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

(Added to NRS by 1977, 455; A 1979, 179; 1983, 1298; [1985, 126](#); [1993, 209](#), [1538](#); [1995, 511](#); [1997, 2385](#); [2001, 936](#); [2011, 2723](#), [2948](#); [2013, 2267](#))

**NRS 239.008 Designation of records official for certain state agencies; forms and procedures applicable to requests for public records.**

1. The head of each agency of the Executive Department shall designate one or more employees of the agency to act as records official for the agency.

2. A records official designated pursuant to subsection 1 shall carry out the duties imposed pursuant to this chapter on the agency of the Executive Department that designated him or her with respect to a request to inspect or copy a public book or record of the agency.

3. The State Library and Archives Administrator, pursuant to [NRS 378.255](#) and in cooperation with the Attorney General, shall prescribe:

(a) The form for a request by a person to inspect or copy a public book or record of an agency of the Executive Department pursuant to [NRS 239.0107](#);

(b) The form for the written notice required to be provided by an agency of the Executive Department pursuant to paragraph (b), (c) or (d) of subsection 1 of [NRS 239.0107](#); and

(c) By regulation the procedures with which a records official must comply in carrying out his or her duties.

4. Each agency of the Executive Department shall make available on any website maintained by the agency on the Internet or its successor the forms and procedures prescribed by the State Library and Archives Administrator and the Attorney General pursuant to subsection 3.

(Added to NRS by [2013, 2267](#))

**NRS 239.010 Public books and public records open to inspection; confidential information in public books and records; copyrighted books and records; copies to be prepared by governmental entity and provided in medium requested. [Effective until the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification or July 1, 2015, whichever is sooner.]**

1. Except as otherwise provided in this section and [NRS 1.4683](#), [1A.110](#), [49.095](#), [62D.420](#), [62D.440](#), [62E.516](#), [62E.620](#), [62H.025](#), [62H.030](#), [62H.170](#), [62H.220](#), [62H.320](#), [76.160](#), [78.152](#), [80.113](#), [81.850](#), [82.183](#), [86.246](#), [86.54615](#), [87.515](#), [87.5413](#), [87A.200](#), [87A.580](#), [87A.640](#), [88.3355](#), [88.5927](#), [88.6067](#), [88A.345](#), [88A.7345](#), [89.045](#), [89.251](#), [90.730](#), [91.160](#), [116.757](#), [116A.270](#), [116B.880](#), [118B.026](#), [119.260](#), [119.265](#), [119.267](#), [119.280](#), [119A.280](#), [119A.653](#), [119B.370](#), [119B.382](#), [120A.690](#), [125.130](#), [125B.140](#), [126.141](#), [126.161](#), [126.163](#), [126.730](#), [127.007](#), [127.057](#), [127.130](#), [127.140](#), [127.2817](#), [130.312](#), [159.044](#), [172.075](#), [172.245](#), [176.015](#), [176.0625](#), [176.09129](#), [176.156](#), [176A.630](#), [178.39801](#), [178.4715](#), [178.5691](#), [179.495](#), [179A.070](#), [179A.165](#), [179A.450](#), [179D.160](#), [200.3771](#), [200.3772](#), [200.5095](#), [200.604](#), [202.3662](#), [205.4651](#), [209.392](#), [209.3925](#), [209.419](#), [209.521](#), [211A.140](#), [213.010](#), [213.040](#), [213.095](#), [213.131](#), [217.105](#), [217.110](#), [217.464](#), [217.475](#), [218E.625](#), [218F.150](#), [218G.130](#), [218G.240](#), [218G.350](#), [228.270](#), [228.450](#), [228.495](#), [228.570](#), [231.069](#), [233.190](#), [237.300](#), [239.0105](#), [239.0113](#), [239B.030](#), [239B.040](#), [239B.050](#), [239C.140](#), [239C.210](#), [239C.230](#), [239C.250](#), [239C.270](#), [240.007](#), [241.020](#), [241.030](#), [242.105](#), [244.264](#), [244.335](#), [250.087](#), [250.130](#), [250.140](#), [250.150](#), [268.095](#), [268.490](#), [268.910](#), [271A.105](#), [281.195](#), [281A.440](#), [281A.470](#), [281A.550](#), [284.4068](#), [286.110](#), [287.0438](#), [289.025](#), [289.080](#), [289.387](#), [293.5002](#), [293.503](#), [293.558](#), [293B.135](#), [293D.510](#), [331.110](#), [332.061](#), [332.351](#), [333.333](#), [333.335](#), [338.070](#), [338.1379](#), [338.1725](#), [338.1727](#), [348.420](#), [349.597](#), [349.775](#), [353.205](#), [353A.085](#), [353A.100](#), [353C.240](#), [360.240](#), [360.247](#), [360.255](#), [360.755](#), [361.044](#), [361.610](#), [365.138](#), [366.160](#), [368A.180](#), [372A.080](#), [378.290](#), [378.300](#), [379.008](#), [386.655](#), [387.626](#), [387.631](#), [388.5275](#), [388.528](#), [388.5315](#), [388.750](#), [391.035](#), [392.029](#), [392.147](#), [392.264](#), [392.271](#), [392.652](#), [392.850](#), [394.167](#), [394.1698](#), [394.447](#), [394.460](#), [394.465](#), [396.3295](#), [396.405](#), [396.525](#), [396.535](#), [398.403](#), [408.3885](#), [408.3886](#), [412.153](#), [416.070](#), [422.290](#), [422.305](#), [422A.320](#), [422A.350](#), [425.400](#), [427A.1236](#), [427A.872](#), [432.205](#), [432B.175](#), [432B.280](#), [432B.290](#), [432B.407](#), [432B.430](#), [432B.560](#), [433.534](#), [433A.360](#), [439.270](#), [439.840](#), [439B.420](#), [440.170](#), [441A.195](#), [441A.220](#), [441A.230](#), [442.330](#), [442.395](#), [445A.665](#), [445B.570](#), [449.209](#), [449.245](#), [449.720](#), [453.1545](#), [453.720](#), [453A.610](#), [453A.700](#), [458.055](#), [458.280](#), [459.050](#), [459.3866](#), [459.555](#), [459.7056](#), [459.846](#), [463.120](#), [463.15993](#), [463.240](#), [463.3403](#), [463.3407](#), [463.790](#), [467.1005](#), [467.137](#), [481.063](#), [482.170](#), [482.5536](#), [483.340](#), [483.363](#), [483.800](#), [484E.070](#), [485.316](#), [503.452](#), [522.040](#), [534A.031](#), [561.285](#), [571.160](#), [584.655](#), [598.0964](#), [598A.110](#), [603.070](#), [603A.210](#), [604A.710](#), [612.265](#), [616B.012](#), [616B.015](#), [616B.315](#), [616B.350](#), [618.341](#), [618.425](#), [622.310](#), [623.131](#), [623A.353](#), [624.110](#), [624.265](#), [624.327](#), [625.425](#), [625A.185](#), [628.418](#), [629.069](#), [630.133](#), [630.30665](#), [630.336](#), [630A.555](#), [631.368](#), [632.121](#), [632.125](#), [632.405](#), [633.283](#), [633.301](#), [633.524](#), [634.212](#), [634.214](#), [634A.185](#), [635.158](#), [636.107](#), [637.085](#), [637A.315](#), [637B.288](#), [638.087](#), [638.089](#), [639.2485](#), [639.570](#), [640.075](#), [640A.220](#), [640B.730](#), [640C.400](#), [640C.745](#), [640C.760](#), [640D.190](#), [640E.340](#), [641.090](#), [641A.191](#), [641B.170](#), [641C.760](#), [642.524](#), [643.189](#), [644.446](#), [645.180](#), [645.625](#), [645A.050](#), [645A.082](#), [645B.060](#), [645B.092](#), [645C.220](#), [645C.225](#), [645D.130](#), [645D.135](#), [645E.300](#), [645E.375](#), [645G.510](#), [645H.320](#), [645H.330](#), [647.0945](#), [647.0947](#), [648.033](#), [648.197](#), [649.065](#), [649.067](#), [652.228](#), [654.110](#), [656.105](#), [661.115](#), [665.130](#), [665.133](#), [669.275](#), [669.285](#), [669A.310](#), [671.170](#), [673.430](#), [675.380](#), [676A.340](#), [676A.370](#), [677.243](#), [679B.122](#), [679B.152](#), [679B.159](#), [679B.190](#), [679B.285](#), [679B.690](#), [680A.270](#), [681A.440](#), [681B.260](#), [681B.280](#), [683A.0873](#), [685A.077](#), [686A.289](#), [686B.170](#), [686C.306](#), [687A.110](#), [687A.115](#), [687C.010](#), [688C.230](#), [688C.480](#), [688C.490](#), [692A.117](#), [692C.190](#), [692C.420](#), [693A.480](#), [693A.615](#), [696B.550](#), [703.196](#), [704B.320](#), [704B.325](#), [706.1725](#), [710.159](#), [711.600](#), sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public

books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in [NRS 239.030](#), shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

[1:149:1911; RL § 3232; NCL § 5620]—(NRS A 1963, 26; 1965, 69; [1993, 1230, 2307, 2623](#); [1995, 503, 716](#); [1997, 2386](#); [1999, 1210](#); [2007, 2062](#); [2013, 321, 2268](#))

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1. Except as otherwise provided in this section and [NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 130.312, 130.712, 159.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300, 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020, 241.030, 242.105, 244.264, 244.335, 250.087, 250.130, 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195, 281A.440, 281A.470, 281A.550, 284.4068, 286.110, 287.0438, 289.025, 289.080, 289.387, 293.5002, 293.503, 293.558, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.610, 365.138, 366.160, 368A.180, 372A.080, 378.290, 378.300, 379.008, 386.655, 387.626, 387.631, 388.5275, 388.528, 388.5315, 388.750, 389.015, 391.035, 392.029, 392.147, 392.264, 392.271, 392.652, 392.850, 394.167, 394.1698, 394.447, 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 398.403, 408.3885, 408.3886, 412.153, 416.070, 422.290, 422.305, 422A.320, 422A.350, 425.400, 427A.1236, 427A.872, 432.205, 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 433.534, 433A.360, 439.270, 439.840, 439B.420, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 445A.665, 445B.570, 449.209, 449.245, 449.720, 453.1545, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 467.137, 481.063, 482.170, 482.5536, 483.340, 483.363, 483.800, 484E.070, 485.316, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.583, 584.655, 598.0964, 598A.110, 603.070, 603A.210, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.310, 623.131, 623A.353, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 629.069, 630.133, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125, 632.405, 633.283, 633.301, 633.524, 634.212, 634.214, 634A.185, 635.158, 636.107, 637.085, 637A.315, 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075, 640A.220, 640B.730, 640C.400, 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641A.191, 641B.170, 641C.760, 642.524, 643.189, 644.446, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645E.300, 645E.375, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228, 654.110, 656.105, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.430, 675.380, 676A.340, 676A.370, 677.243, 679B.122, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.280, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 692A.117, 692C.190, 692C.420, 693A.480, 693A.615, 696B.550, 703.196, 704B.320, 704B.325, 706.1725, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.](#)

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.



3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate the confidential information from the information included in the public book or record that is not otherwise confidential.

4. A person may request a copy of a public record in any medium in which the public record is readily available. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in a readily available medium because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in [NRS 239.030](#), shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

[1:149:1911; RL § 3232; NCL § 5620]—(NRS A 1963, 26; 1965, 69; [1993, 1230, 2307, 2623](#); [1995, 503, 716](#); [1997, 2386](#); [1999, 1210](#); [2007, 2062](#); [2013, 321, 2268, 2269](#), effective on the date that the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance are ratified by the President and the United States deposits its instrument of ratification and through June 30, 2015)

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**NRS 239.0103 Privatization contracts open to inspection.** Any privatization contract executed by or on behalf of a governmental entity is a public record and must be open to public inspection during the regular business hours of the governmental entity.

(Added to NRS by [2011, 2723](#))

**NRS 239.0105 Confidentiality of certain records of local governmental entities.**

1. Records of a local governmental entity are confidential and not public books or records within the meaning of [NRS 239.010](#) if:

(a) The records contain the name, address, telephone number or other identifying information of a natural person; and

(b) The natural person whose name, address, telephone number or other identifying information is contained in the records provided such information to the local governmental entity for the purpose of:

(1) Registering with or applying to the local governmental entity for the use of any recreational facility or portion thereof that the local governmental entity offers for use through the acceptance of reservations; or

(2) On his or her own behalf or on behalf of a minor child, registering or enrolling with or applying to the local governmental entity for participation in an instructional or recreational activity or event conducted, operated or sponsored by the local governmental entity.

2. The records described in subsection 1 must be disclosed by a local governmental entity only pursuant to:

(a) A subpoena or court order, lawfully issued, requiring the disclosure of such records;

(b) An affidavit of an attorney setting forth that the disclosure of such records is relevant to an investigation in anticipation of litigation;

(c) A request by a reporter or editorial employee for the disclosure of such records, if the reporter or editorial employee is employed by or affiliated with a newspaper, press association or commercially operated, federally licensed radio or television station; or

(d) The provisions of [NRS 239.0115](#).

3. Except as otherwise provided by specific statute or federal law, a natural person shall not provide, and a local governmental entity shall not require, the social security number of any natural person for the purposes described in subparagraphs (1) and (2) of paragraph (b) of subsection 1.

4. As used in this section, unless the context otherwise requires, "local governmental entity" has the meaning ascribed to it in [NRS 239.121](#).

(Added to NRS by [2005, 1040](#); A [2007, 2063](#))

**NRS 239.0107 Requests for inspection or copying of public books or records: Actions by governmental entities.**

1. Not later than the end of the fifth business day after the date on which the person who has legal custody or control of a public book or record of a governmental entity receives a written or oral request from a person to inspect, copy or receive a copy of the public book or record, a governmental entity shall do one of the following, as applicable:

(a) Except as otherwise provided in subsection 2, allow the person to inspect or copy the public book or record or, if the request is for the person to receive a copy of the public book or record, provide such a copy to the person.

(b) If the governmental entity does not have legal custody or control of the public book or record, provide to the person, in writing:

(1) Notice of that fact; and

(2) The name and address of the governmental entity that has legal custody or control of the public book or record, if known.

(c) Except as otherwise provided in paragraph (d), if the governmental entity is unable to make the public book or record available by the end of the fifth business day after the date on which the person who has legal custody or control of the public book or record received the request, provide to the person, in writing:

(1) Notice of that fact; and

(2) A date and time after which the public book or record will be available for the person to inspect or copy or after which a copy of the public book or record will be available to the person. If the public book or record or the copy of the public book or record is not available to the person by that date and time, the person may inquire regarding the status of the request.

(d) If the governmental entity must deny the person's request because the public book or record, or a part thereof, is confidential, provide to the person, in writing:

(1) Notice of that fact; and

(2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

2. If a public book or record of a governmental entity is readily available for inspection or copying, the person who has legal custody or control of the public book or record shall allow a person who has submitted a request to inspect, copy or receive a copy of a public book or record.

(Added to NRS by [2007, 2061](#); A [2013, 321](#))

**NRS 239.011 Application to court for order allowing inspection or copying, or requiring that copy be provided, of public book or record in legal custody or control of governmental entity for less than 30 years.**

1. If a request for inspection, copying or copies of a public book or record open to inspection and copying is denied, the requester may apply to the district court in the county in which the book or record is located for an order:

(a) Permitting the requester to inspect or copy the book or record; or

(b) Requiring the person who has legal custody or control of the public book or record to provide a copy to the requester,

↳ as applicable.

2. The court shall give this matter priority over other civil matters to which priority is not given by other statutes. If the requester prevails, the requester is entitled to recover his or her costs and reasonable attorney's fees in the proceeding from the governmental entity whose officer has custody of the book or record.

(Added to NRS by [1993, 1230](#); A [1997, 2386](#); [2013, 322](#))

**NRS 239.0113 Burden of proof where confidentiality of public book or record is at issue.** Except as otherwise provided in [NRS 239.0115](#), if:

1. The confidentiality of a public book or record, or a part thereof, is at issue in a judicial or administrative proceeding; and

2. The governmental entity that has legal custody or control of the public book or record asserts that the public book or record, or a part thereof, is confidential,

↳ the governmental entity has the burden of proving by a preponderance of the evidence that the public book or record, or a part thereof, is confidential.

(Added to NRS by [2007, 2062](#))

**NRS 239.0115 Application to court for order allowing inspection or copying of public book or record in legal custody or control of governmental entity for at least 30 years; rebuttable presumption; exceptions.**

1. Except as otherwise provided in this subsection and subsection 3, notwithstanding any provision of law that has declared a public book or record, or a part thereof, to be confidential, if a public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years, a person may apply to the district court of the county in which the governmental entity that currently has legal custody or control of the public book or record is located for an order directing that governmental entity to allow the person to inspect or copy the public book or record, or a part thereof. If the public book or record pertains to a natural person, a person may not apply for an order pursuant to this subsection until the public book or record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

2. There is a rebuttable presumption that a person who applies for an order as described in subsection 1 is entitled to inspect or copy the public book or record, or a part thereof, that the person seeks to inspect or copy.

3. The provisions of subsection 1 do not apply to any book or record:

(a) Declared confidential pursuant to [NRS 463.120](#).

(b) Containing personal information pertaining to a victim of crime that has been declared by law to be confidential.

(Added to NRS by [2007, 2062](#); A [2009, 290](#))

**NRS 239.012 Immunity for good faith disclosure or refusal to disclose information.** A public officer or employee who acts in good faith in disclosing or refusing to disclose information and the employer of the public officer or employee are immune from liability for damages, either to the requester or to the person whom the information concerns.

(Added to NRS by [1993, 1230](#))

**NRS 239.013 Confidentiality of records of library which identify user with property used.** Any records of a public library or other library which contain the identity of a user and the books, documents, films, recordings or other property of the library which were used are confidential and not public books or records within the meaning of [NRS 239.010](#). Such records may be disclosed only in response to an order issued by a court upon a finding that the disclosure of such records is necessary to protect the public safety or to prosecute a crime.

(Added to NRS by 1981, 182)

**NRS 239.015 Removal, transfer and storage of records authorized if necessary; copies to be provided upon request.**

1. A custodian of records may remove books of records, maps, charts, surveys and other papers for storage in an appropriate facility if the custodian believes that the removal of such records is necessary for their protection or permanent preservation, or the custodian may arrange for their transfer to another location for duplication or reproduction.

2. If a county recorder receives a request for a particular item which has been stored pursuant to subsection 1, the county recorder shall produce a microfilmed copy of such item or the original within 3 working days.

(Added to NRS by 1975, 748)

**NRS 239.020 Provision of certified copies of public records to federal Department of Veterans Affairs without charge.** Whenever a copy of any public record is required by the Department of Veterans Affairs to be used in determining the eligibility of any person to participate in benefits made available by the Department of Veterans Affairs, the official charged with the custody of such public record shall, without charge, provide the applicant for the benefit or



any person acting on behalf of the applicant or the representative of the Department of Veterans Affairs with a certified copy or copies of such records.

[1:30:1947; 1943 NCL § 6879.15]—(NRS A [1995, 1083](#))

**NRS 239.030 Furnishing of certified copies of public records.** Every officer having custody of public records, the contents of which are not declared by law to be confidential, shall furnish copies certified to be correct to any person who requests them and pays or tenders such fees as may be prescribed for the service of copying and certifying.

[1:73:1909; RL § 2045; NCL § 2976]—(NRS A 1973, 353)

## REPRODUCTION OF RECORDS

### **NRS 239.051 Requirements before destruction.**

1. Unless destruction of a particular record without reproduction is authorized by a schedule adopted pursuant to [NRS 239.080](#) or [239.125](#), any custodian of public records in this State may destroy documents, instruments, papers, books and any other records or writings in the custodian's custody only if an image of those records or writings has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the records or writings and the reproduction of the records or writings. A reproduction of an image of a record or writing that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original record or writing, regardless of whether the original exists.

2. A microfilmed image made pursuant to this section must be made on film which complies with minimum standards of quality approved by the American National Standards Institute and the Association for Information and Image Management.

3. Any image of a record or writing which is saved in an electronic recordkeeping system pursuant to this section must comply with any applicable regulations adopted by the State Library and Archives Administrator pursuant to [NRS 378.255](#) relating to the management of records.

4. A microfilmed image of a record or writing made pursuant to this section or an image of the record or writing saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.

5. If, pursuant to this section, an image of a record or writing is placed on microfilm or is saved in an electronic recordkeeping system, the custodian of the record or writing shall:

(a) Promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:

(1) Such as to protect it reasonably from loss or damage; and

(2) Which complies with any applicable regulations adopted by the State Library and Archives Administrator pursuant to [NRS 378.255](#) relating to the management of records; and

(b) Maintain for the use of authorized persons a copy of a reproduction of the record or writing.

(Added to NRS by 1981, 601; A [2011, 26](#))

### **NRS 239.052 Fees: Limitations; waiver; posting of sign or notice.**

1. Except as otherwise provided in this subsection, a governmental entity may charge a fee for providing a copy of a public record. Such a fee must not exceed the actual cost to the governmental entity to provide the copy of the public record unless a specific statute or regulation sets a fee that the governmental entity must charge for the copy. A governmental entity shall not charge a fee for providing a copy of a public record if a specific statute or regulation requires the governmental entity to provide the copy without charge.

2. A governmental entity may waive all or a portion of a charge or fee for a copy of a public record if the governmental entity:

(a) Adopts a written policy to waive all or a portion of a charge or fee for a copy of a public record; and

(b) Posts, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice that states the terms of the policy.

3. A governmental entity shall prepare and maintain a list of the fees that it charges at each office in which the governmental entity provides copies of public records. A governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states:

(a) The fee that the governmental entity charges to provide a copy of a public record; or

(b) The location at which a list of each fee that the governmental entity charges to provide a copy of a public record may be obtained.

4. The fee for providing a copy of a public book or record in the custody of a law library operated by a governmental entity must not exceed 50 cents per page.

(Added to NRS by [1997, 2384](#); A [2013, 323](#))

### **NRS 239.053 Additional fee for transcript of administrative proceedings; money remitted to court reporter; posting of sign or notice.**

1. If a person requests a copy of a transcript of an administrative proceeding that has been transcribed by a certified court reporter, a governmental entity shall charge, in addition to the actual cost of the medium in which the copy of the transcript is provided, a fee for each page provided which is equal in amount to the fee per page charged by the court reporter for the copy of the transcript, as set forth in the contract between the governmental entity and the court reporter. For each page provided, the governmental entity shall remit to the court reporter who transcribed the proceeding an amount equal to the fee per page set forth in the contract between the governmental entity and the court reporter.

2. The governmental entity shall post, in a conspicuous place at each office in which the governmental entity provides copies of public records, a legible sign or notice which states that, in addition to the actual cost of the medium in

which the copy of the transcript is provided, the fee charged for a copy of each page of the transcript is the fee per page set forth in the contract between the governmental entity and the court reporter.

(Added to NRS by [1997, 2385](#))

**NRS 239.054 Additional fee for information from geographic information system.**

1. A fee for the provision of information from a geographic information system may include, in addition to the actual cost of the medium in which the information is provided, the reasonable costs related to:

- (a) The gathering and entry of data into the system;
- (b) Maintenance and updating of the database of the system;
- (c) Hardware;
- (d) Software;
- (e) Quality control; and
- (f) Consultation with personnel of the governmental entity.

2. As used in this section, "geographic information system" means a system of hardware, software and data files on which spatially oriented geographical information is digitally collected, stored, managed, manipulated, analyzed and displayed.

(Added to NRS by [1997, 2385](#))

**NRS 239.055 Additional fee when extraordinary use of personnel or resources is required; limitation.**

1. Except as otherwise provided in [NRS 239.054](#) regarding information provided from a geographic information system, if a request for a copy of a public record would require a governmental entity to make extraordinary use of its personnel or technological resources, the governmental entity may, in addition to any other fee authorized pursuant to this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use. Such a request must be made in writing, and upon receiving such a request, the governmental entity shall inform the requester, in writing, of the amount of the fee before preparing the requested information. The fee charged by the governmental entity must be reasonable and must be based on the cost that the governmental entity actually incurs for the extraordinary use of its personnel or technological resources. The governmental entity shall not charge such a fee if the governmental entity is not required to make extraordinary use of its personnel or technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any information, information system or information service acquired, developed, operated, maintained or otherwise used by a governmental entity.

(Added to NRS by [1997, 2384](#); A [2013, 323](#))

**NRS 239.070 Use of microfilm or digital images by county recorder for recording; Division to provide microfilming, digital imaging or similar service; requirements; sale of duplicate; disposition of money.**

1. In lieu of or in addition to the method of recording required or allowed by statute, the county recorder may use microfilm or digital images for such recording.

2. The Division shall provide microfilming or digital imaging services to any local government. The charge for the service must not exceed the actual cost of providing the service.

3. If microfilming or digital imaging is used:

(a) The microphotographs, micronegative films or digital images must be properly indexed and placed in conveniently accessible files.

(b) Each film or digital image must be designated and numbered.

(c) Provision must be made for preserving, examining and using the films or digital images.

4. A duplicate of each such film or digital image must be made and kept safely in a separate place.

5. Duplicates of each such film or digital image must be made available by the county recorder for sale at a price not exceeding cost upon the request of any person, firm or organization. Subject to the approval of the board of county commissioners, the county recorder may, at any time, make additional duplicates of each such film or digital image available for sale to the public at a price not exceeding cost.

6. The Division shall provide services for recording other than microfilming or digital imaging to any local government if the Division has the equipment necessary to provide the services. The services provided are subject to the requirements of this section relating to microfilming or digital imaging.

7. Money received by the Division pursuant to this section and any interest or income on the money:

(a) Must be accounted for separately in the State General Fund;

(b) Does not revert to the State General Fund at the end of any fiscal year;

(c) Must be carried forward to the next fiscal year; and

(d) Must be used exclusively for the repair or replacement of the equipment used by the Division to provide microfilming and digital imaging services.

[3:135:1953]—(NRS A 1961, 393; 1973, 319; 1977, 456; 1979, 179; 1983, 1298; [1985, 464](#), [1689](#); [1993, 1538](#); [1997, 19](#); [2005, 1086](#); [2013, 57](#), [1940](#))

## DISPOSAL OF OBSOLETE RECORDS

**NRS 239.073 Committee to Approve Schedules for the Retention and Disposition of Official State Records: Creation; composition; meetings; rules and regulations.**

1. The Committee to Approve Schedules for the Retention and Disposition of Official State Records, consisting of six members, is hereby created.

2. The Committee consists of:

- (a) The Secretary of State;

- (b) The Attorney General;
  - (c) The Director of the Department of Administration;
  - (d) The State Library and Archives Administrator;
  - (e) The Administrator of the Division of Enterprise Information Technology Services of the Department of Administration; and
  - (f) One member who is a representative of the general public appointed by the Governor.
- ↪ All members of the Committee, except the representative of the general public, are ex officio members of the Committee.
3. The Secretary of State or a person designated by the Secretary of State shall serve as Chair of the Committee. The State Library and Archives Administrator shall serve as Secretary of the Committee and prepare and maintain the records of the Committee.
  4. The Committee shall meet at least quarterly and may meet upon the call of the Chair.
  5. An ex officio member of the Committee may designate a person to represent the ex officio member at any meeting of the Committee. The person designated may exercise all the duties, rights and privileges of the member that the person represents.
  6. The Committee may adopt rules and regulations for its management.  
(Added to NRS by [1993, 208](#); A [1995, 510](#); [1997, 3088, 3154](#); [1999, 642](#); [2011, 2948](#))

**NRS 239.077 Committee to Approve Schedules for the Retention and Disposition of Official State Records: Duties.** The Committee shall:

1. Review and approve or disapprove the schedules for the retention and disposition of the official state records of each agency, board and commission which is required to develop those schedules pursuant to [NRS 239.080](#).
2. Advise the Division concerning the development and use of schedules for the retention and disposition of official state records.  
(Added to NRS by [1993, 209](#))

**NRS 239.080 State records: Schedules for retention and disposition.**

1. An official state record may be disposed of only in accordance with a schedule for retention and disposition which is approved by the Committee.
  2. In cooperation with the Division, each agency, board and commission shall develop a schedule for the retention and disposition of each type of official state record.
  3. The Division shall submit the schedules described in subsection 2 to the Committee for final approval.
  4. As used in this section, "official state record" includes, without limitation, any:
    - (a) Papers, unpublished books, maps and photographs;
    - (b) Information stored on magnetic tape or computer, laser or optical disc;
    - (c) Materials which are capable of being read by a machine, including microforms and audio and visual materials; and
    - (d) Materials which are made or received by a state agency and preserved by that agency or its successor as evidence of the organization, operation, policy or any other activity of that agency or because of the information contained in the material.
- [Part 1:38:1937; 1931 NCL § 7278.11] + [2:38:1937; 1931 NCL § 7278.12]—(NRS A 1957, 66; 1963, 576; 1967, 1270; 1973, 342, 1478; 1979, 1789; 1983, 1298; [1993, 209](#))

**NRS 239.085 State records: Disposition by Department of Transportation.**

1. The Director of the Department of Transportation shall, in cooperation with the Division, develop a schedule for the retention and disposition of each type of official state record in the care, custody and control of the Department of Transportation.
2. A record which has historical or permanent value must be preserved permanently by the Department of Transportation or submitted to the State Library and Archives Administrator for preservation in the archives.
3. The Department of Transportation shall keep a record showing when any official state record mentioned in subsection 1 was destroyed, and the kind and nature of it.  
(Added to NRS by 1963, 575; A 1967, 1270; 1979, 180, 1789; 1983, 1299; [1997, 3155](#))

**NRS 239.090 State records: Preservation of obsolete and noncurrent records by Division; right to control records.**

1. Subject to the provisions of subsection 2, a state official may, with the prior approval of the State Library and Archives Administrator, submit any obsolete official books, documents, original papers, newspaper files, printed books or other records not in current use in his or her office to the Division.
2. A state officer shall first obtain the consent and approval of the Governor. Any other state official shall obtain the consent of the department head under which the state official operates.
3. The Division may return a submission or any part thereof, if the submission has no historical or permanent value.
4. If the State Library and Archives Administrator finds that any record so submitted has historical or permanent value and accepts it as an accession to the archives, the right to control and possession of it vests in the State Library and Archives Administrator, and the submitting official is not entitled to reclaim it. If records are transferred to the Division by a state official only for the purpose of having the records stored safely on the state official's behalf, the state official has constructive custody of the records and retains the right to control access to them.  
[1:67:1943; 1943 NCL § 4694]—(NRS A 1967, 1271; 1973, 323; 1977, 456; 1983, 1299; [1997, 3155](#))

**NRS 239.110 Judicial records: Destruction; reproductions. [Effective through December 31, 2014, and after that date unless the provisions of Senate Joint Resolution No. 14 (2011) are approved and ratified by the voters at the 2014 General Election.]**

1. In addition to any other requirement of this section, the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court, a deputy clerk of a district court, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record only in accordance with a schedule for the retention and disposition of court records which is approved by the Supreme Court.

2. The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court who destroys a court record pursuant to this section may do so only if an image of the court record has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the court record and the reproduction of the court record.

3. Except as otherwise prohibited by law, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the court record on microfilm or saving an image of the court record in an electronic recordkeeping system.

4. A reproduction of an image of a court record that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original court record, regardless of whether the original exists.

5. A microfilmed image of a court record or an image of a court record saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.

6. If, pursuant to this section, an image of a court record is placed on microfilm or is saved in an electronic recordkeeping system, the clerk who does so shall promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:

(a) So as to protect it reasonably from loss or damage; and

(b) As prescribed by the Supreme Court.

7. The Supreme Court may provide by rule for the destruction, without prior microfilming, of such other documents of the several courts of this State as are held in the offices of the clerks but which:

(a) No longer serve any legal, financial or administrative purpose; and

(b) Do not have any historical value.

8. The Court Administrator may request the Division to advise and assist the Supreme Court in its establishment of the rules or of a schedule for the retention and disposition of court records.

9. As used in this section, "court record" means any document, device or item, regardless of physical form or characteristic, that:

(a) Is created by, received by or comes under the jurisdiction of the Supreme Court or a district court, justice court or municipal court; and

(b) Documents the organization, functions, policies, decisions, procedures, operations or any other activities of the Supreme Court, district court, justice court or municipal court.

[1:108:1953]—(NRS A 1960, 112; 1977, 158; 1979, 297; 1981, 155, 240; 1983, 384; [1985, 53](#); [2011, 27](#), [2381](#))

**NRS 239.110 Judicial records: Destruction; reproductions. [Effective January 1, 2015, if the provisions of Senate Joint Resolution No. 14 (2011) are approved and ratified by the voters at the 2014 General Election.]**

1. In addition to any other requirement of this section, the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court, a deputy clerk of a district court, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record only in accordance with a schedule for the retention and disposition of court records which is approved by the Supreme Court.

2. The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court who destroys a court record pursuant to this section may do so only if an image of the court record has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the court record and the reproduction of the court record.

3. Except as otherwise prohibited by law, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the court record on microfilm or saving an image of the court record in an electronic recordkeeping system.

4. A reproduction of an image of a court record that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original court record, regardless of whether the original exists.

5. A microfilmed image of a court record or an image of a court record saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.

6. If, pursuant to this section, an image of a court record is placed on microfilm or is saved in an electronic recordkeeping system, the clerk who does so shall promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:

(a) So as to protect it reasonably from loss or damage; and

(b) As prescribed by the Supreme Court.

7. The Supreme Court may provide by rule for the destruction, without prior microfilming, of such other documents of the several courts of this State as are held in the offices of the clerks but which:

(a) No longer serve any legal, financial or administrative purpose; and

(b) Do not have any historical value.

8. The Court Administrator may request the Division to advise and assist the Supreme Court in its establishment of the rules or of a schedule for the retention and disposition of court records.



9. As used in this section, "court record" means any document, device or item, regardless of physical form or characteristic, that:

(a) Is created by, received by or comes under the jurisdiction of the Supreme Court, the Court of Appeals or a district court, justice court or municipal court; and

(b) Documents the organization, functions, policies, decisions, procedures, operations or any other activities of the Supreme Court, Court of Appeals, district court, justice court or municipal court.

[1:108:1953]—(NRS A 1960, 112; 1977, 158; 1979, 297; 1981, 155, 240; 1983, 384; [1985, 53](#); [2011, 27, 2381](#); [2013, 1768](#), effective January 1, 2015, if the provisions of Senate Joint Resolution No. 14 (2011) are approved and ratified by the voters at the 2014 General Election)

**NRS 239.121 Local governmental records: Definitions.** As used in [NRS 239.121](#) to [239.125](#), inclusive:

1. "Custodian of records" means any person authorized to have the care, custody and control of any documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity.

2. "Governing body" means the governing body of a local governmental entity.

3. "Local governmental entity" means a county, an incorporated city, an unincorporated town, a township, a school district or any other public district or agency designed to perform local governmental functions.

4. "Old records" means documents, instruments, papers, books, pamphlets or any other records or writings of a local governmental entity which are retained for any purpose by the local governmental entity beyond the minimum period for retention established by the Division or for 5 years or more, whichever is earlier.

(Added to NRS by 1973, 322; A 1975, 80; 1977, 456; 1983, 1300)

**NRS 239.123 Local governmental records: Submission to Division; accounting; return or reclamation.**

1. As an alternative to the destruction of old records, the records, with the consent of the governing body and the State Library and Archives Administrator, may be submitted to the Division.

2. The custodian of records shall maintain an accounting of all old records disposed of pursuant to subsection 1, indicating the nature or identity of the records as well as the date of submission to the Division.

3. The Division may return the records so submitted, or any part thereof, if they have no historical or permanent value.

4. Records so submitted may be reclaimed, in whole or in part, by the local government if:

(a) The Division did not acquire title to them in an agreement between the State Library and Archives Administrator and the local government; and

(b) The local government serves written notice upon the Division of its intention to reclaim the records and pays the cost of transportation for the return.

(Added to NRS by 1973, 322; A 1973, 347; 1977, 457; 1979, 180; 1981, 602; 1983, 1300; [1997, 3155](#))

**NRS 239.124 Local governmental records: Exclusive procedures for destruction.** The procedures set forth in [NRS 239.051](#), [239.110](#) and [239.123](#), and any procedure specifically authorized by the special charter of an incorporated city, constitute the procedures for disposition by a local governmental entity of any old records which have been retained by the entity for any purpose. The disposition thereof must not occur except in compliance with one of those procedures.

(Added to NRS by 1973, 323; A 1981, 602; 1983, 1300)

**NRS 239.125 Local governmental records: Program for management; regulations of State Library and Archives Administrator.**

1. A local governmental entity may establish a program for the management of records, including the adoption of schedules for the retention of records and procedures for microfilming, which must be approved by the governing body and comply with the applicable provisions of this chapter and any regulations adopted pursuant thereto.

2. The State Library and Archives Administrator shall adopt regulations to carry out a program to establish and approve minimum periods of retention for records of local governments. The proposed regulations or any amendment thereto must be submitted to the Committee on Local Government Finance, established pursuant to [NRS 354.105](#), for its advice and recommendations.

(Added to NRS by 1973, 323; A 1977, 457; 1979, 180; [1993, 170](#); [1997, 3156](#))

## RESTORATION OF LOST OR DESTROYED RECORDS

**NRS 239.130 Rerecording of instrument if county records lost or destroyed.**

1. Whenever the records, or any material part thereof, of any county in this State have been lost or destroyed by fire or otherwise, or shall hereafter be lost or destroyed by fire or otherwise, any map, plat, deed, conveyance, contract, mortgage, deed of trust, power of attorney, or other instrument in writing, of whatever nature or character, or record in any proceeding authorized by law to be recorded, affecting the title to real property or water rights in such county, which have been heretofore recorded, or which may be hereafter recorded, may be rerecorded in the proper office therefor.

2. In rerecording the same, the officer shall record the certificate of the previous record with the date of original filing for record shown by the official endorsement on such original instrument, which shall be deemed and taken as the date of the recording of the instrument to which it is attached.

3. Where the person desiring such record shall produce to the recorder an affidavit showing that the original is lost or destroyed, or that the same is not in the person's possession or control, a duly certified copy of the original may be recorded in the same manner and with the same force and effect as the original under this chapter.

4. Copies of records herein authorized to be made, duly certified, shall have the same force and effect as evidence as certified copies of the original instrument or record.

[1911 CPA § 688; RL § 5630; NCL § 9177]

**NRS 239.140 Certain deeds prima facie evidence of regularity of proceedings after destruction or loss of records.**

1. In all cases where real property has been sold by a sheriff, executor, administrator, guardian, assignee, receiver, trustee or other person appointed or authorized by the court, and the record of the action in which the sale had been made is lost or destroyed by fire or otherwise, the deed to the property made by the sheriff, executor, administrator, guardian, assignee, receiver, trustee or other person appointed or authorized by the court shall be prima facie evidence of the legality and regularity of the sale, and of the correctness of the proceeding in the action or proceeding wherein the property was sold.

2. The deeds made by the treasurer of any county of lands sold at delinquent or forfeited tax sales shall not be prima facie evidence of the title in the purchasers of such lands, and no such presumption shall be indulged in favor of such tax deeds or sales when the records of the sales and the proceedings upon which the sale was based have been lost or destroyed by fire or otherwise.

[1911 CPA § 689; RL § 5631; NCL § 9178]

**NRS 239.150 Restoration of liens, mortgages and judgments if records lost or destroyed; procedure; limitations.**

1. Whenever the record and entry of any judgment, or the record of any mechanic's lien, mortgage or other encumbrance or lien upon property is lost or destroyed by fire or otherwise, and the original documents or instruments or certified copies thereof cannot be found, the judgment creditor or his or her assignee and the person holding or entitled to the mechanic's lien, mortgage or other encumbrance or lien on property may, as to such judgments, begin a proceeding in the court wherein the same was rendered, and as to mortgages, mechanic's liens or other encumbrances or liens, begin a proceeding in any court having jurisdiction over such property, to have established the fact of the existence, prior to the loss or destruction, of the record of the judgment, mortgage, mechanic's lien or other encumbrance or lien, and the substance and effect thereof.

2. The decree in any such case shall be recorded in the records of the same office in which the original judgment, mortgage, mechanic's lien or other encumbrance or lien was recorded or entered.

3. No judgment, mortgage, deed of trust, mechanic's lien or other encumbrance upon property, the record whereof has been lost or destroyed as described in subsection 1:

(a) Shall continue to be a lien upon such property, or affect the title thereto as against any purchaser for value or subsequent lienholder, unless the action or proceeding to establish the existence of such record, prior to the loss or destruction thereof shall be begun within 6 months from and after such loss or destruction.

(b) Shall be held binding and in force or be executed or foreclosed, unless the action or proceeding to re-establish the existence of such judgment or instrument, prior to the destruction of the record thereof, shall be begun within 1 year from and after such loss or destruction.

[1911 CPA § 690; RL § 5632; NCL § 9179]

**NRS 239.160 Proceeding to establish contents and record of lost or destroyed deed or will; parties defendant.**

1. Whenever the record of any deed or other instrument affecting the title to or concerning any interest in real property or water rights in this state, which is authorized or required by law to be recorded, or any will, or the probate thereof, is lost or destroyed by fire or otherwise, and the original of the deed or will or the probate thereof, or other instrument, or a certified copy thereof, cannot be found, any person claiming title to such real property or water right or any interest under the will may institute a proceeding in the district court of the county in which the property so affected is situated, to establish the fact of the existence, contents and record of the deed, will and probate thereof, or other instrument, prior to such loss or destruction, and the decree in the case shall be entered in the proper office of such county.

2. Any person having or claiming an interest in the real property or water right or being in possession and enjoyment thereof, as well as the parties to the lost deed or other instrument, and their privies, and all persons interested under the will, shall be made parties defendant in such proceeding.

[1911 CPA § 691; RL § 5633; NCL § 9180]

**NRS 239.170 Procedure to establish contents of lost or destroyed deed or will: Complaint; summons; hearing; decree.**

1. The proceeding provided in [NRS 239.160](#) for the restoration of lost records shall be begun by filing a complaint in the court having jurisdiction thereof as provided in this chapter, setting forth:

(a) The nature, character and substance of the instrument and record thereof so lost or destroyed.

(b) The date of the loss or destruction as near as may be.

(c) The office in which the instrument was originally recorded, with the date when the same was originally filed for record as near as may be.

(d) That the restoration of such records is necessary to secure the legal rights of the applicant, or of some other person for whose benefit the application is made.

2. The complaint shall be verified in the manner provided for the verification of pleadings in other civil actions.

3. Summons shall issue, and actual service thereof, or service by publication, shall be made upon all persons interested in or affected by the original instrument or record in the manner provided by law for the commencement of civil actions; but the parties may waive the issuing or service of summons and enter their appearance to such application.

4. Upon hearing the application without further pleadings, if the court or judge finds that such instrument and the record thereof have been lost or destroyed and that such instrument, record or certified copy thereof cannot be found or produced by the applicant in the proceeding, and the court or judge is enabled by the evidence produced to find the

substance of the instrument or record, an order and decree shall be made setting forth the interest or record according to its substance and effect, and requiring the proper officer to reproduce such record which shall recite the substance and effect of the lost or destroyed record, or part thereof, as found by the order and decree. Such record shall have the same effect as the original record would have if the same had not been lost or destroyed, so far as it concerns the rights of the applicant, or person or parties so served with summons or entering their appearance, or persons claiming under them by title acquired subsequently to the filing of the application.

[1911 CPA § 692; RL § 5634; NCL § 9181]

**NRS 239.180 Character of evidence which court may admit.** Upon the hearing of the application provided in [NRS 239.170](#), the court or judge may admit in evidence oral testimony, and any complete or partial abstract of such lost or destroyed instrument, record, docket entries or indexes, and any other written evidence of the contents or effect of such instrument or record, or published reports concerning such instrument or record when the court or judge is of the opinion that such abstracts, writings and publications were fairly and honestly made before the loss or destruction of such instrument or record.

[1911 CPA § 693; RL § 5635; NCL § 9182]

**NRS 239.190 Proceedings brought in county where property is situated.** The district court of any county in which the property is situated which will be affected by proceedings to restore lost records, as provided in this chapter, shall have jurisdiction of such proceedings.

[1911 CPA § 694; RL § 5636; NCL § 9183]

**NRS 239.200 Where proceedings are brought when county divided after destruction of records.** Whenever a county is segregated after the loss or destruction of the public records thereof, or any part of such records, and a portion of its territory is included in some new county created by an act of the Legislature, all original instruments or duly certified copies of such instruments mentioned in [NRS 239.130](#) shall be recorded in the office of the county recorder of the county in which the property affected thereby is situated after such segregation, and all proceedings to restore lost records as provided in this chapter, which are commenced after the creation of such new county, shall be begun in the county in which the lands affected by such records are then situated.

[1911 CPA § 695; RL § 5637; NCL § 9184]

**NRS 239.210 Limitations affecting restored records.** Where any judgment, mortgage, deed of trust, lien or the record thereof has been restored under this chapter, such judgment, mortgage, deed of trust or lien shall not continue to extend beyond the limitation prescribed by law at the time the original judgment, mortgage, deed of trust or lien was entered, recorded or created.

[1911 CPA § 696; RL § 5638; NCL § 9185]

**NRS 239.220 Restored records validated.** Whenever the records or any material part thereof of any county in this state have been lost or destroyed by fire or otherwise, and any map, plat, deed or other instrument in writing mentioned in [NRS 239.130](#), affecting the title to any real property or water rights in any such county, shall have been rerecorded therein, or where a duly certified copy of such instrument shall have been recorded in such county, prior to January 1, 1912, the record so made is hereby validated and given the same force and effect as records hereafter restored in accordance with the provisions of [NRS 239.130](#).

[1911 CPA § 697; RL § 5639; NCL § 9186]

**NRS 239.230 Restoration of judicial records not affecting real property or water rights: Procedure.** In all cases where the records of any judgments, not affecting real property or water rights, which judgments have not expired by limitation, or other records of any court of either general or limited jurisdiction in this state, and all records of proceedings taken by, or in behalf of any alien to become a citizen of the United States in this state, have been lost or destroyed, the same may be restored and replaced, and become the records of the courts, in the manner prescribed in [NRS 239.240](#) to [239.290](#), inclusive.

[1911 CPA § 698; RL § 5640; NCL § 9187]

**NRS 239.240 Restoration of judicial records not affecting real property or water rights: Contents of affidavit filed with court.**

1. When any record of any court in this State, not affecting real property or water rights, has been lost, destroyed or defaced, so that its contents cannot be distinguished, the same may be restored by any party interested, by making and filing an affidavit in the court whose records it is proposed to restore.

2. The affidavit shall set forth:

(a) The nature of the action, demand or claim upon which the lost, destroyed or defaced record was obtained.

(b) About the date of the discovery of its loss or destruction as near as may be.

(c) That the restoration of the record or records is necessary to secure the legal rights of the affiant, or of some other person, for whose benefit the record or records are sought to be restored.

3. When the record sought to be restored is that of a judgment, the affidavit shall set forth the amount and character of the judgment as nearly as can be ascertained.

[1911 CPA § 699; RL § 5641; NCL § 9188]

**NRS 239.250 Court to issue citation upon filing of affidavit.**

1. Except in all cases of citizenship or naturalization where no citation is required to issue, upon making and filing of the affidavits, the court or the judge thereof shall thereupon issue a citation to all parties interested, notifying them to appear and show cause why the record referred to in the case should not be restored. The citation shall state that the motion to restore the lost record is based upon affidavit on file in the court.

2. If the hearing of the case is before the district court, 10 days' notice shall be given to all parties interested. If the hearing is before a justice court, not less than 5 nor more than 10 days' notice shall be required.

[1911 CPA § 700; RL § 5642; NCL § 9189]

**NRS 239.260 Service of citation on parties residing outside of county or State.**

1. When parties upon whom citation is required to be served reside outside of the county, but within the State, service shall be made in the same manner as is prescribed by the Nevada Rules of Civil Procedure for the service of summons in civil actions in this State, and upon a citation issued from a justice court under this chapter, the service of the same upon parties residing out of the county, but within the State, shall be in the same manner as that required for the service of summons in civil actions in the district courts.

2. Where the parties upon whom service is required to be made reside out of this State, service shall be made by publication, in the same manner as is required for service of summons in civil cases in the courts of this State.

[1911 CPA § 701; RL § 5643; NCL § 9190]

**NRS 239.270 Counter-affidavits; hearing; decree.**

1. In all cases the parties interested shall, upon motion, have an opportunity of appearing and using counter-affidavits and contesting the application.

2. If it appear to the court at the hearing that the record in the case is lost, destroyed or defaced, and what its contents were, it may then make, order or cause to be made, a new roll or record, corresponding to the old one as near as can be done, and enter the same as of record in the court.

3. The matter thus substituted will thenceforward be received in all courts and given in all respects the same effect as though it were the original record.

[1911 CPA § 702; RL § 5644; NCL § 9191]

**NRS 239.280 Limitation of record of judgment which has been restored.** Where any record of a judgment has been restored under this chapter, the judgment shall not continue or extend beyond the limitation prescribed by law at the time the original judgment so restored was entered.

[1911 CPA § 703; RL § 5645; NCL § 9192]

**NRS 239.290 Taxation of costs.** The costs to be taxed upon an application to restore a lost or destroyed record, as provided in this chapter, shall be the same as are provided for like service in civil actions, and may be adjudged against either or any party to such proceeding or application, or may, in the discretion of the court, be apportioned between such parties.

[1911 CPA § 704; RL § 5646; NCL § 9193]

## PENALTIES

**NRS 239.300 Stealing, altering or defacing records, documents or instruments.** A person who:

1. Steals, embezzles, corrupts, alters, withdraws, falsifies or avoids any record, process, charter, gift, grant, conveyance, bond or contract;

2. Knowingly or willfully, takes off, discharges or conceals any issue, forfeited recognizance or other forfeiture;

3. Forges, defaces or falsifies any document or instrument recorded or filed in any court, or any registered acknowledgment or certificate; or

4. Steals, alters, defaces or falsifies any minute, document, book or any proceedings of or belonging to any public office within this state,

is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[Part 61:108:1866; B § 2659; BH § 1696; C § 1842; RL § 2817; NCL § 4817]—(NRS A 1967, 533; 1979, 1463; 1983, 266; [1995, 1263](#))

**NRS 239.310 Removing, injuring or concealing public records and documents.** A person who willfully and unlawfully removes, alters, mutilates, destroys, conceals or obliterates a record, map, book, paper, document or other thing filed or deposited in a public office, or with any public officer, by authority of law, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[1911 C&P § 79; RL § 6344; NCL § 10028]—(NRS A 1967, 533; 1979, 1463; [1995, 1263](#))

**NRS 239.320 Injury to, concealment or falsification of records or papers by public officer.** An officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his or her office, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).

[Part 1911 C&P § 80; RL § 6345; NCL § 10029]—(NRS A 1979, 1463; [1995, 1264](#))

**NRS 239.330 Offering false instrument for filing or record.** A person who knowingly procures or offers any false or forged instrument to be filed, registered or recorded in any public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, is guilty of a category C felony and shall be punished as provided in [NRS 193.130](#).



[1911 C&P § 83; RL § 6348; NCL § 10032]—(NRS A 1967, 533; [1995, 1264](#))