

## CENTRAL OFFICE

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## NEVADA BOARD OF PAROLE COMMISSIONERS

### NOTICE OF WORKSHOPS TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Board of Parole Commissioners is proposing amended language of a regulation pertaining to Chapter 213 of the Nevada Administrative Code pursuant to NRS 213.10885, NRS 213.110 and NRS 213.140.

A Workshop has been scheduled for 1:00 p.m., on September 29, 2021, at the Board of Parole Commissioners located at 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706 and video tele-conferenced to the Board of Parole Commissioners office located at 4000 S. Eastern Avenue, Suite 130, Las Vegas, NV 89119.

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation:

#### TOPIC

The Board to discuss amending its regulation NAC 213.518(1) to makes language changes to make it clear that the factors contained in NRS 213.10885 and NRS 213.1099 are always considered after establishing an initial assessment to determine whether to grant parole to a prisoner; and providing other matters properly relating thereto.

The proposed changes are to Section 1 of NAC 213.518 to change the wording from, NAC 213.518 (1) "After establishing an initial assessment regarding whether to grant parole pursuant to [NAC 213.516](#), the Board may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner," to NAC 213.518 (1) "After establishing an initial assessment regarding whether to grant parole pursuant to [NAC 213.516](#), the Board *will consider the factors contained in NRS 213.10885 and NRS 213.1099 and* may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner."

#### NAC REGULATIONS

**NRS 213.10885**

**NRS 213.1099**

A copy of all materials for the meeting may be obtained at the workshops or by contacting Kelly Mellinger, Hearing Examiner II at (775) 687-6505, Board of Parole Commissioners, 1677 Old Hot Springs Rd, Suite A, Carson City, NV 89706. A copy of the proposed regulation is also posted on the web site of the Board of Parole Commissioners located at <http://parole.nv.gov>.

This Notice of Workshops to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, and agency single points of contact and posted at the following:

Board of Parole Commissioners, Carson City  
Board of Parole Commissioners, Las Vegas

<http://parole.nv.gov>  
<http://notice.nv.gov>  
<http://www.leg.state.nv.us>

Electronically Posted pursuant to NRS 241.020(4)

*NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706, (775) 687-5049 no later than 2 working days prior to the meeting.*

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## NEVADA BOARD OF PAROLE COMMISSIONERS

**Small Business Impact Statement pursuant to NRS 233B.0608 for NAC 213.518(1)  
Determination of whether to grant parole: Consideration of additional aggravating and  
mitigating factors. (NRS 213.10885, 213.110, 213.140)**

**August 26, 2021**

The following statement is made pursuant to the regulatory process outlined in NRS 233B.

Before conducting a workshop on the proposed regulation, the agency must make a concerted effort to determine whether the regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the agency concludes that the proposed regulation is likely to have such an impact, it must; (1) consult with owners and officers of small businesses that are likely to be affected by the proposed regulation; (2) conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses; (3) consider methods to reduce the impact of the proposed regulation on small businesses; and (4) prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061.

Prior to scheduling the public workshop, the Board of Parole Commissioners' (Board) staff made a concerted effort to determine whether the proposed regulation was likely to impose a direct and significant economic burden upon a small business and/or directly restrict the formation, operation or expansion of a small business.

The proposed changes were to Section 1 of NAC 213.518 to change the wording from, "1. After establishing an initial assessment regarding whether to grant parole pursuant to NAC 213.516, the Board may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner," to "1. After establishing an initial assessment regarding whether to grant parole pursuant to NAC 213.516, the Board *will consider the factors contained in NRS 213.10885 and NRS 213.1099 and* may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner."

Board staff mailed out questionnaires throughout the state to determine whether a small business would be impacted in any way regarding this change. From the responses received Board staff

determined that the proposed regulation would not impact small businesses and therefore would not directly or indirectly experience a negative outcome if the regulation is adopted.

*I hereby certify that to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement is prepared properly and accurate.*



Christopher P. DeRicco, Chairman  
Board of Parole Commissioners  
775-687-5049



**NAC 213.518 DRAFT REGULATION OF THE  
BOARD OF PAROLE COMMISSIONERS**

**LCB File No. \_\_\_\_\_**

EXPLANATION – Matter in *italics* is new.

AUTHORITY: NRS 213.10885 and NRS 213.1099

A REGULATION relating to the determination of whether to grant parole: Consideration of additional aggravating and mitigating factors; and providing other matters properly relating thereto.

**DETERMINATION OF WHETHER TO GRANT PAROLE: CONSIDERATION OF  
ADDITIONAL AGGRAVATING AND MITIGATING FACTORS**

**Section 1: Chapter 213 of NAC is hereby amended by adding thereto additional language to read as follows:**

**NAC 213.518 Determination of whether to grant parole: Consideration of additional aggravating and mitigating factors. ([NRS 213.10885](#), [213.110](#), [213.140](#))**

1. After establishing an initial assessment regarding whether to grant parole pursuant to [NAC 213.516](#), the Board *will consider the factors contained in NRS 213.10885 and NRS 213.1099 and* may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner.

2. The aggravating factors which the Board may consider in determining whether to grant parole to a prisoner include, without limitation:

(a) Whether the nature of the crime committed by the prisoner was severe, extreme or abnormal;

(b) Whether the prisoner has previously been convicted of a crime;

(c) The number of occasions on which the prisoner has been incarcerated;

(d) Whether the prisoner has failed to complete probation or parole on three or more occasions;

(e) Whether the prisoner has committed a crime while incarcerated, during any period of release from confinement on bail, during any period of escape from an institution or facility or while on probation or parole;

(f) The extent to which the prisoner attempted to elude capture during or following the commission of a crime;

(g) The extent of the injury or loss suffered by the victim of the crime for which parole is being considered;

(h) Whether the prisoner has engaged in repetitive criminal conduct;

(i) Whether the prisoner has engaged in disruptive behavior while incarcerated;

(j) Whether the Department of Corrections has ever ordered the prisoner to be confined in disciplinary segregation;

(k) Whether the prisoner has committed increasingly serious crimes;

(l) Whether the prisoner has a history of failing to comply with the orders of a mental health professional for the treatment of a mental illness, including, without limitation, failing to comply with prescriptions for medication to treat a mental illness;

(m) Whether the prisoner demonstrates that he or she does not understand the nature of any diagnosed mental illness and whether that lack of understanding may contribute to future criminal behavior;

(n) Whether, in committing the crime for which parole is being considered, the prisoner targeted a child under the age of 18 years or a person who is vulnerable because of his or her age or disability;

(o) Whether the prisoner has a history of possessing or using a weapon during the commission of a crime; and

(p) Any other factor which indicates an increased risk that the release of the prisoner on parole would be dangerous to society or the prisoner.

3. The mitigating factors which the Board may consider to determine whether to grant parole to a prisoner include, without limitation:

(a) Whether the prisoner has participated in programs which address the behaviors of the prisoner that led to the commission of the crime for which parole is being considered;

(b) Whether the prisoner has no prior history, or a minimal history, of criminal convictions;

(c) Whether the prisoner has not had any infractions of the rules of the institution or facility in which he or she has been incarcerated during the most recent 2 years if the lack of infractions is not a result of the confinement of the prisoner in disciplinary segregation;

(d) Whether the prisoner has adjusted positively to a program for reentry of offenders and parolees into the community established by the Director of the Department of Corrections pursuant to [NRS 209.4887](#) or a program of work release established by the Department of Corrections pursuant to [NRS 213.300](#);

(e) Whether the prisoner had less involvement in the commission of the crime for which parole is being considered than other persons who participated in the commission of the crime;

(f) Whether the prisoner previously completed probation or parole successfully, other than probation imposed and supervised by a court;

(g) Whether the prisoner has support available to him or her in the community or from his or her family;

(h) Whether a stable release plan exists for the prisoner;

(i) Whether the release of the prisoner is not a significant risk to society because the prisoner will be paroled to another jurisdiction for prosecution or deportation;

(j) Whether the presentence investigation indicates that the crime for which parole is being considered was situational and that the prisoner did not intend to cause harm;

(k) Whether the presentence investigation indicates that, prior to his or her arrest for the crime for which parole is being considered, the prisoner demonstrated immediate remorse for committing the crime by immediately and voluntarily turning himself or herself in to the proper authority, immediately and voluntarily seeking treatment to address the criminal behavior, immediately and voluntarily making restitution to the victims of the crime or taking any other voluntary action which demonstrates remorse;

(l) Whether the prisoner has consistently managed a mental illness which may contribute to criminal behavior in the manner recommended by mental health professionals; and

(m) Any other factor which indicates that the release of the prisoner on parole would benefit, or would not be dangerous to, society or the prisoner.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)