

**PROPOSED REGULATION OF THE
DIVISION OF PAROLE AND PROBATION
OF THE DEPARTMENT OF PUBLIC SAFETY**

LCB File No. R212-05

January 31, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-9, section 16 of Senate Bill No. 282 of the 73rd Session of the Nevada Legislature, chapter 476, Statutes of Nevada 2005, at page 2360.

A REGULATION relating to the restoration of civil rights; establishing guidelines and procedures for allowing certain persons who have been dishonorably discharged from probation or parole to request that their dishonorable discharge be changed to an honorable discharge; and providing other matters properly relating thereto.

Section 1. Chapter 213 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 9, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Applicant” means a person who submits an application to the Division to change his dishonorable discharge from probation or parole to an honorable discharge from probation or parole in accordance with the provisions of section 16 of Senate Bill No. 282 of the 73rd Session of the Nevada Legislature, chapter 476, Statutes of Nevada 2005, at page 2360.*

Sec. 4. *“Chief” means the Chief Parole and Probation Officer.*

Sec. 5. *“Division” means the Division of Parole and Probation of the Department of Public Safety.*

Sec. 6. 1. *To request that his dishonorable discharge from probation or parole be changed to an honorable discharge from probation or parole, an applicant must submit to the office of the Chief:*

- (a) A completed application, in the form prescribed by the Division;*
- (b) Documentation of his current income; and*
- (c) Any other information requested by the Division.*

2. *Upon receipt of an application and the supporting documentation and information from an applicant, the Chief shall obtain from the Division the discharge summary pertaining to the applicant and a summary of restitution and fees for supervision paid by the applicant. If necessary, the Chief may request from the Division an audit of the payments made by the applicant.*

Sec. 7. 1. *If the Division determines that an applicant is not eligible to change his dishonorable discharge to an honorable discharge, the Chief shall:*

(a) Notify the applicant, in writing, that his application has been denied and state the reasons for the denial; and

(b) Retain copies of the application, the discharge summary, the summary of restitution and fees paid by the applicant, the written notification provided to the applicant pursuant to paragraph (a) and any other supporting documentation or information received from the applicant or considered by the Division.

2. *If the Division determines that an applicant is eligible to change his dishonorable discharge to an honorable discharge, the Chief shall establish a schedule of payments for the*

applicant to make over the period for repayment established pursuant to subsection 4. Except as otherwise provided in subsection 3, an applicant must be required to pay a minimum monthly payment in an amount that is equal to four times the hourly wage earned by the applicant.

3. If the Division determines that the applicant has demonstrated an economic hardship, the applicant must be required to pay a minimum monthly payment in the amount of \$20.

4. The period for repayment for an applicant must be:

(a) One year; or

(b) A period equal to one-half of the time that the applicant was under the supervision of the Division,

↪ whichever is longer.

Sec. 8. 1. If, at the end of the period for repayment established by the Division pursuant to section 7 of this regulation, the Division determines that the applicant has made an effort in good faith and has made satisfactory progress towards making the required payments, the Division will submit its recommendation that the application should be granted to the court or the State Board of Parole Commissioners, whichever is applicable. Upon notification from the court or the State Board of Parole Commissioners that an application has been granted, the Division will:

(a) Notify the applicant, in writing, that his application has been granted;

(b) Forward to the applicant from the court or the State Board of Parole Commissioners, whichever is applicable, the official document which:

(1) Provides that he has received an honorable discharge from probation or parole; and

(2) States, as applicable, the dates on which his civil rights to vote, to serve as a juror in a civil action, to hold office and to serve as a juror in a criminal action will be restored to him;

(c) Forward a copy of the official document to the Central Repository for Nevada Records of Criminal History; and

(d) Retain a copy of the official document.

2. If, at the end of the period for repayment established by the Division pursuant to section 7 of this regulation, the Division determines that the applicant has not made an effort in good faith and has not made satisfactory progress towards making the required payments, the Division will:

(a) Deny the application of the applicant; and

(b) Notify the applicant that his application has been denied.

Sec. 9. *The Division will make available at its offices, on its website and by mail:*

1. A written explanation of the provisions of section 16 of Senate Bill No. 282 of the 73rd Session of the Nevada Legislature, chapter 476, Statutes of Nevada 2005, at page 2360, and sections 2 to 9, inclusive, of this regulation; and

2. The form for an application.