

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
NRS 233B.066  
LCB FILE R118-19**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 213

**1. A clear and concise explanation of the need for the adopted regulation.**

This proposed regulation is necessary to carry out the provisions of a recent change to NRS Chapter 213 by the Nevada Legislature in Assembly Bill 236, Section 93.7 of the 2019 Legislative session, effective July 1, 2020. This proposed regulation relates to the early discharge of a person from parole if the Board receives a recommendation from the Division of Parole and Probation (Division) of the Department of Public Safety. If the Division verifies specific criteria have been met, the Board may award credits to reduce the sentence to time served, but not to exceed 12 calendar months.

**2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail to U.S. mail to all law enforcement agencies in the State of Nevada, to each Nevada District Court, to each Nevada District Attorney, and to all persons on the Board of Parole Commissioner's ('Parole Board' or 'Board') mailing list who have requested to receive notice of meetings related to the adoption of regulations. These documents were also made available at the web site of the Parole Board, <http://parole.nv.gov/>, mailed to all county libraries in Nevada and posted in the following locations:

Parole Board office  
1677 Old Hot Springs Road, Ste. A  
Carson City, Nevada

Parole Board office  
4000 S. Eastern Avenue  
Las Vegas, Nevada

Carson City Library  
900 N. Roop Street  
Carson City, Nevada

Clark County Main Library/Reference section  
833 Las Vegas Boulevard  
Las Vegas, Nevada

Attorney General's office  
100 S. Carson Street  
Carson City, Nevada

Attorney General's office  
555 E. Washington Avenue  
Las Vegas, Nevada

A workshop was held on Thursday, October 31, 2019 at the office of the Parole Board located at 1677 Old Hot Springs Rd., Ste. A, Carson City, Nevada and video conferenced to the office of the Parole Board located at 400 S. Eastern Blvd., Ste. 130, Las Vegas, Nevada. Thereafter, on December 19, 2019,

an additional workshop was held to discuss public, Parole and Probation and Board member comments and suggestions to the proposed regulation. A public meeting and Notice of Intent to Adopt was scheduled for public comment and for possible action on March 30, 2020 and April 30, 2020. Both meetings were cancelled due to the Coronavirus.

A public meeting and Notice of Intent to Adopt was scheduled for public comment and for possible action on May 28, 2020. The Parole Board motioned to adopt the proposed regulations.

- (a) Summary of testimony from Tanya Brown, Advocate for the inmates and the innocent on October 31, 2019: Ms. Brown commented in agenda item II of the October 31, 2019 Workshop and Meeting of the Board of Parole Commissioners. While commenting under agenda item III, Ms. Brown noted that her comment under agenda item II was meant to be under agenda item III. Ms. Brown commented she spoke to parolees that felt twelve months is too short of a period for review to demonstrate a record of success, and the time for review should be extended to twenty-four months. Ms. Brown also commented on the fairness to the victims being seen in private or submitting information to the Board and that victims give false testimony and false information about the case. Ms. Brown felt an inmate has every right to face their accuser and defend themselves. Ms. Brown felt this especially happens when the victim is deceased, and the family members are speaking on behalf of their loved ones.
- (b) Summary of testimony received by Chairman DeRicco through a meeting with the Division of Parole and Probation (Division) and in a tele-conference with both Major O'Rourke and Major Sleeva of the Division. The Division wanted to be clear on what the term "violated" meant. According to the Division, there would need to be a finding by the Board that a parolee violated a condition. The Division requested some additional clarity on Section 2(b) of the December 19, 2019 proposed regulation. Chairman DeRicco suggested striking the language in full and to changing the language to: "*Verification that the Board has not found the parolee in violation of any conditions of supervision during the immediately preceding 12 months.*"
- (c) The Division requested that the proposed language in Section 3 of the December 19, 2019 proposed regulation be stricken and have the Board include: "*The Division will include the parolee's risk assessment level, according to the Nevada Risk Assessment System (NRAS), or its successor risk assessment tool, in the written early discharge recommendation submitted to the Board.*" The Board adopted this change.
- (d) The Division requested that Section 4 of the December 19, 2019 proposed draft regulation language in this section be deleted in its entirety. the Division provided that if a parolee meets the statutory provisions as outlined in AB 236, Section 93.7, the Division will send the early discharge recommendation to the Board. The Division does not believe that it is statutorily mandated to provide its opinion on whether a parolee deserves an early discharge. The Division provided that it will review their cases and determine if a parolee meets the identified criteria and forward the appropriate cases to the Board to make the final determination. The Board adopted this change.

A copy of this summary of the public response to the proposed regulation may be obtained from the Board of Parole Commissioners, 1677 Old Hot Springs Rd., Ste. A, Carson City, Nevada 89706, 775-687-5049, or email to [kjbaker@parole.nv.gov](mailto:kjbaker@parole.nv.gov).

**3. The number persons who:**

- (a) **Attended each hearing:** October 31, 2019 – 16; December 19, 2019 – 15  
May 28, 2020 - 12

**(b) Testified at each hearing:** October 31, 2019 – 1; December 19, 2019 – 0  
May 28, 2020 - 0

**(c) Written comments submitted to the agency:** October 31, 2019 - No written comments were submitted; December 19, 2019 – No written comments were submitted; May 28, 2020 – No written comments were submitted.

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

**5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The Parole Board used informed, reasonable judgement in determining that there will not be an impact on small businesses due to the nature of the proposed regulation.

**6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

Ms. Browns comments addressed the statute and not the proposed regulation, so no changes to the regulation were made based on her comments in the October 31, 2019 meeting.

The comments provided by the Division of Parole and Probation through Chairman DeRicco were addressed at the December 19, 2019 and no other changes were made to the adopted regulation.

The permanent regulation was issued on January 21, 2020 and on May 28, 2020, the Parole Board held a public meeting and unanimously voted to adopt the January 21, 2020 version of LCB File No. R118-19 as written.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

**(a) Adverse effects:** There are no known adverse economic effects of the proposed regulation to the Division or to the public.

**(b) Beneficial effects:** The beneficial economic effects of the proposed regulation are a possible decrease in costs by the Division of Parole and Probations for parole supervision. There are no known beneficial economic effects of the proposed regulation on the public.

**(c) Immediate effects:** There are no known immediate economic effects to the Division or to the public.

**(d) Long-term effects:** There are no known long-term economic effects to the Division or to the public.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

**9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed regulation duplicates.

**10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There are no federal regulations that apply.

**11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

This regulation does not provide a new fee or increase an existing fee.