

**PROPOSED REGULATION OF THE
CHIEF PAROLE AND PROBATION OFFICER**

LCB File No. R225-05

January 17, 2006

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

AUTHORITY: §§1 and 2, NRS 213.10988.

A REGULATION relating to the Division of Parole and Probation of the Department of Public Safety; revising the provisions governing presentence investigations and reports to reflect statutory changes which allow an employee of the Division, rather than only a parole and probation officer, to make a presentence investigation and report and which provide that the Division must make a presentence investigation and report on a person convicted of a gross misdemeanor only upon the request of the court; and providing other matters properly relating thereto.

Section 1. NAC 213.580 is hereby amended to read as follows:

213.580 Except as otherwise provided by statute or directed by the court, ~~a parole and probation officer~~ *the Division* will evaluate every person who is convicted of a felony. ~~for gross misdemeanor.~~ The purpose of the evaluation is to enable the Chief Parole and Probation Officer to make a recommendation to the court concerning sentencing.

Sec. 2. NAC 213.590 is hereby amended to read as follows:

213.590 1. Each convicted person will first be evaluated using the Probation Success Probability form adopted by the Division. The form generates a numeric score based upon consideration of the following factors:

- (a) The number of prior criminal convictions sustained by the convicted person;
- (b) The number of other criminal prosecutions pending against the person;
- (c) The number of occasions on which the person has been incarcerated;

(d) If the person is 23 years of age or younger, the number of occasions on which he has been committed to a correctional facility for juveniles;

(e) The number of years that have elapsed since the person's most recent previous conviction, whether the conviction was sustained by him as a juvenile or as an adult;

(f) The number of occasions on which the person has been supervised as an adult or juvenile probationer;

(g) The tendency of the person to have engaged in crimes of increasing or decreasing severity, or in crimes involving violence;

(h) The circumstances of the person's arrest for the present offense;

(i) The nature of the present offense and the number of persons victimized;

(j) The degree of psychological, physical and financial harm caused to the victim of the present offense;

(k) If the present offense involved controlled substances, the nature of the conduct involved in the offense;

(l) The sophistication of the present offense and the degree of premeditation involved in the offense;

(m) The benefits received by the person as the result of any plea negotiation in the present proceeding;

(n) The use of any weapon in connection with the present offense;

(o) The involvement in the present offense of any other offender;

(p) The existence and nature of any motive for the present offense;

(q) The age and education of the person;

(r) The support provided to the person by his immediate family;

- (s) The person's history of employment and record of military service;
- (t) The employability of the person;
- (u) The person's financial self-sufficiency;
- (v) The ties or connections between the person and the community in which he lives;
- (w) The person's history of substance abuse;
- (x) The availability to the person of rehabilitative or other programs in the community;
- (y) Participation by the person in a mental health or substance abuse program, if such a program is warranted by the nature of the case;
- (z) The person's honesty and cooperation in dealing with ~~the investigating parole and probation officer;~~ *an employee of the Division who is performing the evaluation;* and
- (aa) The attitude of the person concerning the present offense and toward supervision on probation.

2. The numeric score derived from the use of the Probation Success Probability form may be used by the Chief Parole and Probation Officer in making a recommendation concerning:

- (a) The granting or denial of probation; and
- (b) The length of any term of confinement to be served by the convicted person, as provided in NAC 213.600.