

**PROPOSED REGULATION OF THE
STATE BOARD OF PAROLE COMMISSIONERS**

LCB File No. R080-98

June 5, 1998

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

AUTHORITY: §§1-3, NRS 213.10885, 213.110 and 213.140; §§4 and 5, NRS 213.10885, 213.110, 213.140 and 213.150.

Section 1. NAC 213.510 is hereby amended to read as follows:

213.510 1. In determining whether to grant parole to a convicted person, the board will consider the severity of the crime for which the conviction was had.

2. If a person has been convicted of more than one crime, the board will consider the severity of his most serious crime.

3. For the purposes of this section, the board may use the following table to assist it in determining the severity of a crime:

[A+]

A1 A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 20 years has been served

A2 A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 15 years [or more] has been served

[A-]

A3 A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of [~~less than 15~~] *10* years has been served

[B+]

A4 A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 5 years has been served

B1 A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is [~~more than 6~~] *20* years

[B-]

B2 A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is [~~not more than 6~~] *15* years

B3 A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is *10* years

B4 A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is *6* years

C A crime classified as a category C felony pursuant to paragraph (c) of subsection 2 of NRS 193.130

D A crime classified as a category D felony pursuant to paragraph (d) of subsection 2 of NRS 193.130

E A crime classified as a category E felony pursuant to paragraph (e) of subsection 2 of NRS 193.130

Sec. 2. NAC 213.530 is hereby amended to read as follows:

213.530 Giving consideration to the severity of the crime for which a person has been convicted and the probability that he will complete parole successfully, the board may grant parole to the convicted person after he has served the period of imprisonment set forth in the following table:

	Excellent 0-10	Good 11-20	Average 21-30	Poor 31-40	Very Poor 41+
Crime Severity Level	Minimum Period of Imprisonment (Months)				
[A+	180-210	210-240	240-270	270-300	300-360
A-	60-96	96-132	132-168	168-204	204-240
B+	24-36	36-60	60-84	84-108	108-Expiration
B-	12-18	18-24	24-30	30-36	Expiration]
A1	240-276	276-312	312-348	348-384	384-420
A2	180-216	216-252	252-288	288-324	324-360
A3	120-150	150-180	180-210	210-240	240-270
A4	60-84	84-108	108-132	132-156	156-180

<i>B1</i>	<i>24-48</i>	<i>48-72</i>	<i>72-108</i>	<i>108-144</i>	<i>Expiration</i>
<i>B2</i>	<i>18-30</i>	<i>30-48</i>	<i>48-66</i>	<i>66-84</i>	<i>Expiration</i>
<i>B3</i>	<i>12-24</i>	<i>24-36</i>	<i>36-48</i>	<i>48-60</i>	<i>Expiration</i>
<i>B4</i>	<i>12-18</i>	<i>18-24</i>	<i>24-30</i>	<i>30-36</i>	<i>Expiration</i>
C	12-16	16-20	20-24	24-28	Expiration
D	12-15	15-18	18-21	21-24	Expiration
E	12-15	15-18	18-21	21-24	Expiration

Sec. 3. NAC 213.540 is hereby amended to read as follows:

213.540 1. Any convicted person who believes that the board has:

- (a) Miscalculated the severity of the crime for which he was convicted; or
- (b) Misapplied any factor set forth in NAC 213.520,

may submit a request for recomputation to the [chairman of the] board.

2. A request submitted pursuant to this section must be sent to the board within 30 days after its hearing of the matter. The request must be sent to: [Chairman,] State Board of Parole Commissioners, 1445 Hot Springs Road, Suite 108 B, [Capitol Complex,] Carson City, Nevada [89710.] 89711.

Sec. 4. NAC 213.550 is hereby amended to read as follows:

213.550 In determining whether to revoke the parole of a person for a violation of his parole, the board may consider whether the person has, while on parole:

- 1. Been convicted of any crime committed after his release and, if so, whether the crime involved the use of a weapon or resulted in injury or substantial harm to the victim;

2. Engaged in a pattern of behavior similar to that which resulted in his imprisonment;
3. Used drugs or alcohol and whether confinement for counseling or classification is ~~required;~~ *advisable;*
4. Demonstrated an unwillingness to conform to the expectations and requirements of parole; or
5. Engaged in any other conduct that makes him a danger to the community and indicates a need for further treatment in a controlled environment.

Sec. 5. NAC 213.560 is hereby amended to read as follows:

213.560 1. The standards contained in NAC 213.510 to 213.550, inclusive, may be considered by the board in determining whether to grant, deny, continue or revoke parole, but nothing contained in those sections shall be construed to restrict the authority of the board to:

(a) Deny or revoke parole in any case in which application of the standards indicates that parole should be granted or continued; or

(b) Grant or continue parole in any case in which application of the standards indicates that parole should be denied or revoked,

if the decision of the board is otherwise authorized by the provisions of chapter 213 of NRS.

2. The board may deviate from the standards contained in NAC 213.510 to 213.550, inclusive, based upon:

- (a) The seriousness of the offense committed by the convicted person;
- (b) The prior record of criminal activity of ~~that person;~~ *the convicted person or the absence of such a record;*
- (c) The conduct of the *convicted* person during his imprisonment;

(d) Recommendations received by the board from the judge before whom the *convicted* person was convicted, the prosecuting attorney, a law enforcement agency, the victim, any officer or employee of the department of prisons who is familiar with the *convicted* person or any other person who has an interest in the proceedings; **[or]**

(e) *The history of supervision of the convicted person;*

(f) *The factors involved in the offense committed by the convicted person, including, without limitation, the use of a weapon or the infliction of any injury or financial loss to a victim;*

(g) *The failure of the convicted person to attain certification by a psychological screening panel;*

(h) *The need for further evaluation of the convicted person;*

(i) *The opinion of the board that continued confinement of the convicted person is necessary to protect the public from further criminal activity by the convicted person;*

(j) *Participation by the convicted person in positive programming during his imprisonment;*

(k) *The existence of stable release plans for the convicted person;*

(l) *The youth of the convicted person if he does not have a prior record of criminal activity as a juvenile;*

(m) *Parole of the convicted person to another jurisdiction for prosecution or deportation; or*

(n) Any other circumstances the board deems appropriate.

3. For statistical purposes only, the board will maintain a written record of any case in which its decision conflicts with the standards contained in NAC 213.510 to 213.550, inclusive.