

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

**LCB File No. R212-05**

Effective May 4, 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.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R212-05**

The Division of Parole and Probation of the Department of Public and Safety adopted regulations assigned LCB File No. R212-05 which pertain to chapter 213 of the Nevada Administrative Code on March 1, 2006.

**Notice date:** 10/6/2005 & 1/30/2006

**Date of adoption by agency:** 3/1/2006

**Hearing date:** 10/24/2005 & 3/1/2006

**Filing date:** 5/4/2006

**INFORMATIONAL STATEMENT**

**1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:**

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

The attached notices were sent to the following organizations in accordance with Open Meeting Law rules:

Carson City Clerk  
885 E. Musser St., Suite 1025  
Carson City, NV 89701-4475

Churchill County Clerk  
155 N. Taylor St., Suite 110  
Fallon, NV 89406-2748

Clark County Registrar  
500 S. Grand Central Parkway  
P.O. Box 3909  
Las Vegas, NV 89127-3909

Douglas County Clerk  
1594 Esmeralda St.  
P.O. Box 218  
Minden, NV 89423-0218

Elko County Clerk  
571 Idaho St., 3<sup>rd</sup> floor  
Elko, NV 89801-3700

Esmeralda County Clerk  
Corner of Crook & Euclid  
P.O. Box 547  
Goldfield, NV 89013-0547

Eureka County Clerk  
10 S. Main St.  
P.O. Box 677  
Eureka, NV 89316

Humboldt County Clerk  
50 W. 5<sup>th</sup> St., #207  
Winnemucca, NV 89445-3199

Lander County Clerk  
315 S. Humboldt St.  
Battle Mountain, NV 89820-9998

Lincoln County Clerk  
1 North Main St.  
P.O. Box 90  
Pioche, NV 89043-0090

Lyon County Clerk  
27 S. Main St.  
Yerington, NV 89447-2571

Mineral County Clerk  
105 S. "A" St., Suite 1  
P.O. Box 1450  
Hawthorne, NV 89415-1450

Nye County Clerk  
101 Radar Rd.  
P.O. Box 1031  
Tonopah, NV 89049-1031

Pershing County Clerk  
398 Main St.  
P.O. Box 820  
Lovelock, NV 89419-0820

Storey County Clerk  
County Courthouse, "B" St  
Drawer "D"  
Virginia City, NV 89440-0139

Washoe County Registrar  
1001 E. Ninth St., Bldg A  
P.O. Box 11130  
Reno, NV 89520-0027

White Pine County Clerk  
801 Clark St., #4  
Ely, NV 89301-1994

Progressive Leadership Alliance of NV  
821 Riverside Dr.  
Reno, NV 89503

Progressive Leadership Alliance of NV  
1700 E. Desert Inn Rd., S. 113  
Las Vegas, NV 89109

Progressive Leadership Alliance of NV  
6185 Franktown Rd.  
Carson City, NV 89704

Carson City Courthouse  
885 E. Musser St. Suite 2007  
Carson City, NV 89701

Grant Sawyer Building  
555 E. Washington Ave.  
Las Vegas, NV 89101

State Library  
100 Stewart Street  
Carson City, NV 89701

Las Vegas Public Library  
833 Las Vegas, Blvd. N.  
Las Vegas, NV 89101

Washoe County Public Library  
Sierra View  
Old Town Mall - 4001 S. Virginia  
Reno, NV 89502

Printed handouts with information concerning SB 282 Section 16 were available at both the Carson City and Las Vegas meetings. This information was also available on the Parole and Probation website: <http://dps.nv.gov/pandp>.

**(b) The number of persons who:**

**(1) Attended each hearing;**

1<sup>st</sup> Hearing - 2 in Carson City, 4 in Las Vegas

2<sup>nd</sup> Hearing - 0 in Carson City, 1 in Las Vegas

**(2) Testified at each hearing; and**

1<sup>st</sup> Hearing - 2 in Carson City, 3 in Las Vegas

2<sup>nd</sup> Hearing - 0 in Carson City, 1 in Las Vegas

**(3) Submitted to the agency written statements.**

No written statements were submitted at either hearing.

**(c) 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.**

No businesses will be effected by this regulation, therefore, no comment was solicited or received.

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

The regulation is very straight forward in allowing persons who received a Dishonorable Discharge from Parole or Probation because of non-payment of Restitution / Supervision fees, to change that Discharge to Honorable by making a good faith effort to satisfy their financial obligations. No changes or enhancements are needed.

**(e) The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:**

**(1) Both adverse and beneficial effects; and**

There would be no adverse economic effects on any businesses. A possible beneficial effect would be that some businesses may receive restitution owed from those seeking this discharge change.

**(2) Both immediate and long-term effects.**

Some businesses may receive restitution owed from those seeking this discharge change.

**(f) The estimated cost to the agency for enforcement of the proposed regulation.**

The only costs that the agency might incur in the enforcement of this regulation would be in the personnel costs associated with the investigation and processing of these applications. The Division of Parole and Probation has forecasted these costs will be minimal due to the fact that the number of these applications is expected to be small and that the time associated with the investigation and processing will be assimilated in the current work load and not require overtime to be paid.



**(g) 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 overlapping regulations.

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

This regulation does not contain any provisions which are more stringent than any federal regulation.

**(i) 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.**

There are no fees associated with this regulation.

**2. The requirements of paragraphs (a) to (d), inclusive, of subsection 1 do not apply to emergency regulations.**

N/A