

PROPOSED REGULATION OF THE STATE BOARD OF PAROLE COMMISSIONERS

LCB File No. R124-16

Notice of Workshop to Solicit Comments on Proposed Regulation

The Board of Parole Commissioners, 1677 Old Hot Springs Rd., Suite A, Carson City, NV 89706, (775) 687-5049, is proposing the Amendment of regulations pertaining to chapter 213 of Nevada Administrative Code. A workshop has been set for 8:00 AM on Wednesday, November 23, 2016 at the office of the Board of Parole Commissioners, 1677 Old Hot Springs Rd., Suite A, Carson City, NV 89706, video tele-conference to the Board of Parole Commissioners office located at 4000 S. Eastern Avenue, Suite 130, Las Vegas, NV 89119. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

Establishing procedures for providing notice to a parolee of the conditions of parole; setting forth provisions for establishing the effective date of and date of eligibility for the parole of a prisoner; establishing a procedure by which a parolee may request the modification of a sentence; setting forth the circumstances under which certain actions relating to parole are vacated as a result of certain judicial actions; revising provisions governing the imposition of conditions of lifetime supervision of certain sex offenders; revising provisions relating to the establishment of an initial assessment regarding whether to grant parole to a prisoner; establishing requirements for making a final determination of the date on which a prisoner must be released on mandatory parole; requiring the approval of the State Board of Parole Commissioners for a prisoner to waive certain rights related to a meeting to consider the prisoner for parole; and providing other matters properly relating thereto.

A copy of all material relating to the proposal may be obtained at the workshop or by contacting the Board of Parole Commissioners, 1677 Old Hot Springs Rd., Suite A, Carson City, NV 89706, (775) 687-5049. A reasonable fee for copying may be charged. A copy of the regulation is also posted on the web site of the Board of Parole Commissioners located at <http://parole.nv.gov>. A copy of the proposed regulation is also attached to this Notice of Workshop.

This Notice of Workshop to Solicit Comments on Proposed Regulations has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

CARSON CITY: Parole Board office, 1677 Old Hot Springs Road, Suite A; Attorney General's office, 100 S. Carson Street; Carson City Library, 900 N. Roop Street. LAS VEGAS: Parole Board office, 2601 E. Sahara Avenue; Attorney General's office, 555 E. Washington Avenue; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference section, 833 Las Vegas Blvd.

DATE: November 7, 2016

PROPOSED REGULATION OF THE STATE BOARD OF PAROLE COMMISSIONERS

LCB File No. R124-16

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption and Amendment of Regulations of the Board
of Parole Commissioners.

The Board of Parole Commissioners (Parole Board) will hold a public hearing at 8:00 AM, on December 8, 2016, at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706, video teleconference to 4000 S Eastern Avenue, Suite 130, Las Vegas, Nevada 89119. The purpose of the hearing is to receive comments from all interested persons regarding the Adoption and Amendment of regulations that pertain to chapter 213 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

The proposed regulations establish a number of formal processes intended to clarify agency intent and processes related to activities within the jurisdiction of the Board. These regulations are necessary to reduce ambiguity and facilitate operational processes.

2. The terms or the substance of the regulations to be adopted, amended or repealed or a description of the subjects and issues involved:

The regulations being considered are to related to establishing procedures for providing notice to a parolee of the conditions of parole; setting forth provisions establishing the effective date of and date of eligibility for the parole of a prisoner; establishing a procedure by which a parolee may request a modification of sentence; setting forth the circumstances under which certain actions relating to parole are vacated as a result of judicial actions; revising provisions relating to the establishment of an initial assessment whether to grant parole to a prisoner; establishing requirements for making a final determination of the date on which a prisoner must be released on mandatory parole; requiring approval of the State Board of Parole Commissioners for a prisoner to waive certain rights related to a meeting to consider the prisoner for parole; and providing other matters properly relating thereto.

Section 2 of this regulation prohibits the release of a prisoner on parole to the community or to a consecutive sentence until the prisoner has signed a document containing the conditions of parole, unless otherwise authorized by the State Board of Parole Commissioners. **Section 2** also sets forth the circumstances under which notice to a parolee of the conditions of parole will be deemed adequate.

Section 3 of this regulation set forth provisions for establishing the effective date of and date of eligibility for the parole of a prisoner.

Section 4 of this regulation establishes a procedure by which a parolee may apply to the Board to request a modification of sentence.

Section 5 of this regulation sets forth the circumstances under which actions taken with regard to parole, including the imposition of conditions of parole, are vacated as a result of certain actions by a court of competent jurisdiction.

Existing regulations include a table of risk levels to establish an initial assessment regarding whether to grant parole. (NAC 213.516) **Section 6** of this regulation revises the table to include references to certain risk levels assigned to a prisoner who has ever been convicted of a sexual offense and evaluated using certain assessments to determine the risk that the prisoner will commit another sexual offense if released on parole.

Existing regulations require the Board to conduct a meeting to consider a prisoner for mandatory parole not sooner than 150 days before the date on which the prisoner must be released on mandatory parole. (NAC 213.532) **Section 7** of this regulation provides that the final determination of the date on which the prisoner must be released on mandatory parole must be based on the date of his or her eligibility for parole as verified or revised by the Department of Corrections at the time of that meeting.

Existing regulations provide that a prisoner may waive, in writing, certain rights related to meetings of the Board conducted to consider the prisoner for parole. (NAC 213.534) **Section 8** of this regulation provides that such a waiver is subject to the approval of the Board.

3. 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:

(a) Both adverse and beneficial effects; Adverse effects: The proposed regulations do not appear to have any adverse economic effects.

Beneficial effects: The proposed regulations are intended to clarify and facilitate processes over which the Board has jurisdiction to reduce ambiguity or uncertainty as to the Board's intent with respect to the subjects amended in the regulations.

(b) Both immediate and long-term effects.

Immediate effects: There are no known immediate economic effects.

Long-term effects: The potential reduction in costs of litigation which may arise without clear regulatory processes pertaining to parole hearings.

4. The estimated cost to the agency for enforcement of the proposed regulation.

The agency estimates that there are no additional costs as a result of the adoption of the proposed regulation.

5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The agency is unaware of any other federal, state or local governmental agency regulations that the proposed regulation may overlap or duplicate.

6. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The regulation is not required pursuant to federal law.

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

The regulation does not include provisions which are more stringent than a federal regulation that regulates the same activity.

8. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Parole Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706.

Written submissions must be received by Board of Parole Commissioners on or before 5:00 PM on Monday, December 5, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Parole Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Adopted and Amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Adopted and Amended will be available at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706, and 4000 S Eastern Avenue, Suite 130, Las Vegas, Nevada 89119, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed

to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption. This notice of hearing has been posted at the following locations:

Carson City Library
900 North Roop Street
Carson City, Nevada 89702

Mineral County Public Library
110 1st Street
Hawthorne, Nevada 89415

Churchill County Library
553 South Main Street
Fallon, Nevada 89406

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101

Storey County Clerks Office
Drawer D
Virginia City, Nevada 89440

Douglas County Library
1625 Library Lane
Minden, Nevada 89423

Tonapah Public Library
PO Box 449
Tonapah, Nevada 89049

Elko County Library
720 Court Street
Elko, Nevada 89801

Washoe County Library
301 South Center Street
Reno, Nevada 89501

Esmeralda County Library
Corner of Crook & 4th Streets
Goldfield, Nevada 89013

White Pine County Library
950 Campton Street
Ely, Nevada 89301

Eureka County Library
10190 Monroe Street
Eureka, Nevada 89316

Battle Mountain Lander County Library
625 South Broad Street
Battle Mountain, Nevada 89820

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Nevada Parole Board
4000 S Eastern Avenue, Suite 130
Las Vegas, NV 89119

Nevada Parole Board
1677 Old Hot Springs Road, Suite A
Carson City, NV 89706

DATE: November 7, 2016