

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

**LCB FILE NO. R118-19I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 12/19/2019**

**DRAFT REGULATION OF THE  
BOARD OF PAROLE COMMISSIONERS**

**LCB File No. \_\_\_\_\_**

EXPLANATION – Matter in *italics* is new.

AUTHORITY: Assembly Bill 236, Section 93.7

A REGULATION relating to the recommendations, by the Division, to the Board, for the early discharge of a person from parole; determination if the parolee meets criteria for early release; notice to the parolee if a hearing is to be held; victim notification; and providing other matters properly relating thereto.

**EARLY DISCHARGE FROM PAROLE**

**Section 1: Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:**

**Assembly Bill 236, Section 93.7: Recommendations of Division for early discharge of parole; determination of whether to award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served.** (AB 236, Sec. 93.7) In determining whether to award credits and reduce the sentence to time served:

1. *The Division shall determine if a parolee meets the qualifications for early discharge from parole pursuant to AB 236, Sec. 93.7, and make a written recommendation to the Board.*
2. *The written recommendation from the Division will include, but is not limited to:*
  - a. *Verification that the parolee has served at least 12 calendar months on parole supervision in the community and has not more than 12 calendar months of community supervision remaining on any sentence;*
  - b. *Verification that the Board has not found the parolee in violation of any conditions of supervision during the immediately preceding 12 months;*
  - c. *Verification that the parolee is current with any supervision fees;*
  - d. *Verification that restitution has been paid in full or, because of economic hardship that has been verified by the Division, the parolee has been unable to make restitution as ordered by the court;*
  - e. *If applicable, verification that the parolee has completed any program of substance use, mental health treatment, or a specialty court program as mandated by the Board.*
3. *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.*
4. *Upon receipt from the Division of a written recommendation for early discharge of a parolee from parole, the Board will consider the parolee for early discharge either in*

- absentia or a hearing, at the Board's discretion. The Board will not consider the parolee for early discharge without a hearing, if a victim has requested a hearing notification.*
- 5. If the Board determines that a hearing is to be held, a written hearing notification will be delivered to the parolee by the Division not later than 5 working days before the hearing and the Board will notify any victim not later than 5 days after the early discharge hearing date has been scheduled. If the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board, the victim of a parolee being considered for early discharge from parole may submit documents to the Board and may testify at the meeting held to consider the parolee for the early discharge from parole. A parolee must not be considered for the early discharge from parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim. The Board may deliberate in private after a hearing to consider the early discharge of a parolee.*
  - 6. Before determining whether to approve an early discharge request, the Board may consider, but is not limited to, the further potential risk posed to the community or any victims, and whether or not further supervision is necessary.*
  - 8. The Board may award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served, but not to exceed 12 months.*
  - 9. If a victim is notified of a hearing to consider a parolee for early discharge, the Board will, upon making a final decision concerning the early discharge of the parolee, notify the victim of its final decision.*
  - 10. Early discharge from parole does not apply to any person sentenced to lifetime supervision pursuant to NRS 176.0931.*