

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

LCB File No. R118-19

January 21, 2020

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

AUTHORITY: §1, NRS 213.1543.

A REGULATION relating to parole; establishing provisions relating to the early discharge of certain persons from parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Parole and Probation of the Department of Public Safety to recommend to the State Board of Parole Commissioners the early discharge of a person from parole, other than any person who is sentenced to lifetime supervision because he or she was convicted of a sexual offense, if the person meets certain qualifications. Existing law authorizes the Board to adopt any regulations necessary to carry out the provisions of law relating to the early discharge of such a person from parole. (NRS 213.1543)

This regulation: (1) requires the Division to determine whether a parolee qualifies for early discharge from parole and, if so, make a written recommendation to the Board for early discharge from parole and include certain information in such a written recommendation; (2) provides that the Board, in its discretion, will consider a parolee for early discharge from parole with or without a hearing, but requires a hearing to be held if a victim of the parolee has requested notification of a hearing; (3) establishes certain notice requirements regarding a hearing to be given to a parolee and certain victims of the parolee; (4) authorizes any victim who is provided notification of a hearing to submit documents to the Board and testify at the hearing; (5) authorizes the Board to deliberate in private to consider whether to approve the early discharge of a parolee from parole and to take into consideration certain factors; and (6) provides that any credits awarded by the Board to reduce the sentence of a parolee must not exceed 12 months.

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

1. The Division shall determine whether a parolee meets the qualifications for early discharge from parole pursuant to NRS 213.1543 and, if the parolee meets such

qualifications, make a written recommendation to the Board for the early discharge of the parolee from parole.

2. A written recommendation for early discharge from parole made by the Division pursuant to subsection 1 must include, without limitation:

(a) Verification that the parolee has served at least 12 calendar months on parole supervision in the community and is projected to have not more than 12 calendar months of community supervision remaining to serve on any sentence;

(b) Verification that the Board has not found the parolee in violation of any condition of parole during the immediately preceding 12 months;

(c) Verification that the parolee is current with any fee to defray the costs of his or her supervision charged by the Division pursuant to NRS 213.1076;

(d) Verification that the parolee has paid restitution in full or, because of economic hardship that is 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 treatment or mental health treatment or a specialty court program as mandated by the Board; and

(f) The risk assessment level of the parolee according to the Nevada Risk Assessment System or its successor risk assessment tool.

3. Upon receipt of a written recommendation for early discharge from parole made by the Division pursuant to subsection 1, the Board will consider the parolee for early discharge from parole with or without a hearing, in the discretion of the Board. The Board will not consider

the parolee for early discharge from parole without a hearing if a victim of the parolee has requested notification of a hearing.

4. If the Board determines that a hearing will be held to consider a parolee for early discharge from parole:

(a) The Division shall, not later than 5 working days before the hearing, deliver a written hearing notification to the parolee.

(b) The Board will, not later than 5 calendar days after the hearing date is scheduled, notify any victim of the parolee who has requested notification of a hearing in writing and who has provided his or her current address to or whose current address is otherwise known by the Board.

(c) Any victim who is provided notification of a hearing pursuant to paragraph (b) may submit documents to the Board and may testify at the hearing. A parolee must not be considered for early discharge from parole pursuant to this section until the Board has notified any victim of his or her rights pursuant to this paragraph and the victim is given the opportunity to exercise those rights. If a current address of the victim 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.

5. If a hearing is held to consider a parolee for early discharge from parole, the Board may, after the hearing, deliberate in private to consider whether to approve the early discharge from parole. Before determining whether to approve a parolee for early discharge from parole, the Board may consider, without limitation:

- (a) Any further potential risk posed to the community or the victims of the parolee; and*
- (b) Whether further supervision is necessary.*

6. If a victim is notified of a hearing to consider a parolee for early discharge from parole pursuant to subsection 4, the Board will, upon making a final decision concerning the early discharge of the parolee from parole, notify the victim of its final decision.

7. Any credits awarded by the Board to reduce a sentence pursuant to subsection 2 of NRS 213.1543 must not exceed 12 months.

8. As used in this section:

(a) "Board" means the State Board of Parole Commissioners.

(b) "Division" means the Division of Parole and Probation of the Department of Public Safety.

(c) "Victim" has the meaning ascribed to it in NRS 213.005.