

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R066-20**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 213

1. A clear and concise explanation of the need for the adopted regulation.

This proposed regulation is necessary to carry out the provisions of a recent change to NRS Chapter 213 by the Nevada Legislature in Assembly Bill 236, Section 93.3 of the 2019 Legislative session, effective July 1, 2020. This proposed regulation allows the State Board of Parole Commissioners to grant geriatric parole to certain prisoners who: (1) are 65 years of age or older; (2) have not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; (3) have not been found to be a habitual criminal; (4) have served at least the majority of the maximum term or maximum aggregate term of his or her sentence; (5) are not serving a sentence of life imprisonment without the possibility of parole and have not been sentenced to death; and (6) do not pose a significant and articulable risk to public safety. Existing law requires the Board to adopt regulations necessary to carry out the provisions relating to geriatric parole. (NRS 213.12155)

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

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail to all law enforcement agencies in the State of Nevada, to each Nevada District Court, to each Nevada District Attorney, and to all persons on the Board of Parole Commissioner's ('Parole Board' or 'Board') mailing list who have requested to receive notice of meetings related to the adoption of regulations. These documents were also made available at the web site of the Parole Board, <http://parole.nv.gov/>, mailed to all county libraries in Nevada and posted in the following locations:

Parole Board office
1677 Old Hot Springs Road, Ste. A
Carson City, Nevada

Parole Board office
4000 S. Eastern Avenue
Las Vegas, Nevada

Carson City Library
900 N. Roop Street
Carson City, Nevada

Clark County Main Library/Reference section
833 Las Vegas Boulevard
Las Vegas, Nevada

Attorney General's office
100 S. Carson Street
Carson City, Nevada

Attorney General's office
555 E. Washington Avenue
Las Vegas, Nevada

A workshop was held on Thursday, May 28, 2020 at the office of the Parole Board located at 1677 Old Hot Springs Rd., Ste. A, Carson City, Nevada and video conferenced to the office of the Parole Board located at 400 S. Eastern Blvd., Ste. 130, Las Vegas, Nevada. A public meeting and Notice of Intent to Adopt was scheduled for public comment and for possible action on March 30, 2020 and April 30, 2020. Both meetings were cancelled due to the Coronavirus.

A public meeting and Notice of Intent to Adopt was scheduled for public comment and for possible action on August 31, 2020. The Parole Board motioned to adopt the proposed regulations.

- (a) Summary of testimony from Paul G. Corrado, on May 28, 2020 Mr. Corrado submitted and read a written statement during public comment and also on agenda item III of the May 28, 2020 Workshop and Meeting of the Board of Parole Commissioners. Mr. Corrado read a written statement regarding special considerations made to accommodate the requirements of persons with limited mobility, behavior health issues, costly meds and matriculation back into society. Mr. Corrado's written statement also addressed what provisions will be made to accommodate U.S. Veterans who qualify for this special parole category and how Veterans issues are to be addressed both mentally and physically. There is no contact information for Mr. Corrado.
- (b) Summary of written testimony received by John Quintero, inmate at High Desert State Prison, was addressed by the Board at the August 31, 2020 Intent to Adopt and Board meeting. Mr. Quintero stated he would like the application form for geriatric parole available through the Nevada Department of Corrections (NDOC) law library indexed as a fundamental first amendment right to redress grievances. Chairman DeRicco provided that the Board can address Mr. Quintero's concerns without changing the language of the regulation through communication with the Parole Board and the NDOC.

A copy of this summary of the public response to the proposed regulation may be obtained from the Board of Parole Commissioners, 1677 Old Hot Springs Rd., Ste. A, Carson City, Nevada 89706, 775-687-5049, or email to kjbaker@parole.nv.gov.

- 3. **The number persons who:**
 - (a) **Attended each hearing:** May 28, 2020 – 14; August 28, 2020 – 10
 - (b) **Testified at each hearing:** May 28, 2020 – 1; August 31, 2020 – 0
 - (c) **Written comments submitted to the agency:** May 28, 2020 - 1; August 31, 2020 – 1
- 4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**
- 5. **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.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public and through a questionnaire emailed to various small businesses. There was no response

from the small businesses that were sent emails.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Mr. Corrado's comments addressed issues regarding Veterans, Social Security and future medical and not the proposed regulation, so no changes to the regulation were made based on his comments in the May 28, 2020 meeting.

The comments provided by Mr. Quintero, inmate at High Desert State Prison, were addressed at the August 31, 2020 meeting and it was determined Mr. Quintero's concerns to make the application available in the NDOC law library could be addressed without changing the language of the regulation through communication with the Parole Board and the NDOC.

The permanent regulation was issued on July 2, 2020 and on August 31, 2020, the Parole Board held a public meeting and unanimously voted to adopt the July 2, 2020 version of LCB File No. R066-20 as written.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Adverse effects: There are no known adverse economic effects of the proposed regulation to the Division or to the public.

(b) Beneficial effects: The beneficial economic effects of the proposed regulation are a possible decrease in incarceration costs by the Department of Corrections. There are no known beneficial economic effects of the proposed regulation on the public.

(c) Immediate effects: There are no known immediate economic effects to the Division or to the public.

(d) Long-term effects: There are no known long-term economic effects to the Division or to the public.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. 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 other state or government agency regulations that the proposed regulation duplicates.

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

There are no federal regulations that apply.

- 11. 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.**

This regulation does not provide a new fee or increase an existing fee.

EXHIBIT A

May 28, 2020 Workshop

NAME	TITLE/AGENCY IF APPLICABLE	CITY, STATE
Ariel Ashtamker	ACLU of NV	Las Vegas, NV
Katie Brady	Deputy Attorney General	Carson City, NV
Paul G. Corrado	Public	Carson City, NV
Nick Shepach	Public	Carson City, NV

August 31, 2020 Meeting

NAME	TITLE/AGENCY IF APPLICABLE	CITY, STATE
Katie Brady	Deputy Attorney General	Carson City, NV
Nathan Hastings	Deputy Attorney General	Carson City, NV

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