

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

LCB File No. R066-20

July 2, 2020

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

AUTHORITY: §§1-6, NRS 213.12155.

A REGULATION relating to parole; establishing provisions relating to geriatric parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes 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)

Section 5 of this regulation establishes the process by which a prisoner, or any person acting on behalf of the prisoner, may apply in writing for geriatric parole. **Section 5** of this regulation prescribes the information to be included in a form for application for geriatric parole. **Section 5** of this regulation also provides that the Board will make the form for application for geriatric parole available: (1) on its Internet website; and (2) upon written request to the Board, in paper copy.

Section 6 of this regulation provides that: (1) the Board will, within 15 days of receiving a form for application and any supporting documentation from a prisoner applying for geriatric parole, request verification from the Department of Corrections that the prisoner qualifies for geriatric parole; (2) if the Department verifies that the prisoner is eligible for geriatric parole, the Board will schedule a hearing for geriatric parole, and notify the prisoner, person acting on behalf of the prisoner, if applicable, and any victims and other interested persons, of the date, time and location of the geriatric parole hearing; and (3) if the Department verifies that the prisoner is not eligible for geriatric parole, the Board will notify the prisoner and the person acting on behalf of the prisoner, if applicable, that the prisoner does not qualify for geriatric

parole. **Sections 3 and 4** of this regulation define the terms “Board” and “Department” for the purposes of this regulation.

Section 1. Chapter 213 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Board” means the State Board of Parole Commissioners.*

Sec. 4. *“Department” means the Department of Corrections.*

Sec. 5. *1. A prisoner applying for geriatric parole pursuant to NRS 213.12155, or any person acting on behalf of the prisoner, must submit to the Board:*

(a) A written application, on a form prescribed by the Board; and

(b) Any supporting documentation required by the Board.

2. The form must include, without limitation:

(a) The name of the prisoner;

(b) The date of birth of the prisoner;

(c) The Department identification number of the prisoner;

(d) A list of any offenses for which the prisoner was convicted and the corresponding case numbers relating to those convictions;

(e) The reason that the prisoner is requesting geriatric parole; and

(f) The name, address and contact information of the person submitting the form.

3. The Board will provide the form, for completion of the written application:

(a) On the Internet website maintained by the Board; and

(b) Upon written request to the Board, in paper copy.

Sec. 6. 1. Not later than 15 days after receipt of the written application and any supporting documentation pursuant to section 5 of this regulation, the Board will request verification from the Department that the prisoner requesting geriatric parole meets the criteria set forth in subsection 1 of NRS 213.12155.

2. If the Department determines that the prisoner applying for geriatric parole:

(a) Meets the criteria set forth in subsection 1 of NRS 213.12155, the Board will:

(1) Schedule a hearing to consider the geriatric parole of the eligible prisoner whose name appears on the list prepared pursuant to NRS 209.254;

(2) Give notification of the date, time and location of the geriatric parole hearing to:

(I) The prisoner applying for geriatric parole;

(II) The person who submitted the application on behalf of the prisoner, if applicable; and

(III) Any victim or other interested person who requested notification from the Board.

(b) Does not meet the criteria set forth in subsection 1 of NRS 213.12155, the Board will notify the prisoner, and the person who submitted the application on behalf of the prisoner, if applicable, that the prisoner is not eligible for geriatric parole.