

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

LCB File No. R116-21

December 21, 2021

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

AUTHORITY: § 1, NRS 213.10885.

A REGULATION relating to parole; revising provisions relating to risk levels assigned to convicted persons being considered for parole; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Board of Parole Commissioners to adopt regulations setting forth specific standards to assist the Board in determining whether to grant or revoke the parole of a convicted person. The standards are required to be based upon objective criteria for determining the convicted person’s probability of success on parole. (NRS 213.10885)

Existing law requires the Department of Corrections to conduct, before a scheduled parole hearing of a prisoner who has been convicted of a sexual offense, an assessment of the prisoner to determine his or her risk to reoffend in a sexual manner using a currently accepted standard of assessment. (NRS 213.1214) Existing regulations provide that the Board will assign a certain risk level to each prisoner being considered for parole according to the level of risk that he or she will commit a felony if released on parole. If the prisoner has been convicted of a sexual offense and has been evaluated using a currently accepted standard of assessment to determine his or her risk to reoffend in a sexual manner, the Board will assign a risk level which is the higher of the risk level initially assigned by the Board and the risk level determined by such an evaluation. (NAC 213.514) This regulation instead provides that the Board will consider the risk assessment conducted by the Department when determining whether to grant parole.

Section 1. NAC 213.514 is hereby amended to read as follows:

213.514 1. The Board will assign to each prisoner who is being considered for parole a risk level of “high,” “moderate” or “low” according to the level of risk that the prisoner will commit a felony if released on parole.

2. To establish the risk level, the Board will conduct an objective risk assessment using a combination of risk factors that predict recidivism.

3. *The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding whether to grant parole in the manner set forth in NAC 213.516.*

4. If a prisoner has ever been convicted of a sexual offense and has been evaluated using a currently accepted standard of assessment to determine the risk that the prisoner will commit another sexual offense if released on parole ~~{}~~ *in accordance with NRS 213.1214*, the Board will ~~{assign a}~~ *consider the* risk ~~{level to the prisoner which is the higher of the risk level assigned}~~ *assessment conducted by the Department of Corrections* pursuant to ~~{this section and the risk level determined by such an evaluation.~~

~~—4.—~~ ~~The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding}~~ *NRS 213.1214 when determining* whether to grant parole . ~~{in the manner set forth in NAC 213.516.~~

~~—5.—~~ As used in this ~~{section,}~~ *subsection*, “sexual offense” has the meaning ascribed to it in NRS 213.1214.