

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

**NOTICE OF INTENT TO ACT UPON REGULATIONS**

The Nevada Board of Parole Commissioners will hold a public hearing at 1:30 p.m. on Friday, June 19, 1998, at the Office of the Attorney General, 100 North Carson Ct., Carson City, Nevada 89710. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 213 of the Nevada Administrative Code.

**STATEMENT OF NEED AND PURPOSE FOR PROPOSED AMENDMENTS**

Bi-annual review and revision of the Parole Board's regulations is required pursuant to NRS 213.10885.

**SUBJECTS AND ISSUES TO BE ADDRESSED**

The Parole Board will consider and act upon proposed amendments to Chapter 213 of the Nevada Administrative Code, sections 213.510, 213.530, 213.540, 213.550 and 213.560, which provisions set forth: (1) the recommended minimum periods of imprisonment for felony offenders; (2) procedures for requesting a review of an offender's recommended period of imprisonment; (3) considerations regarding revocation of parole; and (4) considerations utilized by the board when deviating from the recommended period of imprisonment.

**ESTIMATED FINANCIAL IMPACT:**

Public Financial Impact: The Parole Board estimates that the proposed amendments to its regulations will have no financial impact upon the public. This is due to the fact that, under the proposed amendments to the board's regulations, longer minimum periods of imprisonment will be recommended for offenders convicted of category A felony offenses, and shorter minimum periods of confinement will be recommended for category B felony offenses that carry 10 and 15-year maximum terms. It is anticipated that these impacts will offset each other in both the long and short term.

Business Impact: The Parole Board estimates that the proposed amendments to its regulations will have no financial impact in the long or short term upon either the Nevada Department of prisons or the Division of Parole and Probation, for the same reasons set forth above.

Estimated Cost of Enforcement: Because the Parole Board already evaluates offenders eligible for parole consideration under existing standards adopted pursuant to NRS 213.10885, enforcement of the Parole Board's proposed amendments to its regulations will result in no additional expenditures by the parole board.

### **LOCAL, STATE OR FEDERAL REGULATIONS THAT ARE IMPACTED OR DUPLICATED BY THE PAROLE BOARD'S REGULATIONS**

The Parole Board's proposed amendments to its standards for release on or revocation of parole do not impact or duplicate any local, state or federal regulations.

### **FEES**

The proposed amendments to the Parole Board's standards do not establish any fees and do not impact any existing fees.

### **PUBLIC COMMENT**

Persons wishing to comment upon the proposed action of the Parole Board may appear at the public hearing or may address their comments, data, views or arguments, in written form, to:

Nevada Board of Parole Commissioners  
1445 Hot Springs Rd., Suite 108-B  
Carson City., NV 89711

Written submissions must be received by the Parole Board at its Carson City office on or before Friday, June 12, 1998. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the parole board may proceed immediately to act upon any written submission.

### **COPYING AND INSPECTION**

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of this notice and the regulations to be amended will be available at either of the Parole Board's offices in Carson City and Clark County (1445 Hot Springs Rd., Suite 108-B, Carson City, Nevada and 2601 E. Sahara Ave., Las Vegas, Nevada), and in all counties in which an office of the Parole Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

CARSON CITY: Parole Board office, 1445 Hot Springs Road, Suite 108-B; Attorney General's office, 100 S. Carson Street; Carson City Court House, 198 N. Carson Street; Carson City Library, 900 N. Roop Street. LAS VEGAS: Parole Board office, 2601 E. Sahara Avenue; Attorney General's office, 555 E. Washington Avenue; Parole & Probation, 215 E. Bonanza Rd.; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference Section, 833 Las Vegas Blvd.

Dated: MAY 19, 1998

Persons with disabilities who require special accommodations or assistance at the public hearing should notify Susan McCurdy, Executive Secretary, Board of Parole Commissioners, 1445 Hot Springs Rd., Suite 108-B, Carson City, NV 89711, or call (702) 687-5049, or fax (702) 687-6736.

## **NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS**

The Nevada Board of Parole Commissioners is proposing the amendment of regulations pertaining to Chapter 213 of the Nevada Administrative Code. A workshop has been set for 10:00 a.m., on Friday, June 19, 1998, at the Office of the Attorney General, 100 North Carson Ct., Carson City, Nevada 89710. The purpose of the workshop is to solicit comments from interested persons on the following general topics that are addressed in the proposed amended regulations:

The minimum periods of imprisonment recommended for felony offenders.  
The various considerations of the Parole Board when deviating from minimum periods of imprisonment that are suggested under the board's regulations.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Parole Board at its Carson City office: 1445 Hot Springs Rd., Suite 108-B, Carson City, NV 89711, (702) 687-5049, or at its Las Vegas office: 2601 E. Sahara Ave. (702) 486-4370.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

CARSON CITY: Parole Board office, 1445 Hot Springs Road, Suite 108-B; Attorney General's office, 100 N. Carson Street; Carson City Court House, 198 N. Carson Street; Carson City Library, 900 N. Roop Street. LAS VEGAS: Parole Board office, 2601 E. Sahara Avenue; Attorney General's office, 555 E. Washington Avenue; Parole & Probation, 215 E. Bonanza Rd.; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference Section, 833 Las Vegas Blvd.

Dated: MAY 19, 1998

Persons with disabilities who require special accommodations or assistance at the workshop should notify Susan McCurdy, Executive Secretary, Board of Parole Commissioners, 1445 Hot Springs Rd., Suite 108-B, Carson City, NV 89711, or call (702) 687-5049, or fax (702) 687-6736.

## LCB File No. R080-98

### PROPOSED AMENDMENTS TO PAROLE BOARD STANDARDS FOR RELEASE ON OR REVOCATION OF PAROLE

Bracketed material to be deleted; underlined material to be added.

#### Reviser's Note.

The provisions of NAC 213.500 to 213.560, inclusive, were originally adopted by the state board of parole commissioners on May 1, 1990. Pursuant to ch. 790, Stats. 1989, those provisions became effective 10 days after that date.

**213.500 "Board" defined.** As used in NAC 213.510 to 213.560, inclusive, unless the context otherwise requires, "board" means the state board of parole commissioners.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90)

#### **213.510 Considerations regarding granting of parole: Severity of crime.**

1. In determining whether to grant parole to a convicted person, the board will consider the severity of the crime for which the conviction was had.

2. If a person has been convicted of more than one crime, the board will consider the severity of his most serious crime.

3. For the purposes of this section, the board may use the following table to assist it in determining the severity of a crime:

A 1: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum 20 years have been served.

[A+]

A 2: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 15 years [or more has] have been served.

[A-]

A 3: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of [less than 15] 10 years [has] have been served.

A 4: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 5 years have been served.

[B+]

B 1: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is [more than 6] 20 years.

B 2: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is 15 years.

B 3: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is 10 years.

[B-]

B 4: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is [not more than] 6 years

C A crime classified as a category C felony pursuant to paragraph (c) of subsection 2 of NRS 193.130

D A crime classified as a category D felony pursuant to paragraph (d) of subsection 2 of NRS 193.130

E A crime classified as a category E felony pursuant to paragraph (e) of subsection 2 of NRS 193.130

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

**213.520 Considerations regarding granting of parole: Probability of successful**

**completion.** In determining whether to grant parole to a convicted person, the board may consider the probability that he will complete parole successfully. In assessing that probability, the board may consider, with limitation, the following standards:

1. The number of prior convictions sustained by the person, both as a juvenile and as an adult;
2. The number of prior criminal charges brought against the person, including any charge dismissed as the result of a plea negotiation;
3. The number of occasions, including the present offense, on which the person has been incarcerated;
4. Any previous failure by the person to complete probation or parole;
5. Whether the person has a history of drug or alcohol abuse;
6. Whether the person was a full-time student, was receiving disability benefits from the Social Security Administration or the state industrial insurance system or was fully employed, for at least 6 months during the year preceding the present offense;
7. The extent of injury or loss suffered by the victim of the present offense;
8. Whether a weapon was used, threatened to be used, displayed or possessed in the commission of the present offense;
9. The number of times disciplinary action was taken against the person while incarcerated and the nature and circumstances of each infraction for which disciplinary action was taken;
10. The nature and duration of any educational, occupational or other programming successfully completed by the person while incarcerated;
11. The length of time the person has been incarcerated for the present offense;

12. Whether the present offense was a sexual offense involving the use or threatened use of force or violence; and

13. Any other factors that indicate whether the person poses a threat to society or to himself.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

**213.530 Considerations regarding granting of parole: Minimum periods of imprisonment.** Giving consideration to the severity of the crime for which a person has been convicted and the probability that he will complete parole successfully, the board may grant parole to the convicted person after he has served the period of imprisonment set forth in the following table:

Crime Severity Level	Excellent	Good	Average	Poor	Very Poor
	0-10	11-20	21-30	31-40	41+
	Minimum Period of Imprisonment (Months)				
[A+	180-210	210-240	240-270	270-300	300-360
A-	60-96	96-132	132-168	168-204	204-240
B+	24-36	36-60	60-84	84-108	108-Expiration
B-	12-18	18-24	24-30	30-36	Expiration]
A1	240-276	276-312	312-348	348-384	384-420
A2	180-216	216-252	252-288	288-324	324-360
A3	120-150	150-180	180-210	210-240	240-270
A4	60-84	84-108	108-132	132-156	156-180
B1	24-48	48-72	72-108	108-144	Expiration
B2	18-30	30-48	48-66	66-84	Expiration
B3	12-24	24-36	36-48	48-60	Expiration
B4	12-18	18-24	24-30	30-36	Expiration
C	12-16	16-20	20-24	24-28	Expiration
D	12-15	15-18	18-21	21-24	Expiration
E	12-15	15-18	18-21	21-24	Expiration

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

**213.540 Considerations regarding granting of parole: Requests for recomputation.**

1. Any convicted person who believes that the board has:

- (a) Miscalculated the severity of the crime for which he was convicted; or
- (b) Misapplied any factor set forth in NAC 213.520,

may submit a request for recomputation to [the chairman of] the board.

2. A request submitted pursuant to this section must be sent to the board within 30 days after its hearing of the matter. The request must be sent to: [Chairman,] State Board of Parole Commissioners, 1445, Hot Springs Road, Suite 108 B, [Capitol Complex,] Carson City, Nevada 89710.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

**213.550 Considerations regarding revocation of parole.** In determining whether to revoke the parole of a person for a violation of his parole, the board may consider whether the person has, while on parole:

- 1. Been convicted of any crime committed after his release and, if so, whether the crime involved

the use of a weapon or resulted in injury or substantial harm to the victim;

2. Engaged in a pattern of behavior similar to that which resulted in his imprisonment;
3. Used drugs or alcohol and whether confinement for counseling or classification is [required]

advisable;

4. Demonstrated an unwillingness to conform to the expectations and requirements of parole; or
5. Engaged in any other conduct that makes him a danger to the community and indicates a need

for further treatment in a controlled environment.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90 A 7-19-96)

### **213.560 Use of and deviation from standards.**

1. The standards contained in NAC 213.510 to 213.550, inclusive, may be considered by the board in determining whether to grant, deny, continue or revoke parole, but nothing contained in those sections shall be construed to restrict the authority of the board to:

(a) Deny or revoke parole in any case in which application of the standards indicates that parole should be granted or continued; or

(b) Grant or continue parole in any case in which application of the standards indicates that parole should be denied or revoked,

if the decision of the board is otherwise authorized by the provisions of chapter 213 of NRS.

2. The board may deviate from the standards contained in NAC 213.510 to 213.550, inclusive, based upon:

(a) The seriousness of the offense committed by the convicted person;

(b) The prior record of criminal activity of that person;

(c) The conduct of the person during his imprisonment;

(d) Recommendations received by the board from the judge before whom the person was convicted, the prosecuting attorney, a law enforcement agency, the victim, any officer or employee of the department of prisons who is familiar with the person or any other person who has an interest in the proceedings; [or]

(e) The supervision history of that person;

(f) The factors involved in the crime (use of a weapon, injury to victim, financial loss to victim);

(g) Failure to attain certification by a psychological screening panel;

(h) The need for further evaluation;

(i) The opinion of the Parole Board that continued confinement of the convicted person is necessary to protect the public from further criminal activity;

(j) Positive prison programming;

(k) Lack of a criminal record;

(l) Stable release plans;

(m) The youth of the offender in conjunction with no juvenile record;

(n) Parole to another jurisdiction for deportation or prosecution; or

(o) Any other circumstances the board deems appropriate.

3. For statistical purposes only, the board will maintain a written record of any case in which its decision conflicts with the standards contained in NAC 213.510 to 213.550, inclusive.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)