

**ADOPTED REGULATION OF THE  
DIVISION OF PAROLE AND PROBATION OF THE  
DEPARTMENT OF MOTOR VEHICLES AND PUBLIC SAFETY**

**LCB File No. R111-00**

Effective January 10, 2001

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

AUTHORITY: §§1, 2 and 3, NRS 213.1076.

**Section 1.** NAC 213.230 is hereby amended to read as follows:

213.230 Each parolee or probationer shall, during the term of his parole or probation, pay a monthly fee of ~~[\$20]~~ *\$30* to the division of parole and probation of the department of motor vehicles and public safety to help defray the cost of his supervision unless he receives a waiver as provided in ~~[NAC 213.240.]~~ *subsection 2 of NRS 213.1076.*

**Sec. 2.** NAC 213.270 is hereby amended to read as follows:

213.270 1. ~~[All checks or money orders to be used for payment of the fees]~~ *A check or money order written to pay the fee set forth in NAC 213.230* must be made payable to the “Division of Parole and Probation.”

2. ~~[The fees are]~~ *A check or money order written to pay for the use of any equipment required by the division of parole and probation of the department of motor vehicles and public safety for the surveillance of a parolee or probationer under supervision by the division must be made payable to the provider of the equipment that is approved by the division.*

3. *A fee required to be paid pursuant to NAC 213.230 or an amount required to be paid pursuant to subsection 2 is* not payable in cash.

~~[3.]~~ 4. Upon request by a parolee or probationer, the division will furnish him a statement of his account for payments of fees and any amounts due.

Sec. 3. NAC 213.240 is hereby repealed.

---

---

**TEXT OF REPEALED SECTION**

---

---

**213.240 Waiver based on economic hardship.**

1. To determine whether payment of the fee to defray the costs of supervision creates an economic hardship on the parolee or probationer, the chief parole and probation officer will consider:

(a) The length of incarceration of the probationer as a condition of his probation.

(b) The length of participation of the parolee or probationer in a residential treatment program if he is not allowed to work or otherwise earn income.

(c) A verifiable handicap of the parolee or probationer which limits or prohibits him from earning any income if he has no assets from which to draw payments.

(d) Whether the income of the parolee or probationer is below the amount corresponding to the number of persons in his household as shown in the following table:

NUMBER OF PERSONS IN HOUSEHOLD	ANNUAL INCOME	MONTHLY INCOME
-----------------------------------	---------------	-------------------

1	\$5,500	\$458.33
2	7,400	616.66
3	9,300	775.00
4	11,200	933.33
5	13,100	1,091.66
6	15,000	1,250.00

FLUSH If a parolee or probationer has more than six members in his household, for each additional person there will be added \$1,900 to the annual income and \$163 to the monthly income set forth in the table for six members in the household.

2. If a parolee or probationer seeks a waiver under this section based on his income, he must provide complete documentation of the level of his income and the number of members in his household for the period to be covered by the waiver.

**LCB File No. R111-00**

**NOTICE OF ADOPTION OF REGULATIONS**

WRITER'S DIRECT DIAL  
(775) 684-1249

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL

Fax (775) 684-1275

**MEMORANDUM**

**VIA E-MAIL**

*Date:* February 5, 2004

*To:* Mary Bennett, Secretary to Legislative Counsel  
Legislative Counsel Bureau  
Bennett@lcb.state.nv.us

*From:* Joe Ward, Jr., Senior Deputy Attorney General  
Litigation Division - Carson City

*Subject:* *LCB File No. R111-00*

---

Regarding the regulation changes made by the Division of Parole and Probation of the Department of Motor Vehicles & Public Safety (P&P), there were no changes made to the final version approved by the Legislative Counsel Bureau (LCB). This final version is contained in LCB File No. R111-00, accessible on the Internet at <http://www.leg.state.nv.us>.

Please contact me if you have any additional questions, or wish to discuss this matter further.

JW:pks

c:\files\ward\nac regulations\bennett mmo re r111-00.doc

**On November 20, 2000, the Department of Motor Vehicles & Public Safety's Division of Parole & Probation adopted amendments to Nevada Administrative Code (NAC) 213.230 and NAC 213.270 and repealed NAC 213.240.**

## LCB File No. R111-00

### INFORMATIONAL STATEMENT

---

## Informational Statement

---

1. 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:

The Department of Motor Vehicles & Public Safety's Division of Parole & Probation (hereinafter "P&P") duly posted notices for workshops conducted on March 6, 2000 and September 25, 2000. P&P also duly posted a "Notice of Intent to Amend Regulations and Repeal a Regulation" and adopted the changes reflected therein and in LCB File No. R111-00. There was absolutely no public response or input at the workshops or the hearing amending the regulations and repealing a regulation. Interested persons may obtain a copy of the summary of the subject regulation changes by viewing the text of these changes at the State of Nevada Register of Administrative Regulations on the Internet at <http://www.leg.state.nv.us> or by calling counsel for P&P at (775) 684-1249.

2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation:

Other than P&P and its counsel, no person attended the workshops or meeting to adopt the subject regulatory changes. No person testified. No written statements were submitted. P&P and its counsel had nothing to add that was not contained in the posted notices, which reflect the regulation changes.

3. 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:

The posting of the notices, as addressed in item #1 above was the method used to solicit comment. There is no economic effect and businesses will not be affected. Please see Response to item #1 as to how persons may obtain a summary of the subject regulatory changes.

4. If the regulation was adopted without changing any part of the proposed

regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed:

The Legislative Counsel Bureau (LCB) made a change to NAC 213.270. That change was welcomed and accepted by P&P. Initially, P&P was going to amend subsection 1 of this regulation to provide that all checks or money orders to be used for payment of the fees be made payable to the "Division of Parole and Probation or the service provider recognized and identified by the Division of Parole & Probation." LCB suggested that this be broken into three subsections to read as follows:

NAC 213.270

1. [All checks or money orders to be used for payment of the fees] *A check or money order written to pay the fee set forth in NAC 213.230 must be made payable to the "Division of Parole and Probation."*

2. [The fees are] *A check or money order written to pay for the use of any equipment required by the division of parole and probation of the department of motor vehicles and public safety for the surveillance of a parolee or probationer under supervision by the division must be made payable to the provider of the equipment that is approved by the division.*

3. *A fee required to be paid pursuant to NAC 213.230 or an amount required to be paid pursuant to subsection 2 is not payable in cash.*

The reason for this revision was that P&P specifically wanted to address the providers of electronic surveillance equipment approved by P&P.

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

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects;

No economic effect. The changes are housekeeping in nature and reflect the statutory requirement that P&P supervision fees be at least \$30.00 per month.

6. The estimated cost to the agency for enforcement of the proposed regulation:

There will be no cost to P&P with respect to the regulation changes.

7. 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:

Not applicable.

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

Not applicable.

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

As stated in response to item #6, state law requires P&P's supervision fees be at least \$30.00. The augmenting regulations reflect this. P&P anticipates collecting \$230,000.00 per month in supervision fees and that money will be used in accordance with NRS 213.1076 to defray the costs of supervision offenders on probation and parole.