

LCB File No. R111-00

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

**NOTICE OF INTENT TO AMEND REGULATIONS
AND REPEAL A REGULATION**

**Notice of Hearing for the Amendment of Regulations and the Repeal of a Regulation of the
Department of Motor Vehicles and Public Safety's Division of Parole and Probation
Contained at Chapter 213 of the Nevada Administrative Code**

The Department of Motor Vehicles and Public Safety's Division of Parole and Probation (Division), hereby gives notice, pursuant to Nevada Revised Statute (NRS) 233B.060(1), of its intent to amend certain regulations contained in the Nevada Administrative Code (NAC). The Division will hold a public hearing at 8:30 a.m., on November 20, 2000, at 1445 Hot Springs Road, Suite # 104, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the Amendments of NAC 213.230 and 213.270, and the repeal of NAC 213.240.

NEED FOR AND PURPOSE:

Nevada Revised Statute (NRS) 213.1076 (1)(b) requires the Department of Motor Vehicles and Public Safety's Division of Parole and Probation (Division) to adopt a regulation providing for a monthly fee of at least \$30. Therefore, Nevada Administrative Code (NAC) 213.230 should be changed to reflect the monthly supervision fee required by NRS 213.1076(1)(b).

There is no provision in NRS 213.1076 or other Nevada statute that requires a regulation addressing the Division Chief's role in determining economic hardship. Thus, NAC 213.240 may be deleted.

To facilitate the use of service providers, other than the Division, NAC 213.270 should be amended to allow for payments to be made by the offender directly to the service provider recognized by the Division.

TEXT OF PROPOSED AMENDMENTS:

NAC Chapter 213 would be amended to read as follows. The matter in *italics* is new and the matter in brackets [] is material to be omitted.

AUTHORITY: NRS 213.1076.

Section 1. NAC 213.230 is hereby amended as follows:

NAC 213.230 Fee required; amount; exception. 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 213.240 is hereby deleted in its entirety as follows:

~~**[NAC 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.~~

| NUMBER OF PERSONS IN HOUSEHOLD | ANNUAL INCOME | MONTHLY INCOME |
|---|--------------------------|---------------------------|
| 1 | \$ 5,500.00 | \$ 458.33 |
| 2 | 7,400.00 | 616.66 |
| 3 | 9,300.00 | 775.00 |
| 4 | 11,200.00 | 933.33 |
| 5 | 13,100.00 | 1,091.00 |
| 6 | 15,000.00 | 1,250.00 |

~~If a parolee or probationer has more than six members in his household, for each additional person there will be added \$1,900.00 to the annual income and \$163.00 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.]~~

Sec. 3. NAC 213.270 is hereby amended as follows:

NAC 213.270 Form of payment; statement of account.

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.

ESTIMATED ECONOMIC EFFECT:

There would be no economic effect. The changes would properly augment existing statutes.

ESTIMATED COST TO DIVISION FOR ENFORCING PROPOSED AMENDED REGULATIONS:

There would be no additional cost to the Division for enforcing the regulations as amended.

OVERLAPPING:

The regulations, as amended and repealed, would not result in overlapping or duplication of any other state, local or federal regulation. The proposed amendment and repeal is not required pursuant to federal law and would not result in provisions more stringent than any contained in federal regulations that address supervision fees.

NEW OR INCREASED FEE:

The regulations, as amended and repealed, would properly augment existing law found at NRS 213.1076, which requires that the Division’s supervision fees be \$30 per month per supervised offender.

PLACE, TIME AND DATE OF MEETING:

Persons wishing to comment upon the proposed action of the Division may appear at the scheduled public hearing on the amendment of the regulations and repeal of regulation referred to herein or may address their comments, data, views, or arguments, in written form, to the Acting Chief or Deputy Chief of the Division of Parole & Probation, 1445 Hot Springs Road, Suite # 104, Carson City, Nevada 89706. Written submissions must be received by the Division

on or before 8:30 a.m., November 20, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this NOTICE, which contains the proposed regulatory changes, 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 will be available at the Division at 1445 Hot Springs Road, Suite # 104, Carson City, Nevada 89706, and at the Division at 215 East Bonanza Road, Las Vegas, Nevada 89101, and in all counties in which an office of the agency 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 regulatory changes 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 containing the proposed regulatory changes will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

PRINCIPAL REASONS FOR AND AGAINST ADOPTION:

NRS 233B.064(2) provides: “Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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 intent to amend regulations and repeal a regulation has been posted at the following locations: CARSON CITY: Parole Board office, 1445 Hot Springs Road, Suite # 104 and Suite 108-B; Attorney General’s office, 100 N. Carson Street; Carson City Court House, 885 E. Musser St.; 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 office, 215 E. Bonanza Road; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference section, 833 Las Vegas Blvd.

NOTICE OF WORKSHOP REGARDING PROPOSAL TO AMEND REGULATIONS AND REPEAL A REGULATION

Notice of Workshop regarding Amendment of Regulations and the Repeal of a Regulation of the Department of Motor Vehicles and Public Safety's Division of Parole and Probation Contained at Chapter 213 of the Nevada Administrative Code

The Department of Motor Vehicles and Public Safety's Division of Parole and Probation (Division), hereby gives notice, pursuant to Nevada Revised Statute (NRS) 233B.061(2), of its intent to amend certain regulations contained in the Nevada Administrative Code (NAC). The Division will hold a public workshop at 8:30 a.m., on September 25, 2000, at 1445 Hot Springs Road, Suite # 104, Carson City, Nevada. The purpose of the workshop is to receive comments from all interested persons regarding the Amendments of NAC 213.230 and 213.270, and the repeal of NAC 213.240.

NEED FOR AND PURPOSE:

Nevada Revised Statute (NRS) 213.1076 (1)(b) requires the Department of Motor Vehicles and Public Safety's Division of Parole and Probation (Division) to adopt a regulation providing for a monthly fee of at least \$30. Therefore, Nevada Administrative Code (NAC) 213.230 should be changed to reflect the monthly supervision fee required by NRS 213.1076(1)(b).

There is no provision in NRS 213.1076 or other Nevada statute that requires a regulation addressing the Division Chief's role in determining economic hardship. Thus, NAC 213.240 may be deleted.

To facilitate the use of service providers, other than the Division, NAC 213.270 should be amended to allow for payments to be made by the offender directly to the service provider recognized by the Division.

TEXT OF PROPOSED AMENDMENTS:

NAC Chapter 213 would be amended to read as follows. The matter in *italics* is new and the matter in brackets ~~{}~~ is material to be omitted.

AUTHORITY: NRS 213.1076.

Section 1. NAC 213.230 is hereby amended as follows:

NAC 213.230 Fee required; amount; exception. 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 213.240 is hereby deleted in its entirety as follows:

~~**NAC 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.~~

| NUMBER OF PERSONS IN HOUSEHOLD | ANNUAL INCOME | MONTHLY INCOME |
|---|--------------------------|---------------------------|
| 1 | \$ 5,500.00 | \$ 458.33 |
| 2 | 7,400.00 | 616.66 |
| 3 | 9,300.00 | 775.00 |
| 4 | 11,200.00 | 933.33 |
| 5 | 13,100.00 | 1,091.00 |
| 6 | 15,000.00 | 1,250.00 |

~~If a parolee or probationer has more than six members in his household, for each additional person there will be added \$1,900.00 to the annual income and \$163.00 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.]~~

Sec. 3. NAC 213.270 is hereby amended as follows:

NAC 213.270 Form of payment; statement of account.

- ~~[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."
- ~~[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.

ESTIMATED ECONOMIC EFFECT:

There would be no economic effect. The changes would properly augment existing statutes.

ESTIMATED COST TO DIVISION FOR ENFORCING PROPOSED AMENDED REGULATIONS:

There would be no additional cost to the Division for enforcing the regulations as amended.

OVERLAPPING:

The regulations, as amended and repealed, would not result in overlapping or duplication of any other state, local or federal regulation. The proposed amendment and repeal is not required pursuant to federal law and would not result in provisions more stringent than any contained in federal regulations that address supervision fees.

NEW OR INCREASED FEE:

The regulations, as amended and repealed, would properly augment existing law found at NRS 213.1076, which requires that the Division's supervision fees be \$30 per month per supervised offender.

PLACE, TIME AND DATE OF MEETING:

Persons wishing to comment upon the proposed action of the Division may appear at the scheduled public workshop or may address their comments, data, views, or arguments, in written form, to the Acting Chief or Deputy Chief of the Division of Parole & Probation, 1445 Hot Springs Road, Suite # 104, Carson City, Nevada 89706. Written submissions must be received by the Division on or before 8:30 a.m., September 25, 2000. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this NOTICE, which contains the proposed regulatory changes, 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 will be available at the Division at 1445 Hot Springs Road, Suite # 104, Carson City, Nevada 89706, and at the Division at (LV address—Bonanza Rd), and in all counties in which an office of the agency 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 regulatory changes 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 containing the proposed regulatory changes will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

PRINCIPAL REASONS FOR AND AGAINST ADOPTION:

NRS 233B.064(2) provides: “Upon adoption of any regulation, the agency, if requested to do so by an interested person, either prior to 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 workshop has been posted at the following locations: CARSON CITY: Parole Board office, 1445 Hot Springs Road, Suite # 104 and Suite 108-B; Attorney General’s office, 100 N. Carson Street; Carson City Court House, 885 E. Musser St.; 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 office, 215 E. Bonanza Road; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference section, 833 Las Vegas Blvd.

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

LCB File No. R111-00

EXPLANATION:

Nevada Revised Statute (NRS) 213.1076 (1)(b) requires the Department of Motor Vehicles and Public Safety's Division of Parole and Probation (Division) to adopt a regulation providing for a monthly fee of at least \$30. Therefore, NAC 213.230 should be changed to reflect the monthly supervision fee required by NRS 213.1076.

There is no provision in NRS 213.1076 or other Nevada statute that requires a regulation addressing the Division Chief's role in determining economic hardship. Thus, NAC 213.240 may be deleted.

Finally, to facilitate the use of service providers, other than the Division, NAC 213.270 should be amended to allow for payments to be made by the offender directly to the service provider recognized by the Division.

Accordingly, Chapter 213 of NAC is hereby amended to read as follows. The matter in *italics* is new and the matter in brackets ~~[]~~ is material to be omitted.

AUTHORITY: NRS 213.1076.

Section 1. NAC 213.230 is hereby amended as follows:

NAC 213.230 Fee required; amount; exception. Each parolee or probationer shall, during the term of his parole or probation, pay a monthly fee of ~~[\$20]~~ *an amount that is at least equal to the sum reflected at NRS 213.1076, or any other statute requiring the payment of division supervision fees*, 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 *subsection 2 of NRS 213.1076.* ~~[NAC 213.240.]~~

Sec. 2. NAC 213.240 is hereby deleted in its entirety as follows:

~~[NAC 213.240 Waiver based on economic hardship.~~

~~1. To determine whether payment of the fee to defray the costs of super vision (pamela--see hard copy and type in the rest of reg here) ...~~

~~—(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.~~

| NUMBER OF PERSONS IN HOUSEHOLD | ANNUAL INCOME | MONTHLY INCOME |
|---|--------------------------|---------------------------|
| 1 | \$ 5,500.00 | \$ 458.33 |
| 2 | 7,400.00 | 616.66 |
| 3 | 9,300.00 | 775.00 |
| 4 | 11,200.00 | 933.33 |
| 5 | 13,100.00 | 1,091.00 |
| 6 | 15,000.00 | 1,250.00 |

~~If a parolee or probationer has more than six members in his household, for each additional person there will be added \$1,900.00 to the annual income and \$163.00 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.]~~

Sec. 3. NAC 213.270 is hereby amended as follows:

NAC 213.270 Form of payment; statement of account.

1. All checks or money orders to be used for payment of the fees must be made payable to the “Division of Parole and Probation~~[-]~~” *or the service provider recognized and identified by the Division of Parole and Probation.*

2. The fees are not payable in cash.

3. 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.