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NEVADA BOARD OF PAROLE COMMISSIONERS

December 26, 2013

Brenda Erdoes, Legislative Counsel
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Subject: Ten Year Review of Regulations per NRS 233B.050(e)


The Board is required to review its regulations at least once every ten years to determine if to determine whether it should amend or repeal any of the regulations.

The Board held a public meeting on December 17, 2013 where it decided it was not necessary to amend or repeal any regulations.

The Board also decided that it will adopt a regulation for NRS 213.632 after obtaining additional information from the Nevada Department of Corrections about new correctional programs that may soon be introduced.

Please do not hesitate to contact me should you have any additional questions. I may be reached at cbisbee@parole.nv.gov or (775) 687-5049.

Sincerely,


Connie S. Bisbee, Chairman
Nevada Board of Parole Commissioners

cc.: Members of the Board

TABLE OF CONTENTS

Requirement for a Ten-Year Review of Regulations. NRS 233B.050.....	3
Summary of NRS Sections and Relevant NAC Sections	4

Requirement for a Ten-Year Review of Regulations. NRS 233B.050

Rules of practice; public inspection of regulations, orders, decisions and opinions; review of rules of practice and regulations; validity.

1. In addition to other regulation-making requirements imposed by law, each agency shall:

(a) Adopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, including a description of all forms and instructions used by the agency.

(b) Make available for public inspection all rules of practice and regulations adopted or used by the agency in the discharge of its functions and that part of the Nevada Administrative Code which contains its regulations.

(c) Make available for public inspection all final orders, decisions and opinions except those expressly made confidential or privileged by statute.

(d) Review its rules of practice at least once every 3 years and file with the Secretary of State a statement setting forth the date on which the most recent review of those rules was completed and describing any revisions made as a result of the review.

(e) Review its regulations at least once every 10 years to determine whether it should amend or repeal any of the regulations. Within 30 days after completion of the review, the agency shall submit a report to the Legislative Counsel for distribution to the next regular session of the Legislature. The report must include the date on which the agency completed its review of the regulations and describe any regulation that must be amended or repealed as a result of the review.

2. A regulation, rule, final order or decision of an agency is not valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been made available for public inspection as required in this section, except that this provision does not apply in favor of any person or party who has actual knowledge thereof.

(Added to NRS by 1965, 963; A 1977, 1386; 1979, 972; 1995, 129; 1997, 184; 1999, 2203)

Summary of NRS Sections and Relevant NAC Sections

NRS 213.10885 - Board to adopt standards for granting or revocation of parole; sample form regarding probability of success on parole to be made available to public; review of effectiveness of standards; report to Legislature.

1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

- (a) Who committed a capital offense.
- (b) Who was sentenced to serve a term of imprisonment for life.
- (c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.
- (d) Who was convicted as a habitual criminal.
- (e) Who is a repeat offender.
- (f) Who was convicted of any other type of offense.

The standards must be based upon objective criteria for determining the person's probability of success on parole.

The regulations adopted pursuant to this section are *NACs 213.512, 213.514, 213.516, 213.518, 213.522, 213.524, 213.526, 213.532, 213.550 and 213.560.*

The Board decided that it is not necessary to amend or repeal any of these regulations.

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NRS 213.110 - Regulations regarding parole; suspension of parole to permit induction into military service.

1. Subject to the provisions of NRS 213.120, the Board shall establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in the state prison, or in another jurisdiction as provided in NRS 176.045, may be allowed to go upon parole outside of the buildings or enclosures, but to remain, while on parole, in the legal custody and under the control of the Board and subject at any time to be taken within the enclosure of the state prison.

The regulations adopted pursuant to this section are: *NACs 213.495, 213.500, 213.502, 213.504, 213.506, 213.512, 213.514, 213.522, 213.532, 213.534, 213.536, 213.545 and 213.560.*

The Board decided that it is not necessary to amend or repeal any of these regulations.

NRS 213.1214 - Evaluation of prisoners by panel before grant or continuation of parole; panel to adopt standards of assessment; immunity; regulations; duties of panel; conduct of meetings of panel.

9. The Board may adopt by regulation the manner in which the Board will consider an evaluation prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

The regulation adopted pursuant to this section is: *NAC 213.532*.

The Board decided that it is not necessary to amend or repeal our regulation.

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NRS 213.1243 - Release of sex offender: Program of lifetime supervision; required conditions of lifetime supervision; penalties for violation of conditions; exception to conditions.

1. The Board shall establish by regulation a program of lifetime supervision of sex offenders to commence after any period of probation or any term of imprisonment and any period of release on parole. The program must provide for the lifetime supervision of sex offenders by parole and probation officers.

The regulation adopted pursuant to this section is: *NAC 213.290*.

The Board decided that it is not necessary to amend or repeal our regulation.

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NRS 213.133 - Delegation of Board's authority to hear and act upon parole of prisoner and issues before Board; recommendations for prisoner's release on parole without meeting of Board under certain circumstances.

5. The Board shall adopt regulations which establish the basic types of delegable cases and the size of the panel required for each type of case.

The regulations adopted pursuant to this section are: *NACs 213.290, 213.532 and 213.565*.

The Board decided that it is not necessary to amend or repeal any of these regulations.

NRS 213.140 - Board to consider parole of eligible prisoner; release may be authorized whether or not prisoner accepts parole; duties of Division when parole is authorized; adoption of regulations.

2. The Board may adopt any regulations necessary or convenient to carry out this section.

The regulations adopted pursuant to this section are *NA Cs* 213.512, 213.514, 213.516, 213.518, 213.522, 213.524, 213.526, 213.532, 213.534, 213.536, 213.545, 213.550 and 213.560

The Board decided that it is not necessary to amend or repeal any of these regulations.

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NRS 213.155 - Restoration of civil rights after honorable discharge from parole; limitations.

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

The Board has not adopted any regulations with regard to NRS 213.155.

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NRS 213.625 - Judicial program: Referral of offender to reentry court; requirement of participating in program as condition of parole; powers and duties of Board.

5. The Board shall adopt regulations requiring persons who are ordered to participate in and complete a judicial program pursuant to this section to reimburse the reentry court and the Division for the cost of their participation in a judicial program, to the extent of their ability to pay.

The regulations adopted pursuant to this section are *NACs*: 213.650, 213.660, 213.670, 213.680, 213.690, and 213.700.

The Board decided that it is not necessary to amend or repeal any of these regulations.

NRS 213.632 - Referral of prisoner or parolee to be considered for participation in correctional program; participation as condition of parole; considerations; regulations; limitations. (Amended, Effective July 1, 2014)

5. The Board shall adopt regulations requiring persons who are ordered to participate in and complete a correctional program pursuant to this section to reimburse the Department of Corrections and the Division for the cost of their participation in a correctional program, to the extent of their ability to pay.

The Board noted that it did not have a regulation in effect and decided that it will adopt a regulation for NRS 213.632 after obtaining additional information from the Nevada Department of Corrections about new correctional programs that may soon be introduced.