

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER DERICCO, *Chairman*
TONY CORDA, *Member*
ADAM ENDEL, *Member*
SUSAN JACKSON, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



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MICHAEL KEELER, *Member*
ERIC CHRISTIANSEN, *Member*
MINERVA DE LA TORRE, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

APPEAL OF LIFETIME SUPERVISION CONDITIONS

Date: _____

Last Name: _____ First Name: _____ Middle Initial: _____

NDOC #, if any: _____

Mailing/Street Address: _____

City: _____ State: _____ Zip: _____

1. Are you on lifetime supervision for a sex offense?
 Yes No
2. Have you received a copy of your lifetime supervision conditions imposed by the Board of Parole Commissioners?
 Yes No
3. Are you appealing a lifetime supervision condition listed in subsection 3, 4 or 5 of NRS 213.1243, imposed by the Board?
 Yes No

If you've answered "Yes" to **all** of the above questions, please indicate the specific conditions you are appealing. Include a clear explanation detailing the reasons for **each** condition you are appealing (if you need more space please attach an additional page):

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.

2. Lifetime supervision shall be deemed a form of parole for:

(a) The limited purposes of the applicability of the provisions of [NRS 213.1076](#), subsection 9 of [NRS 213.1095](#), [NRS 213.1096](#) and subsection 2 of [NRS 213.110](#); and

(b) The purposes of the Interstate Compact for Adult Offender Supervision ratified, enacted and entered into by the State of Nevada pursuant to [NRS 213.215](#).

3. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender reside at a location only if:

(a) The residence has been approved by the parole and probation officer assigned to the person.

(b) If the residence is a facility that houses more than three persons who have been released from prison, the facility is a facility for transitional living for released offenders that is licensed pursuant to [chapter 449](#) of NRS.

(c) The person keeps the parole and probation officer informed of his or her current address.

4. Except as otherwise provided in subsection 9, the Board shall require as a condition of lifetime supervision that the sex offender, unless approved by the parole and probation officer assigned to the sex offender and by a psychiatrist, psychologist or counselor treating the sex offender, if any, not knowingly be within 500 feet of any place, or if the place is a structure, within 500 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater. The provisions of this subsection apply only to a sex offender who is a Tier 3 offender.

5. Except as otherwise provided in subsection 9, if a sex offender is convicted of a sexual offense listed in subsection 6 of [NRS 213.1255](#) against a child under the age of 14 years, the sex offender is a Tier 3 offender and the sex offender is sentenced to lifetime supervision, the Board shall require as a condition of lifetime supervision that the sex offender:

(a) Reside at a location only if the residence is not located within 1,000 feet of any place, or if the place is a structure, within 1,000 feet of the actual structure, that is designed primarily for use by or for children, including, without limitation, a public or private school, a school bus stop, a center or facility that provides day care services, a video arcade, an amusement park, a playground, a park, an athletic field or a facility for youth sports, or a motion picture theater.

(b) As deemed appropriate by the Chief, be placed under a system of active electronic monitoring that is capable of identifying his or her location and producing, upon request, reports or records of his or her presence near or within a crime scene or prohibited area or his or her departure from a specified geographic location.

(c) Pay any costs associated with his or her participation under the system of active electronic monitoring, to the extent of his or her ability to pay.

6. A sex offender placed under the system of active electronic monitoring pursuant to subsection 4 shall:

(a) Follow the instructions provided by the Division to maintain the electronic monitoring device in working order.

(b) Report any incidental damage or defacement of the electronic monitoring device to the Division within 2 hours after the occurrence of the damage or defacement.

(c) Abide by any other conditions set forth by the Division with regard to his or her participation under the system of active electronic monitoring.

7. Except as otherwise provided in this subsection, a person who intentionally removes or disables or attempts to remove or disable an electronic monitoring device placed on a sex offender pursuant to this section is guilty of a gross misdemeanor. The provisions of this subsection do not prohibit a person authorized by the Division from performing maintenance or repairs to an electronic monitoring device.

8. Except as otherwise provided in subsection 7, a sex offender who commits a violation of a condition imposed on him or her pursuant to the program of lifetime supervision is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

9. The Board is not required to impose a condition pursuant to the program of lifetime supervision listed in subsections 3, 4 and 5 if the Board finds that extraordinary circumstances are present and the Board states those extraordinary circumstances in writing.

10. The Board shall require as a condition of lifetime supervision that the sex offender not have contact or communicate with a victim of the sexual offense or a witness who testified against the sex offender or solicit another person to engage in such contact or communication on behalf of the sex offender, unless approved by the Chief or his or her designee and a written agreement is entered into and signed.

11. If a court issues a warrant for arrest for a violation of this section, the court shall cause to be transmitted, in the manner prescribed by the Central Repository for Nevada Records of Criminal History, notice of the issuance of the warrant for arrest in a manner which ensures that such notice is received by the Central Repository within 3 business days.

12. For the purposes of prosecution of a violation by a sex offender of a condition imposed upon him or her pursuant to the program of lifetime supervision, the violation shall be deemed to have occurred in, and may only be prosecuted in, the county in which the court that imposed the sentence of lifetime supervision pursuant to [NRS 176.0931](#) is located, regardless of whether the acts or conduct constituting the violation took place, in whole or in part, within or outside that county or within or outside this State.

(Added to NRS by [1995, 415](#); A [1997, 512, 1189](#); [2005, 2879](#); [2007, 1918, 3256](#); [2009, 1299](#))

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NEVADA BOARD OF PAROLE COMMISSIONERS

PETITION FOR RELEASE FROM LIFETIME SUPERVISION

Instructions (Including Form Packet)

1. Complete the Pre-Application (Self Elimination Questionnaire).
Attachment A
2. Using **Attachment B**, notify the Chief of the Division of Parole and Probation of your request to Petition for Release from Lifetime Supervision. Obtain certification from P & P on reverse of Attachment B.
3. Have licensed psychosexual evaluator complete the certification form pursuant to NRS 176.0931(3)(c). Petitioner must pay for the cost of a psychosexual evaluation if evaluator indicates one is necessary.
Attachment C
4. After successful completion of steps 1 through 3 (including Attachments A, B and C) your application will be reviewed and, if all requirements are satisfied, will be processed within 30 days of receipt.

Return completed attachments A, B & C to the Parole Board.

5. If a release from lifetime supervision is granted, a "Release from Lifetime Supervision Certificate" will be prepared and sent to you and distributed to all interested parties.

If you are denied release from lifetime supervision or were not able to successfully complete steps 2 and 3 you will be notified, by mail, of the reasons why you did not qualify.

When you can successfully complete steps 1 through 3 of the above instructions and NRS 176.0931 you are welcome to re-apply for release from lifetime supervision.

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NEVADA BOARD OF PAROLE COMMISSIONERS

PETITION FOR RELEASE FROM LIFETIME SUPERVISION

**Pre-Application
(Self Elimination Questionnaire)**

Pursuant to NRS 176.0931 (see reverse of this page):

1. Have you complied with the requirements of the provision of NRS 179D.010 to 179D.550 inclusive?

Yes

No

2. Have you been convicted of an offense that poses a threat to the safety or well-being of others [pursuant to NRS 176.0931(5)] for an interval of at least 10 consecutive years after* your last conviction or release from incarceration, whichever occurred later?

Yes

No

If you answered "Yes" to question number 2, please answer questions 3, 4 and 5.

3. What was the crime? _____

4. When were you convicted? _____

5. Where were you convicted? _____
City State

Signature

Printed Name

Mailing Address

If you answered "No" to question #1 or "Yes" to question #2 you *do not* qualify to petition for release from lifetime supervision at this time. Please re-apply when you meet these requirements.

**The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole. (NRS 176.0931(2), see reverse of this page)*

ATTACHMENT A

Lifetime Supervision

NRS 176.0931 Special sentence for sex offenders; petition for release from lifetime supervision.

1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of [NRS 179D.010](#) to [179D.550](#), inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a person professionally qualified to conduct psychosexual evaluations, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of [NRS 179D.010](#) to [179D.550](#), inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in [NRS 179D.0357](#);

(III) A sexual offense as defined in [NRS 179D.097](#);

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Person professionally qualified to conduct psychosexual evaluations" has the meaning ascribed to it in [NRS 176.133](#).

(c) "Sexual offense" means:

(1) A violation of [NRS 200.366](#), subsection 4 of [NRS 200.400](#), [NRS 200.710](#), [200.720](#), subsection 2 of [NRS 200.730](#), [NRS 201.180](#), [201.230](#), [201.450](#), [201.540](#) or [201.550](#) or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of [NRS 201.560](#);

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to [NRS 175.547](#).

(Added to NRS by [1995, 414](#); [A 1997, 1671](#); [2001, 2789](#); [2003, 1381](#); [2005, 2862](#); [2007, 2748](#); [2013, 1160](#); [2015, 1436](#))

ATTACHMENT A

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NEVADA BOARD OF PAROLE COMMISSIONERS

PETITION FOR RELEASE FROM LIFETIME SUPERVISION

Request to Petition for Release from Lifetime Supervision
(Reverse side to be completed by the Department of Parole and Probation)

I, _____, _____
(Name) (Inmate Number, if applicable)

hereby notify the Division of Parole and Probation of my intent to petition the Nevada Board of Parole Commissioners for release from lifetime supervision.

I certify that I have successfully completed the requirements listed on the Pre-Application, Self Eliminating Questionnaire (Attachment A).

DATED this _____ day of _____ 20_____.

Signature

Printed Name

P & P: Please return to the Parole Board within 5 days of receipt.

ATTACHMENT B

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NEVADA BOARD OF PAROLE COMMISSIONERS

PETITION FOR RELEASE FROM LIFETIME SUPERVISION

Certification by the Division of Parole and Probation

I, _____, Chief
(or authorized representative) of the Division of Parole and Probation, hereby
certify the person requesting to be released from lifetime supervision named,
_____, and inmate number (if
applicable) _____, has complied with
the following requirements of NRS 176.0931(3):

1. The petitioner has complied with the requirements of the provisions of
NRS 179D.010 to 179D.550, inclusive; and
2. The petitioner has not been convicted of an offense that poses a threat to
the safety or well-being of others for an interval of at least 10 consecutive
years after his last conviction or release from incarceration, whichever
occurs later (The special sentence of lifetime supervision commences after
any period of probation or any term of imprisonment and any period of
release on parole).

DATED this _____ day of _____, 20_____.

Authorized signature

Printed name and title

P & P: Please return to the Parole Board within 5 days of receipt.

ATTACHMENT B

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PETITION FOR RELEASE FROM LIFETIME SUPERVISION

Certification by Licensed Psychosexual Evaluator

I, _____, certify I am licensed to conduct psychosexual evaluations pursuant to NRS 176.133.

Checkmark one or more the following boxes indicating applicable license:

- (a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;
- (b) A psychologist licensed to practice in this State;
- (c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;
- (d) A registered nurse holding a master's degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;
- (e) A marriage and family therapist licensed in this State pursuant to [chapter 641A](#) of NRS; or
- (f) A clinical professional counselor licensed in this State pursuant to [chapter 641A](#) of NRS.

I have evaluated petitioner/defendant named, _____, and have determined he/she does not pose a threat to the safety of others if released from lifetime supervision.

Evaluator signature	Date	Nevada State Lic. #
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Authorization by Petitioner/Defendant: I hereby authorize the release of medical information related to the psychosexual certification herein and authorize distribution directly to the Nevada Board of Parole Commissioners. I hereby authorize, if necessary, this information to become public during my hearing for release from lifetime supervision.

Petitioner/defendant signature	Date
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ATTACHMENT C