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NEVADA BOARD OF PAROLE COMMISSIONERS

May 4, 2001

Procedures for the Collection of Restitution

The Board of Parole Commissioners has established a policy for the collection of restitution from parolees in an effort to comply with the provisions of NRS 213.126. This policy creates clearly defined procedures that the board, parole and probation, and parolees can understand and follow, as well as enables the Division of Parole and Probation to place the burden of proving the existence of a financial hardship or the inability to pay the monthly amount of restitution on the offender being supervised.

NRS 213.126 Requirement of restitution as condition of parole; restitution trust fund.

1. Unless complete restitution was made while the parolee was incarcerated, the board shall impose as a condition of parole, in appropriate circumstances, a requirement that the parolee make restitution to the person or persons named in the statement of parole conditions, including restitution to a governmental entity for expenses related to extradition, at the times specified in the statement unless the board finds that restitution is impracticable. The amount of restitution must be the amount set by the court pursuant to NRS 176.033. In appropriate circumstances, the board shall include as a condition of parole that the parolee execute an assignment of wages earned by him while on parole to the division for restitution.

7. Failure to comply with a restitution requirement imposed by the board is a violation of a condition of parole unless the parolee's failure was caused by economic hardship resulting in his inability to pay the amount due. The defendant is entitled to a hearing to show the existence of that hardship.

The following procedures will allow the parolee to appeal to the board through the division without having to hold a formal hearing. Establishing a procedure for the parolee to show the existence of a hardship without holding a formal hearing will minimize the impact on the supervising officer. When encountering a parolee who is failing to meet the minimum amount of monthly payments toward restitution and complains about the inability to make the minimum payment, the board requests that the officer provide a copy of these procedures with the attached financial statement to advise the parolee of his responsibilities and options regarding the proper payment of restitution.

Restitution as a Condition of Parole:

The board has established the following two conditions as standard conditions of parole:

Pay court-ordered restitution on a monthly basis in the amount equal to the total amount of restitution owed as determined by the Division of Parole and Probation at the projected date of release on parole, divided by the number of months to serve on parole, but no less than a monthly amount of \$50.00. The total amount of restitution owed is \$_____. The monthly payment amount for restitution is \$_____.

Pay all applicable fines and fees on a schedule determined by the Division of Parole and Probation.

In the event a parolee is serving multiple sentences with restitution amounts set separately by the court, the monthly amount of restitution ordered is the sum as determined by applying separately the formula of restitution owed on each sentence divided by the number of months of parole on each sentence.
for example:

Sentence # 1: \$1,000.00 restitution divided by 24 months on parole = \$41.67 per month
Sentence # 2: \$ 750.00 restitution divided by 16 months on parole = \$46.88 per month

Total monthly restitution payments = \$88.55 (\$41.67 + \$46.88).

Procedures to Appeal the Amount of Ordered Restitution:

1. If a parolee believes that the required monthly payment for restitution is not economically feasible, he can request that the parole board reconsider the amount by completing a statement of financial hardship (form attached) and detailing all income and expenses.
2. The supervising officer may request that the parolee provide documentation to support any information provided in the statement of financial hardship or may make other inquiries to verify the information provided by the parolee.
3. The supervising officer shall forward the parolees request to the parole board with a report that summarizes the details of the financial information provided by the parolee, the amount of restitution owed and the expiration date of parole. The parole officer may also provide comments supporting or refuting the information provided by the parolee, including a recommendation of the amount of monthly payment the officer believes the parolee is able to pay.

4. The board shall consider the request and may modify the parole order to reflect the change in the monthly amount of restitution payments ordered. If a change is made, the board shall issue a restitution order to modify the original parole agreement and forward the order with the original request and the supervising officer's report to the Division.
5. The supervising officer shall present a copy of the board's order to the parolee and instruct him to sign the copy for the district file as an acknowledgment of receipt.

Procedures to Appeal the Board's Subsequent Action to Set the Amount of Restitution:

1. In the event the parolee is unable to pay the amount of monthly restitution payments set by the board, the parolee may request a personal hearing before the Board of Parole Commissioners to show the existence of a hardship preventing him from making the ordered payments.
2. Requests for personal hearings shall be communicated in writing through the parolee's supervising officer to the executive secretary of the parole board. The supervising officer or parolee may request that the hearing be held at the district office where the parolee is supervised, an institution near the district the parolee is supervised, or at one of the parole board offices. The board shall consider these requests.
3. The board shall set the date and time for the hearing and will provide notice to the parolee's supervising officer. The attendance of the supervising officer is not required. If the parolee requests the presence of his supervising officer, the board recommends that the officer attend if possible.
4. The parolee should be prepared to present any evidence to show the existence of a hardship preventing him from paying the amount of monthly restitution set by the board.
5. The board may delegate its authority to act to a panel to consider the request of the parolee with regard to the amount of monthly restitution payments to be made. The delegated panel may place the parolee under oath prior to accepting any testimony. The panel will deliberate in private following the hearing and will make a recommendation to a majority of the board. Once the board concurs in a majority, the board will issue an order depicting its decision regarding the matter of monthly restitution payments.

Changes in the Status of Ability to Pay:

1. The board requests that the Division periodically collect financial information from the parolee to determine if the ability to pay more toward restitution exists. The Division may request that the monthly amount of payment toward restitution be increased at anytime if the supervising officer believes a positive change in the economic status of the parolee occurs.

Parolee Statement of Financial Hardship

The Board of Parole Commissioners is committed to ensuring that offenders granted the privilege of parole pay all court ordered restitution to victims. As a condition of parole, the board ordered that you make monthly payments to compensate the victims of your crime for the financial loss they suffered. If you are unable to pay the monthly amount of restitution as specified, it is your responsibility to advise the board through your parole officer of your inability to pay. Failure to make restitution payments when you have the ability to pay is a violation of your parole and you may be returned to prison as a parole violator if you refuse to do so.

You must accurately provide the following information in order for the board to consider your request to reduce the monthly restitution payments. Falsifying the requested information is a violation of the terms and conditions of your parole. You must provide verification as requested by the Division of Parole and Probation. The Division will also independently verify the information you provide.

Monthly Income (approximate)		Monthly Expenses (Approximate)	
Regular Job (+ tips)	\$ _____	Rent/House Payment	\$ _____
Part Time Job	\$ _____	Utilities	\$ _____
Spouse's Income	\$ _____	Food/Clothing	\$ _____
Social Security	\$ _____	Car Payment	\$ _____
Unemployment Comp	\$ _____	Gasoline/etc.	\$ _____
Workman's Comp	\$ _____	Car Insurance	\$ _____
Child Support	\$ _____	Health Insurance	\$ _____
ADC Benefits	\$ _____	Child Care	\$ _____
Alimony	\$ _____	Child Support	\$ _____
General Assistance	\$ _____	Attorney Fees	\$ _____
Food Stamps	\$ _____	Salary Garnishment	\$ _____
_____	\$ _____	Medical Bills	\$ _____
_____	\$ _____	Credit Cards	\$ _____
_____	\$ _____	Loans	\$ _____
_____	\$ _____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
Total	\$ _____	Total	\$ _____

Other Assets (cars, cash, property, homes, jewelry, tools, etc.) _____
TOTAL OTHER ASSETS: \$ _____

Total Income: \$ _____ Indicate how much you believe you
Total Expenses: \$ _____ can afford to pay monthly: \$ _____

I affirm under penalty of perjury the information I have provided is true and complete to the best of my knowledge.

SIGNED _____ PRINT NAME: _____ DATE: _____

NDOP #: _____