

CENTRAL OFFICE

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

CONNIE S. BISBEE, *Chairman*
TONY CORDA, *Member*
ADAM ENDEL, *Member*
SUSAN JACKSON, *Member*

KATHI BAKER, *Executive Secretary*

STATE OF NEVADA BRIAN SANDOVAL Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, NV 89119
<http://parole.nv.gov>
(702) 486-4370
FAX (702) 486-4376

CONNIE S. BISBEE, *Chairman*
ED GRAY, JR., *Member*
MICHAEL KEELER, *Member*
MAURICE SILVA, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

NOTICE OF INTENT TO ACT UPON A REGULATION

LCB File No. R-146-11

Notice of Hearing for the Amendment of a Regulation of the Board of Parole Commissioners.

The Board of Parole Commissioners (Parole Board) will hold a public hearing at **4:00 PM on Monday, March 12, 2012** at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 213 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

In 2011, Section 213.1214 of Chapter 213 of NRS (evaluation of sex offenders by the psychological review panel) was amended by the Nevada Legislature. The proposed amendment changes the reference to the definition of a sexual offense to align with the changes made in NRS 213.1214.

2. If the proposed regulation is a temporary regulation, either the terms or the substance of the regulations to be adopted, amended, or repealed, or a description of the subjects and issues involved. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.

Interested persons may obtain a copy of the proposed permanent regulation prepared by the Legislative Counsel pursuant to NRS 233B.063 at either office of the Parole Board. The Parole Board has offices located at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706, and 4000 S Eastern Avenue, Suite 130, Las Vegas, Nevada 89119. An electronic version will also be available on the Parole Board web site located at <http://parole.nv.gov>. Copies will be made available to the public upon receipt of the final version prepared by the Legislative Counsel, and mailed to any person who requests to receive a copy of the regulation.

3. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of NRS 233B.0608.

The agency considered whether any part of the proposed regulations would impact small business, to include: Whether the regulations imposed a fee on small business; whether small business would be required in any way to participate in the parole process; or if small business would be impacted in any way by the adoption of parole standards or the parole hearing procedures. The agency determined that the proposed regulations would not impact small business.

4. 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;

- Adverse effects: The proposed regulations do not appear to have any adverse economic effects.
- Beneficial effects: The proposed regulations will assist the Parole Board in determining the risk of a prisoner who is a sexual offender to commit a new felony if released on parole. There does not appear to be a significant beneficial economic effect, except that indirectly provided by an increase in Public Safety.

(b) Both immediate and long-term effects.

- Immediate effects: There are no known immediate economic effects.
- Long-term effects: There are no known long-term economic effects.

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

The agency estimates that there are no additional enforcement costs as a result of the amendment to the current regulation.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a Federal regulation, the notice must include the name of the regulating Federal agency.

The agency is unaware of any other Federal, state or local governmental agency regulations that the proposed regulation may overlap or duplicate.

7. If the regulation is required pursuant to Federal law, a citation and description of the Federal law.

The regulation is not required pursuant to Federal law.

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

The amendment does not include provisions which are more stringent than a Federal regulation that regulates the same activity.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Parole Board may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706.

Written submissions must be received by Board of Parole Commissioners on or before **March 7, 2012**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Parole Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be Amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, 89702 for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be Amended will be available at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706, and 4000 S Eastern Avenue, Suite 130, Las Vegas, Nevada 89119, 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 the text of the proposed regulation 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 and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before 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 hearing has been posted at the following locations:

Carson City Library
900 North Roop Street
Carson City, Nevada 89702

Churchill County Library
553 South Main Street
Fallon, Nevada 89406

Clark County District Library
833 Las Vegas Boulevard North
Las Vegas, Nevada 89101

Douglas County Library
1625 Library Lane
Minden, Nevada 89423

Elko County Library
720 Court Street
Elko, Nevada 89801

Esmeralda County Library
Corner of Crook & 4th Streets
Goldfield, Nevada 89013

Eureka County Public Library
210 S. Monroe Street
Eureka, NV 89316

Humboldt County Library
85 East 5th Street
Winnemucca, Nevada 89445

Lander County Library
625 South Broad Street
Battle Mountain, Nevada 89820

Lincoln County Library
63 Main Street
Pioche, Nevada 89043

Lyon County Library
20 Nevin Way
Yerington, Nevada 89447

Mineral County Public Library
110 1st Street
Hawthorne, Nevada 89415

Tonopah Public Library (Nye County)
167 Central Street
Tonopah, Nevada 89049

Pershing County Library
1125 Central Avenue
Lovelock, Nevada 89419

Storey County Public Library
95 South R Street
Virginia City, Nevada 89440

Washoe County Library
301 South Center Street
Reno, Nevada 89501

White Pine County Library
950 Campton Street
Ely, Nevada 89301

Attorney General's Office
100 North Carson Street
Carson City, Nv 89701

Attorney General's Office
555 E. Washington Avenue, Ste 3900
Las Vegas, Nv 89101

Bradley Building
2501 E Sahara Ave
Las Vegas, NV 89104

Nevada Board of Parole Commissioners
1677 Old Hot Springs Rd., Ste. A
Carson City, NV 89706

Nevada Board of Parole Commissioners
4000 S. Eastern Ave., Suite. 130
Las Vegas, Nevada 89119

**PROPOSED REGULATION OF THE
STATE BOARD OF PAROLE COMMISSIONERS**

LCB File No. R146-11

January 23, 2012

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

AUTHORITY: §1, NRS 213.10885.

A REGULATION relating to parole; amending provisions governing the determination of the risk that a prisoner will commit a felony if released on parole; and providing other matters properly relating thereto.

Section 1. NAC 213.514 is hereby amended to read as follows:

213.514 1. The Board will assign to each prisoner who is being considered for parole a risk level of “high,” “moderate” or “low” according to the level of risk that the prisoner will commit a felony if released on parole.

2. To establish the risk level, the Board will conduct an objective risk assessment using a combination of risk factors that predict recidivism.

3. If a prisoner has ever been convicted of a sexual offense and has been evaluated using a currently accepted standard of assessment to determine the risk that the prisoner will commit another sexual offense if released on parole, the Board will assign a risk level to the prisoner which is the higher of the risk level assigned pursuant to this section and the risk level determined by such an evaluation.

4. The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding whether to grant parole in the manner set forth in NAC 213.516.

5. As used in this section, "sexual offense" ~~{means an offense listed in subsection 3 of NRS 176.133 or an offense committed in another jurisdiction that, if committed in this State, would be an offense listed in subsection 3 of NRS 176.133.}~~ *has the meaning ascribed to it in NRS 213.1214.*