

**DRAFT REGULATION OF THE  
BOARD OF PAROLE COMMISSIONERS**

**LCB File No. \_\_\_\_\_**

EXPLANATION – Matter in *italics* is new.

AUTHORITY: Assembly Bill 236, Section 93.7

A REGULATION relating to the recommendations, by the Division, to the Board, for the early discharge of a person from parole; determination if the parolee meets criteria for early release; notice to the parolee if a hearing is to be held; victim notification; and providing other matters properly relating thereto.

**EARLY DISCHARGE FROM PAROLE**

**Section 1: Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:**

**Assembly Bill 236, Section 93.7: Recommendations of Division for early discharge of parole; determination of whether to award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served.** (AB 236, Sec. 93.7) In determining whether to award credits and reduce the sentence to time served:

1. *The Division shall determine if a parolee meets the qualifications for early discharge from parole pursuant to AB 236, Sec. 93.7, and make a written recommendation to the Board.*
2. *The written recommendation from the Division will include, but is not limited to:*
  - a. *Verification that the parolee has served at least 12 calendar months on parole supervision in the community and has not more than 12 calendar months of community supervision remaining on any sentence;*
  - b. *Verification that the parolee has not violated any condition of parole during the immediately preceding 12 months;*
  - c. *Verification that the parolee is current with any supervision fees;*
  - d. *Verification that restitution has been paid in full or, because of economic hardship that has been verified by the Division, the parolee has been unable to make restitution as ordered by the court;*
  - e. *If applicable, verification that the parolee has completed any program of substance use, mental health treatment, or a specialty court program as mandated by the Board.*
3. *The Division will attach a current copy of the parolee's Nevada Risk Assessment System (NRAS) that includes the needs level in each of the criminogenic factors to the written recommendation submitted to the Board.*
4. *If the Division opposes early discharge of parole, the Division will provide a detailed description for the opposition.*
5. *Upon receipt from the Division of a written recommendation for early discharge of a parolee from parole, the Board will consider the parolee for early discharge either in*

*absentia or a public hearing, at the Board's discretion. The Board will not consider the parolee for early discharge without a hearing, if a victim has requested a hearing notification.*

6. *If the Board determines that a hearing is to be held, a hearing notification will be delivered to the parolee by the Division not later than 5 working days before the hearing and the Board will notify any victim not later than 5 days after the early discharge hearing date has been scheduled. If the victim has requested notification in writing and has provided his or her current address or if the victim's current address is otherwise known by the Board, the victim of a parolee being considered for early discharge from parole may submit documents to the Board and may testify at the meeting held to consider the parolee for the early discharge from parole. A parolee must not be considered for the early discharge from parole until the Board has notified any victim of his or her rights pursuant to this subsection and the victim is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if such notification is not received by the victim.*
7. *Before determining whether to approve a parolee for early discharge from parole, the Board may consider:*
  - a. *Whether the parolee has made any threats to harm others;*
  - b. *The number and nature of any prior convictions of the parolee, including, without limitation, whether the parolee has a history of conviction for violent or sexually related crimes;*
  - c. *Whether the parolee engaged in violent behavior while on parole;*
  - d. *Whether the parolee has been convicted of multiple offenses involving driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance;*
  - e. *Whether the parolee has a previous pattern of failed community supervision while on probation and/or parole, and/or whether that failure was the result of violent or criminal actions by the parolee;*
  - f. *Whether the criminal history of the parolee indicates that the crimes committed by the parolee have increased in severity over time;*
  - g. *Whether the parolee has demonstrated an attitude or behavior which indicates that the parolee favors a criminal lifestyle, including, without limitation, whether the parolee has been actively involved in a criminal gang, the planning of a prison escape or other criminal activity;*
  - h. *The Division's opposition to the early discharge of parole;*
  - i. *Victim impact; and*
  - j. *Any other factor which demonstrates a continued need for community supervision.*
8. *The Board may award credits in an amount equal to the time remaining on any sentence to reduce the sentence to time served, but not to exceed 12 months.*
9. *If a victim is notified of a hearing to consider a parolee for early discharge, the Board will, upon making a final decision concerning the early discharge of the parolee, notify the victim of its final decision.*
10. *Early discharge from parole does not apply to any person sentenced to lifetime supervision pursuant to NRS 176.0931.*