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NEVADA BOARD OF PAROLE COMMISSIONERS

MINUTES

Meeting of the Board of Parole Commissioners

May 28, 2020

The Board of Parole Commissioners held a public meeting on May 28, 2020, beginning at 10:30 AM, at the following locations:

Conference room at the central office of the Board of Parole Commissioners, located at 1677 Old Hot Springs Road, Ste. A, Carson City, NV and video conference at the Parole Board Office, 4000 S. Eastern Avenue, Ste. 130, Las Vegas, NV.

I. Open Meeting, call to order, roll call 10:30 AM.

The meeting was called to order by Chairman DeRicco. Present in Carson City were Chairman DeRicco, Commissioner Corda, Commissioner Baker and Commissioner Jackson. Present in the Las Vegas office were Commissioner Christiansen, and Commissioner De La Torre. Commissioner Keeler was marked absent – excused.

Support staff in attendance:

- Kathi Baker, Management Analyst III
- Katie Fraker, Administrative Assistant III
- Mary Flores, Administrative Assistant III

Members of the public present in Carson City included:

- Katie Brady, Office of the Attorney General

Members of the public present in Las Vegas included:

NONE

II. Public Comment. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Public comment – Carson City, NV

No public present.

Public comment – Las Vegas, NV

No public present.

- III. For possible action:** Review of proposed regulation R-118-19 and solicitation of comments. This proposed regulation is necessary to carry out the provisions of a recent change to NRS Chapter 213 by the Nevada Legislature in Assembly Bill 236, Section 93.7 of the 2019 Legislative session, effective July 1, 2020.

Chairman DeRicco commented on the multiple discussions regarding the language that was crafted for R-118-19 and how the wording was changed by the Legislative Counsel Bureau (LCB). Chairman DeRicco commented that LCB did make language changes, but they did capture and strengthen the language. Chairman DeRicco provided the workshop history for R-118-19, and provided that Commissioner Keeler and Ms. Baker crafted additional language regarding the proposed language pursuant to a discussion at the October 31, 2019 workshop. The newly crafted language was addressed at the December 19, 2019 workshop. Chairman DeRicco also provided that he met with the Division of Parole and Probation (Division) and conveyed their suggestions at the December 19, 2020 workshop. Language changes were made as recommended by the Division. Chairman DeRicco recapped each section's language changes that the Board approved and passed during the December 19, 2019 workshop. Chairman DeRicco recapped that he met with the Division on a couple of occasions. The Division was also present at the December 19, 2019 meeting, did not wish to make public comment on the record, and indicated that they were comfortable with what the Chairman portrayed.

At the December 19, 2019 meeting, the discussion included adding verbiage to the then Section 2-B of the regulation, providing that the Board determines if a violation actually occurred. Additionally, the Division recommended language changes concerning the wording of the assessment. Board crafted language that was in line with the Division's request. Section 4 in the first version was removed as the Division did not believe it was necessary to include to oppose an early discharge. Some language was slightly changed in Sections 5 and 6, but gave the same intent provided in the first draft of the proposed regulation. The language in Section 7 was removed and replaced with "Any credits awarded by the Board to reduce a sentence pursuant to subsection 2 of NRS 213.1543 must not exceed 12 months.:

Commissioner Corda suggested moving the wording around in Section 3 so that it flowed better. Commissioner Corda's suggestion was to re-word the section to read "upon receipt of a written recommendation for early discharge from parole made by the Division, pursuant to subsection one, the Board, at its discretion, will consider the parolee for early discharge from parole with or without a hearing." Commissioner Jackson and Commissioner Baker both agreed with Commissioner Corda.

Ms. Katie Brady with the Attorney General's office provided her concerns that Commissioner Corda's suggested language change could potentially modify whether or not the Board would have to consider the parolee. She indicated that this is probably why LCB put "in the discretion of the Board" at the end of the sentence discussed. Ms. Brady also clarified that if there are substantive changes to the LCB language, then the proposed regulation will need to return to LCB for another re-write.

The Board agreed that by changing the language to Commissioner Corda's suggestion, it also changes the intent of the language of the proposed regulation.

The Board discussed the wording from “in the discretion of the Board” to “by the discretion of the Board” and if the regulation would need to return to LCB for a re-write to only change one word. Ms. Brady from the AG clarified the process. Ms. Brady provided that the proposed regulation ultimately returns to LCB, but there is a difference on how the proposed regulation is returned for a substantive change. If there is a substantive change, the proposed regulation would return to LCB for re-editing and then returns to the Board for adoption. If the Board adopts the proposed regulation at this meeting without any substantive changes, then the proposed regulation would go to LCB to be approved by the Legislative Commission (Commission) for enactment.

Commissioner Corda questioned how long a hearing will be scheduled in advance so that the victim can be notified. Chairman DeRicco provided the victim notification related to the proposed regulation would mirror the current victim notification for parole hearings.

- IV. Public Comment.** No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Public comment – Carson City, NV

No public present.

Public comment – Las Vegas, NV

No public present.

- V. For possible action:** Review of Intent to Adopt regulation R-118-19. The Board will consider public comments and any business impact and may act to amend and/or adopt the proposed regulation.

Motion to adopt regulation R-118-19:

Made: Commissioner De La Torre

Second Commissioner Christiansen

Favor: Chairman DeRicco, Commissioner Baker, Commissioner Corda, Commissioner Jackson, Commissioner Christiansen, Commissioner De La Torre.

Opposed: None

Results: Motion Passed

- VI. Public Comment.** No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.

Public comment – Carson City, NV

No public present.

Public comment – Las Vegas, NV

No public present.

- VII. For possible action:** The Board may act to adjourn the meeting

Motion to adjourn the meeting:

Made: Commissioner Baker

Second Commissioner De La Torre

Favor: Chairman DeRicco, Commissioner Baker, Commissioner Corda, Commissioner Jackson, Commissioner Christiansen, Commissioner De La Torre.

Opposed: None

Results: Motion Passed