

Reconsideration of Unfavorable Action:

(Revised/Approved ~~March 31, 2021~~ January 31, 2024)

1. Inmates may request reconsideration of parole denials pursuant to NAC 213.522 (crime severity level), 213.524 (risk level), and 213.526 (other circumstances). Requests must be made in writing to the State Board of Parole Commissioners not later than 45 days after the date of the parole hearing and must be based on circumstances which existed at the time of the original risk assessment and or parole hearing. Per NAC 213.526(5), the provisions of this section do not limit the power of the Director of the Department of Corrections or a designee thereof to notify the Board of a significant change in the status of a prisoner or prevent the Board from reconsidering a denial of parole if a significant change in the status of a prisoner occurs. As such, if the Board schedules a new hearing for reconsideration of unfavorable action, the Board may consider any additional information available at the time of the new hearing.
2. When the request is made based on an incorrect crime severity level, the Department of Corrections must also inform the Board in writing if the crime severity level should have been lower. If the corrected crime severity level makes a new risk assessment more favorable to the inmate, a new hearing will be scheduled to reconsider parole as soon as practicable.
3. When the request is made based on an incorrect risk level, and the facts presented by the inmate were deemed not to have been considered at the time of the original assessment and/or parole hearing, or a factor was not given appropriate weight, the risk level will be reassessed. If the new risk level is the same or higher than the previously assigned risk level, the Executive Secretary or the employee designated by the Board must affirm the denial of parole. If the new risk level is lower than the previously assigned risk level, and if the application of the new risk level to the parole risk assessment, causes a more favorable guideline recommendation, a new hearing will be scheduled to reconsider parole as soon as practicable.
4. Requests for review other than crime severity or risk levels may only be performed if the circumstances existed at the time of the hearing, are factors considered when determining whether to grant parole, and the Board did not have knowledge of the factors at the time of the hearing. If the circumstances in this request exist, the Executive Secretary of the Board will present the request to the Board. A majority of the Board will indicate in writing whether or not to schedule a meeting to reconsider the denial of parole.
5. The Board is sensitive to the problems of members of the family of those convicted of crime but must deal primarily with the offender and the offense. Family circumstances, business affairs, hardship, need, and other problems shared almost universally by inmates are not usually considered adequate reasons for advancement.
6. Participation in self-help programs offered by the prison is expected of all inmates in normal course, and such participation is not viewed as sufficient basis for advancement.