

Exhibit List
Petition for Repeal
of NAC 213.512

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MAY 04 2020

STATE OF NEVADA
PAROLE BOARD

Exhibit 1

CENTRAL OFFICE

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

CHRISTOPHER P. DERICCO, *Chairman*
TONY CORDA, *Member*
SUSAN JACKSON, *Member*
MARY K. BAKER, *Member*

DARLA FOLEY, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



LAS VEGAS OFFICE

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

CHRISTOPHER P. DERICCO, *Chairman*
MICHAEL KEELER, *Member*
ERIC CHRISTIANSEN, *Member*
MINERVA DE LA TORRE, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

February 6, 2020

**PUBLIC RECORDS REQUEST
ACKNOWLEDGEMENT LETTER**

Requestors Name:

John Quintero, NDOC #93782
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, Nevada 89702

Public records request received February 3, 2020, Reference # U006786-013020.

This response only applies to The Nevada Board of Parole Commissioners records. A copy of this request has been provided to the Nevada Pardon's Board and the Department of Public Safety's Division of Parole and Probation.

Mr. Quintero,

You have requested:

1. To be placed on mailing list as mentioned in NRS233B.061(a) for notices regarding regulatory actions of two of your divisions:
 - Parole and Probation and Pardons Commission.
 - Parole Board of Commissioners. – Your name has been added.
2. For the same divisions of DPS, a copy of the form required by 233B.100(1) to make petition to agency and copy of procedures required.

Having reviewed your request, our response is as follows:

The Board does not have any responsive documents. The Board will accept all petitions under NRS 233B.100(1) in any written format. The Board will then consider the petition as an agenda item at the Board's next available public meeting.

Signed,

Darla Foley

Darla Foley
Executive Secretary

NEVADA ADMINISTRATIVE CODE

CHAPTER 213- PARDONS, PAROLES AND PROBATION; REMISSIONS OF FINES AND COMMUTATIONS OF PUNISHMENTS

RELEASE ON AND REVOCATION OF PAROLE

213.512 **Determination of whether to grant parole: Assignment of severity level to crime. (NRS 213.10885, 213.110, 213.140)**

1. The Board will assign to each crime for which parole is being considered a severity level of "highest," "high," "moderate," "low moderate" or "low." The severity level will be the same as the severity level assigned to the crime by the Department of Corrections for the purpose of classifying offenders pursuant to NRS 209.341.

2. The Board will apply the severity level of the crime for which parole is being considered to establish an initial assessment regarding whether to grant parole in the manner set forth in NAC 213.516.

Exhibit
2

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

NOTICE OF INTENT TO ACT UPON REGULATIONS

The Nevada Board of Parole Commissioners will hold a public hearing at 1:30 p.m. on Friday, June 19, 1998, at the Office of the Attorney General, 100 North Carson Ct., Carson City, Nevada 89710. 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.

STATEMENT OF NEED AND PURPOSE FOR PROPOSED AMENDMENTS

Bi-annual review and revision of the Parole Board's regulations is required pursuant to NRS 213.10885.

SUBJECTS AND ISSUES TO BE ADDRESSED

The Parole Board will consider and act upon proposed amendments to Chapter 213 of the Nevada Administrative Code, sections 213.510, 213.530, 213.540, 213.550 and 213.560, which provisions set forth: (1) the recommended minimum periods of imprisonment for felony offenders; (2) procedures for requesting a review of an offender's recommended period of imprisonment; (3) considerations regarding revocation of parole; and (4) considerations utilized by the board when deviating from the recommended period of imprisonment.

ESTIMATED FINANCIAL IMPACT:

Public Financial Impact: The Parole Board estimates that the proposed amendments to its regulations will have no financial impact upon the public. This is due to the fact that, under the proposed amendments to the board's regulations, longer minimum periods of imprisonment will be recommended for offenders convicted of category A felony offenses, and shorter minimum periods of confinement will be recommended for category B felony offenses that carry 10 and 15-year maximum terms. It is anticipated that these impacts will offset each other in both the long and short term.

Business Impact: The Parole Board estimates that the proposed amendments to its regulations will have no financial impact in the long or short term upon either the Nevada Department of prisons or the Division of Parole and Probation, for the same reasons set forth above.

Estimated Cost of Enforcement: Because the Parole Board already evaluates offenders eligible for parole consideration under existing standards adopted pursuant to NRS 213.10885, enforcement of the Parole Board's proposed amendments to its regulations will result in no additional expenditures by the parole board.

LOCAL, STATE OR FEDERAL REGULATIONS THAT ARE IMPACTED OR DUPLICATED BY THE PAROLE BOARD'S REGULATIONS

The Parole Board's proposed amendments to its standards for release on or revocation of parole do not impact or duplicate any local, state or federal regulations.

FEES

The proposed amendments to the Parole Board's standards do not establish any fees and do not impact any existing fees.

PUBLIC COMMENT

Persons wishing to comment upon the proposed action of the Parole Board may appear at the public hearing or may address their comments, data, views or arguments, in written form, to:

Nevada Board of Parole Commissioners
1445 Hot Springs Rd., Suite 108-B
Carson City., NV 89711

Written submissions must be received by the Parole Board at its Carson City office on or before Friday, June 12, 1998. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the parole board may proceed immediately to act upon any written submission.

COPYING AND INSPECTION

A copy of this notice and the regulations to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada for inspection by members of the public during business hours. Additional copies of this notice and the regulations to be amended will be available at either of the Parole Board's offices in Carson City and Clark County (1445 Hot Springs Rd., Suite 108-B, Carson City, Nevada and 2601 E. Sahara Ave., Las Vegas, Nevada), and in all counties in which an office of the Parole Board is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and text of the proposed regulations 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.

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: Parole Board office, 1445 Hot Springs Road, Suite 108-B; Attorney General's office, 100 S. Carson Street; Carson City Court House, 198 N. Carson Street; Carson City Library, 900 N. Roop Street. LAS VEGAS: Parole Board office, 2601 E. Sahara Avenue; Attorney General's office, 555 E. Washington Avenue; Parole & Probation, 215 E. Bonanza Rd.; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference Section, 833 Las Vegas Blvd.

Dated: MAY 19, 1998

Persons with disabilities who require special accommodations or assistance at the public hearing should notify Susan McCurdy, Executive Secretary, Board of Parole Commissioners, 1445 Hot Springs Rd., Suite 108-B, Carson City, NV 89711, or call (702) 687-5049, or fax (702) 687-6736.

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Nevada Board of Parole Commissioners is proposing the amendment of regulations pertaining to Chapter 213 of the Nevada Administrative Code. A workshop has been set for 10:00 a.m., on Friday, June 19, 1998, at the Office of the Attorney General, 100 North Carson Ct., Carson City, Nevada 89710. The purpose of the workshop is to solicit comments from interested persons on the following general topics that are addressed in the proposed amended regulations:

The minimum periods of imprisonment recommended for felony offenders.
The various considerations of the Parole Board when deviating from minimum periods of imprisonment that are suggested under the board's regulations.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Parole Board at its Carson City office: 1445 Hot Springs Rd., Suite 108-B, Carson City, NV 89711, (702) 687-5049, or at its Las Vegas office: 2601 E. Sahara Ave. (702) 486-4370.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

CARSON CITY: Parole Board office, 1445 Hot Springs Road, Suite 108-B; Attorney General's office, 100 N. Carson Street; Carson City Court House, 198 N. Carson Street; Carson City Library, 900 N. Roop Street. LAS VEGAS: Parole Board office, 2601 E. Sahara Avenue; Attorney General's office, 555 E. Washington Avenue; Parole & Probation, 215 E. Bonanza Rd.; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference Section, 833 Las Vegas Blvd.

Dated: MAY 19, 1998

Persons with disabilities who require special accommodations or assistance at the workshop should notify Susan McCurdy, Executive Secretary, Board of Parole Commissioners, 1445 Hot Springs Rd., Suite 108-B, Carson City, NV 89711, or call (702) 687-5049, or fax (702) 687-6736.

LCB File No. R080-98

PROPOSED AMENDMENTS TO PAROLE BOARD STANDARDS FOR RELEASE ON OR REVOCATION OF PAROLE

Bracketed material to be deleted; underlined material to be added.

Reviser's Note.

The provisions of NAC 213.500 to 213.560, inclusive, were originally adopted by the state board of parole commissioners on May 1, 1990. Pursuant to ch. 790, Stats. 1989, those provisions became effective 10 days after that date.

213.500 "Board" defined. As used in NAC 213.510 to 213.560, inclusive, unless the context otherwise requires, "board" means the state board of parole commissioners.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90)

213.510 Considerations regarding granting of parole: Severity of crime.

1. In determining whether to grant parole to a convicted person, the board will consider the severity of the crime for which the conviction was had.

2. If a person has been convicted of more than one crime, the board will consider the severity of his most serious crime.

3. For the purposes of this section, the board may use the following table to assist it in determining the severity of a crime:

A 1: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum 20 years have been served.

[A+]

A 2: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 15 years [or more has] have been served.

[A-]

A 3: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of [less than 15] 10 years [has] have been served.

A 4: A crime classified as a category A felony pursuant to paragraph (a) of subsection 2 of NRS 193.130, with eligibility for parole beginning when a minimum of 5 years have been served.

[B+]

B 1: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is [more than 6] 20 years.

B 2: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is 15 years.

B 3: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is 10 years.

[B-]

B 4: A crime classified as a category B felony pursuant to paragraph (b) of subsection 2 of NRS 193.130, for which the maximum term of imprisonment that may be imposed is [not more than] 6 years

C A crime classified as a category C felony pursuant to paragraph (c) of subsection 2 of NRS 193.130

D A crime classified as a category D felony pursuant to paragraph (d) of subsection 2 of NRS 193.130

E A crime classified as a category E felony pursuant to paragraph (e) of subsection 2 of NRS 193.130

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

213.520 Considerations regarding granting of parole: Probability of successful completion. In determining whether to grant parole to a convicted person, the board may consider the probability that he will complete parole successfully. In assessing that probability, the board may consider, with limitation, the following standards:

1. The number of prior convictions sustained by the person, both as a juvenile and as an adult;
2. The number of prior criminal charges brought against the person, including any charge dismissed as the result of a plea negotiation;
3. The number of occasions, including the present offense, on which the person has been incarcerated;
4. Any previous failure by the person to complete probation or parole;
5. Whether the person has a history of drug or alcohol abuse;
6. Whether the person was a full-time student, was receiving disability benefits from the Social Security Administration or the state industrial insurance system or was fully employed, for at least 6 months during the year preceding the present offense;
7. The extent of injury or loss suffered by the victim of the present offense;
8. Whether a weapon was used, threatened to be used, displayed or possessed in the commission of the present offense;
9. The number of times disciplinary action was taken against the person while incarcerated and the nature and circumstances of each infraction for which disciplinary action was taken;
10. The nature and duration of any educational, occupational or other programming successfully completed by the person while incarcerated;
11. The length of time the person has been incarcerated for the present offense;

12. Whether the present offense was a sexual offense involving the use or threatened use of force or violence; and

13. Any other factors that indicate whether the person poses a threat to society or to himself.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

213.530 Considerations regarding granting of parole: Minimum periods of imprisonment. Giving consideration to the severity of the crime for which a person has been convicted and the probability that he will complete parole successfully, the board may grant parole to the convicted person after he has served the period of imprisonment set forth in the following table:

	Excellent 0-10	Good 11-20	Average 21-30	Poor 31-40	Very Poor 41 +
Crime Severity Level	Minimum Period of Imprisonment (Months)				
[A +	180-210	210-240	240-270	270-300	300-360
A-	60-96	96-132	132-168	168-204	204-240
B+	24-36	36-60	60-84	84-108	108-Expiration
B-	12-18	18-24	24-30	30-36	Expiration]
<u>A1</u>	<u>240-276</u>	<u>276-312</u>	<u>312-348</u>	<u>348-384</u>	<u>384-420</u>
<u>A2</u>	<u>180-216</u>	<u>216-252</u>	<u>252-288</u>	<u>288-324</u>	<u>324-360</u>
<u>A3</u>	<u>120-150</u>	<u>150-180</u>	<u>180-210</u>	<u>210-240</u>	<u>240-270</u>
<u>A4</u>	<u>60-84</u>	<u>84-108</u>	<u>108-132</u>	<u>132-156</u>	<u>156-180</u>
<u>B1</u>	<u>24-48</u>	<u>48-72</u>	<u>72-108</u>	<u>108-144</u>	<u>Expiration</u>
<u>B2</u>	<u>18-30</u>	<u>30-48</u>	<u>48-66</u>	<u>66-84</u>	<u>Expiration</u>
<u>B3</u>	<u>12-24</u>	<u>24-36</u>	<u>36-48</u>	<u>48-60</u>	<u>Expiration</u>
<u>B4</u>	<u>12-18</u>	<u>18-24</u>	<u>24-30</u>	<u>30-36</u>	<u>Expiration</u>
C	12-16	16-20	20-24	24-28	Expiration
D	12-15	15-18	18-21	21-24	Expiration
E	12-15	15-18	18-21	21-24	Expiration

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

213.540 Considerations regarding granting of parole: Requests for recomputation.

1. Any convicted person who believes that the board has:

(a) Miscalculated the severity of the crime for which he was convicted; or

(b) Misapplied any factor set forth in NAC 213.520,

may submit a request for recomputation to [the chairman of] the board.

2. A request submitted pursuant to this section must be sent to the board within 30 days after its hearing of the matter. The request must be sent to: [Chairman,] State Board of Parole Commissioners, 1445, Hot Springs Road, Suite 108 B, [Capitol Complex,] Carson City, Nevada 89710.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

213.550 Considerations regarding revocation of parole. In determining whether to revoke the parole of a person for a violation of his parole, the board may consider whether the person has, while on parole:

1. Been convicted of any crime committed after his release and, if so, whether the crime involved

the use of a weapon or resulted in injury or substantial harm to the victim;

2. Engaged in a pattern of behavior similar to that which resulted in his imprisonment;

3. Used drugs or alcohol and whether confinement for counseling or classification is [required] advisable;

4. Demonstrated an unwillingness to conform to the expectations and requirements of parole; or

5. Engaged in any other conduct that makes him a danger to the community and indicates a need for further treatment in a controlled environment.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90 A 7-19-96)

213.560 Use of and deviation from standards.

1. The standards contained in NAC 213.510 to 213.550, inclusive, may be considered by the board in determining whether to grant, deny, continue or revoke parole, but nothing contained in those sections shall be construed to restrict the authority of the board to:

(a) Deny or revoke parole in any case in which application of the standards indicates that parole should be granted or continued; or

(b) Grant or continue parole in any case in which application of the standards indicates that parole should be denied or revoked,

if the decision of the board is otherwise authorized by the provisions of chapter 213 of NRS.

2. The board may deviate from the standards contained in NAC 213.510 to 213.550, inclusive, based upon:

(a) The seriousness of the offense committed by the convicted person;

(b) The prior record of criminal activity of that person;

(c) The conduct of the person during his imprisonment;

(d) Recommendations received by the board from the judge before whom the person was convicted, the prosecuting attorney, a law enforcement agency, the victim, any officer or employee of the department of prisons who is familiar with the person or any other person who has an interest in the proceedings; [or]

(e) The supervision history of that person;

(f) The factors involved in the crime (use of a weapon, injury to victim, financial loss to victim);

(g) Failure to attain certification by a psychological screening panel;

(h) The need for further evaluation;

(i) The opinion of the Parole Board that continued confinement of the convicted person is necessary to protect the public from further criminal activity;

(j) Positive prison programming;

(k) Lack of a criminal record;

(l) Stable release plans;

(m) The youth of the offender in conjunction with no juvenile record;

(n) Parole to another jurisdiction for deportation or prosecution; or

(o) Any other circumstances the board deems appropriate.

3. For statistical purposes only, the board will maintain a written record of any case in which its decision conflicts with the standards contained in NAC 213.510 to 213.550, inclusive.

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96)

D A crime classified as a category D felony pursuant to paragraph (d) of subsection 2 of NRS 193.130

E A crime classified as a category E felony pursuant to paragraph (e) of subsection 2 of NRS 193.130

Sec. 2. NAC 213.530 is hereby amended to read as follows:

213.530 Giving consideration to the severity of the crime for which a person has been convicted and the probability that he will complete parole successfully, the board may grant parole to the convicted person after he has served the period of imprisonment set forth in the following table:

	Excellent 0-10	Good 11-20	Average 21-30	Poor 31-40	Very Poor 41 +
Crime Severity Level	Minimum Period of Imprisonment (Months)				
[A+	180-210	210-240	240-270	270-300	300-360
A-	60-96	96-132	132-168	168-204	204-240
B+	24-36	36-60	60-84	84-108	108-Expiration
B-	12-18	18-24	24-30	30-36	Expiration]
<i>A1</i>	<i>240-276</i>	<i>276-312</i>	<i>312-348</i>	<i>348-384</i>	<i>384-420</i>
<i>A2</i>	<i>180-216</i>	<i>216-252</i>	<i>252-288</i>	<i>288-324</i>	<i>324-360</i>
<i>A3</i>	<i>120-150</i>	<i>150-180</i>	<i>180-210</i>	<i>210-240</i>	<i>240-270</i>
<i>A4</i>	<i>60-84</i>	<i>84-108</i>	<i>108-132</i>	<i>132-156</i>	<i>156-180</i>

<i>B1</i>	<i>24-48</i>	<i>48-72</i>	<i>72-108</i>	<i>108-144</i>	<i>Expiration</i>
<i>B2</i>	<i>18-30</i>	<i>30-48</i>	<i>48-66</i>	<i>66-84</i>	<i>Expiration</i>
<i>B3</i>	<i>12-24</i>	<i>24-36</i>	<i>36-48</i>	<i>48-60</i>	<i>Expiration</i>
<i>B4</i>	<i>12-18</i>	<i>18-24</i>	<i>24-30</i>	<i>30-36</i>	<i>Expiration</i>
<i>C</i>	<i>12-16</i>	<i>16-20</i>	<i>20-24</i>	<i>24-28</i>	<i>Expiration</i>
<i>D</i>	<i>12-15</i>	<i>15-18</i>	<i>18-21</i>	<i>21-24</i>	<i>Expiration</i>
<i>E</i>	<i>12-15</i>	<i>15-18</i>	<i>18-21</i>	<i>21-24</i>	<i>Expiration</i>

Sec. 3. NAC 213.540 is hereby amended to read as follows:

213.540 1. Any convicted person who believes that the board has:

- (a) Miscalculated the severity of the crime for which he was convicted; or
- (b) Misapplied any factor set forth in NAC 213.520,

may submit a request for recomputation to the [chairman of the] board.

2. A request submitted pursuant to this section must be sent to the board within 30 days after its hearing of the matter. The request must be sent to: [Chairman,] State Board of Parole Commissioners, 1445 Hot Springs Road, Suite 108 B, [Capitol Complex,] Carson City, Nevada [89710.] 89711.

Sec. 4. NAC 213.550 is hereby amended to read as follows:

213.550 In determining whether to revoke the parole of a person for a violation of his parole, the board may consider whether the person has, while on parole:

- 1. Been convicted of any crime committed after his release and, if so, whether the crime involved the use of a weapon or resulted in injury or substantial harm to the victim;

2. Engaged in a pattern of behavior similar to that which resulted in his imprisonment;
3. Used drugs or alcohol and whether confinement for counseling or classification is [required;] *advisable*;
4. Demonstrated an unwillingness to conform to the expectations and requirements of parole; or
5. Engaged in any other conduct that makes him a danger to the community and indicates a need for further treatment in a controlled environment.

Sec. 5. NAC 213.560 is hereby amended to read as follows:

213.560 1. The standards contained in NAC 213.510 to 213.550, inclusive, may be considered by the board in determining whether to grant, deny, continue or revoke parole, but nothing contained in those sections shall be construed to restrict the authority of the board to:

(a) Deny or revoke parole in any case in which application of the standards indicates that parole should be granted or continued; or

(b) Grant or continue parole in any case in which application of the standards indicates that parole should be denied or revoked,

if the decision of the board is otherwise authorized by the provisions of chapter 213 of NRS.

2. The board may deviate from the standards contained in NAC 213.510 to 213.550, inclusive, based upon:

(a) The seriousness of the offense committed by the convicted person;

(b) The prior record of criminal activity of [that person;] *the convicted person or the absence of such a record*;

(c) The conduct of the *convicted* person during his imprisonment;

(d) Recommendations received by the board from the judge before whom the *convicted* person was convicted, the prosecuting attorney, a law enforcement agency, the victim, any officer or employee of the department of prisons who is familiar with the *convicted* person or any other person who has an interest in the proceedings; [or]

(e) *The history of supervision of the convicted person;*

(f) *The factors involved in the offense committed by the convicted person, including, without limitation, the use of a weapon or the infliction of any injury or financial loss to a victim;*

(g) *The failure of the convicted person to attain certification by a psychological screening panel;*

(h) *The need for further evaluation of the convicted person;*

(i) *The opinion of the board that continued confinement of the convicted person is necessary to protect the public from further criminal activity by the convicted person;*

(j) *Participation by the convicted person in positive programming during his imprisonment;*

(k) *The existence of stable release plans for the convicted person;*

(l) *The youth of the convicted person if he does not have a prior record of criminal activity as a juvenile;*

(m) *Parole of the convicted person to another jurisdiction for prosecution or deportation; or*

(n) Any other circumstances the board deems appropriate.

3. For statistical purposes only, the board will maintain a written record of any case in which its decision conflicts with the standards contained in NAC 213.510 to 213.550, inclusive.

Ex 63

SECRETARY OF STATE
FILING DATA

ROSS MILLER
SECRETARY OF STATE

2007 DEC 17 PM 3:41

CLERK
CARSON CITY
NEVADA

Form For Filing
Administrative Regulations :

Agency Nevada Board of Parole

Commissioners _____

FOR EMERGENCY
REGULATIONS ONLY

Effective date December 17, 2007

Expiration date April 15, 2008


Governor's signature

Classification: ☐ PROPOSED ☐ ADOPTED BY AGENCY ☒ EMERGENCY

Brief description of action AN EMERGENCY REGULATION relating to parole standards; Establishes considerations and factors regarding the granting of discretionary parole; Notice to prisoner of the parole decisions; considerations regarding the granting of Mandatory Parole; and providing other matters properly relating thereto.

Authority citation other than 233B NRS 213.10885

Notice date N/A

Date of Adoption by Agency

Hearing date N/A

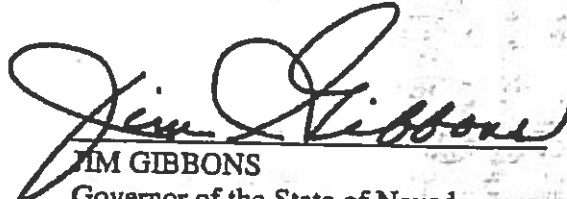
December 11, 2007

GOVERNOR'S ENDORSEMENT

I, Governor Jim Gibbons, endorse the Nevada Board of Parole Commissioners' Statement of Emergency.

DATE

Dated this 17th of December, 2007.


JIM GIBBONS
Governor of the State of Nevada

STATEMENT OF THE EMERGENCY AND THE REASONS FOR THAT DETERMINATION:

The Board of Parole Commissioners ('Board') is a quasi-judicial body that considers eligible prisoners for release on parole to the community. NRS 213.10885 requires the Board to create an objective standard to use when making decisions to grant, deny, revoke or continue parole.

During the 2007 Legislative Session, Assembly Bill 510 (AB 510) made changes to the criminal justice system that caused the parole standards that were in effect at that time to become invalid. NRS 213.10885(6) states:

6. On or before January 1 of each even-numbered year, the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

The Board conducted a meeting on June 27, 2007 and suspended the use of the standards upon the implementation of AB 510 effective July 1, 2007. The Board contacted the Council of State Governments who agreed to fund the costs for a national expert on parole standards to assist the Board in implementing a new validated guideline.

Dr. James Austin was contracted to assist the Board in developing new parole standards. During Dr. Austin's prior work with the Board, a risk instrument pertaining to the recidivism of released prisoners had been validated and made part of the previous parole standards. Dr. Austin and the Board agreed to create the new standard based primarily on risk indicators determined during the previous study. The Board performed a test sample of 300 cases in September 2007. In October, the sampling of cases was reviewed and the results determined the method that was employed was valid.

Dr. Austin testified during a meeting of the Advisory Commission on the Administration of Justice about the critical need to ensure that the risk of a prisoner is properly assessed when considered for release on parole. Dr. Austin recommended to the Board that the guidelines be implemented as soon as possible to minimize the risk to public safety.

The Board requests that the Governor approve these emergency regulations so the risk assessment and parole standards may be formally used during the process of adopting permanent regulations. The Board is required by Statute to adopt revised standards as soon as practicable after a comprehensive review of standards, and believes that implementing these emergency regulations comports to the Legislative intent of NRS 213.10775(6). These regulations will immediately give the Board the authority to grant or deny parole based on an objective risk assessment which is critical to minimizing the risk to public safety.

On December 11, 2007, the Board approved the statement of emergency and adopted the attached regulations.

STANDARDS FOR RELEASE ON PAROLE

1. **"Board" defined.** (NRS 213.10885, 213.110, 213.140) As used in this emergency regulation, unless the context otherwise requires, "Board" means the State Board of Parole Commissioners.

2. **Considerations regarding granting of parole: Severity of crime.** (NRS 213.10885, 213.110, 213.140)

1. In determining whether to grant parole to a convicted person, the Board will consider the severity of the crime.
2. If a person has been convicted of more than one crime, the Board shall consider the severity of the most serious crime being considered.
3. The Department of Corrections shall apply the crime severity level to each sentence a prisoner is serving, and the Board shall rely on that determination when applying the severity to the Risk/Severity recommendation table depicted in section 4.
4. For the purposes of this section, the table in section 10 provides the list of offense severity indicators as determined by the Department of Corrections.

3. **Consideration regarding granting parole: Risk to re-offend and probability of successful completion.** (NRS 213.10885, 213.110, 213.140). In determining whether to grant parole to a convicted person, the Board may consider the probability that he will complete parole successfully. The Board shall consider the risk of the prisoner to commit a new felony if released on parole using an objective and validated risk assessment. The factors that may be used include:

1. The age at which the prisoner was first arrested and the prisoners current age;
2. Whether the prisoner has ever been revoked off parole or probation;
3. The employment history of the prisoner prior to arrest;
4. Whether the prisoner has ever been convicted of a property offense;
5. Whether the prisoner has a history of alcohol or drug abuse;
6. The gender of the prisoner;
7. Whether the prisoner is a member of a street or prison gang;
8. Whether the prisoner has an existing educational diploma or degree, or has completed any vocational, educational or treatment programs;
9. The disciplinary conduct of the prisoner within the past year;
10. The current custody level of the prisoner; and
11. Any other factor determined to be valid.

4. **Considerations regarding other factors pertaining to a prisoner considered for parole:** (NRS 213.10885, 213.110, 213.140) In determining whether to grant parole to a convicted person, the Board may consider other factors related to the prisoner to assist it in determining whether parole should be granted. The Board may consider, without limitation, the following standards:

1. The nature and severity of the current offense;
2. Any prior convictions sustained by the person, both as a juvenile and as an adult, and the nature and severity of the prior convictions;
3. Any prior criminal charges brought against the person, including any charge dismissed as the result of a plea negotiation;
4. Whether the person has been previously incarcerated;
5. Whether the prisoner has a history of repeatedly failing to complete probation or parole;
6. Whether the person committed a crime while incarcerated, on bail, on escape status, during parole or probation supervision, or the person eluded capture during or following the commission of a crime;
7. The extent of injury or loss suffered by the victim of the present offense;
8. Whether the person has engaged in repetitive criminal conduct;
9. Whether the person has engaged in disruptive institutional behavior and whether the person has recently been housed in disciplinary segregation;
10. Whether the person has participated in rehabilitative or work programs geared toward addressing behaviors that lead to incarceration;
11. Whether the nature of the criminal record of the person is increasingly more serious;
12. Whether the person has a history of mental health treatment/medication noncompliance and/or lack of insight about their mental illness that may contribute to criminal behavior;
13. Whether the crime was targeted against a child or person at greater vulnerability because of age/disability;
14. Whether the person has a history of using/possessing a weapon during the commission of a crime;
15. Any other factors that indicate whether the person may pose a threat to society or himself;
16. Whether the person has no prior or minimal prior criminal history;
17. Whether the person has recently been infraction free for the most recent two years while in custody and not due to having been housed in disciplinary segregation;
18. Whether the person has had a positive adjustment to incarceration, or to halfway house or work release program;
19. Whether the person had lesser involvement in the offense compared to any co-offenders;
20. Whether the person has successfully completed prior community based parole or probation supervision other than summary or court-based supervision;
21. Whether the person has community or family support and/or stable release plans;
22. Whether the release would mitigate risk because of a hold placed by another jurisdiction;
23. Whether the crime was situational without evidence of intent to harm based on information derived from pre-sentence records;
24. Whether the case history demonstrates remorse;

25. When applicable, whether the person consistently managed their mental illness as recommended by professionals, if the mental illness may be a contributing factor to criminal behavior; and
26. Any other factor that may indicate the person or society would benefit or otherwise would not be harmed if the person were released on parole.

5. Considerations regarding granting of parole: Recommendation for release. (NRS 213.10885, 213.110, 213.140) Giving consideration to the severity of the crime for which a person has been convicted, and the risk to re-offend based on a validated risk instrument which pertains to the recidivism of released prisoners, the Board shall consider releasing an inmate on parole based on the following table:

Offense Severity	Risk Level		
	High	Moderate	Low
Highest	Deny Parole	Consider Factors	Consider Factors
High	Deny Parole	Consider Factors	Parole at 1 st or 2 nd Hearing
Moderate	Deny Parole	Parole at 1 st or 2 nd Hearing	Parole at initial parole eligibility
Low Moderate	Consider Factors	Parole at 1 st or 2 nd Hearing	Parole at initial parole eligibility
Low	Consider Factors	Parole at initial parole eligibility	Parole at initial parole eligibility

1. The Board shall consider those factors specified in section 4 of this emergency regulation when considering the discretionary release of all eligible prisoners.
2. When the Risk/Severity recommendation indicates 'Consider Factors,' the Board shall consider the specific factors of the case to assist it in arriving at a decision to grant or deny parole.
3. The Board is not bound by the Risk/Severity recommendation. When the Board deviates from the Risk/Severity recommendation, it shall indicate its reasons for deviation on the Order granting or denying parole.
4. If the person is required to be certified pursuant to NRS 213.1214, the risk level shall be the higher of the validated statistical risk assessment referred to in this emergency regulation, or the risk to re-offend as a sex offender pursuant to NRS 213.1214.

6. Considerations regarding granting of parole: Requests for recomputation. (NRS 213.10885, 213.110, 213.140)

1. The Board will not consider a request for recomputation based on an appeal of the crime severity level unless the Department of Corrections determines that the crime severity level was misapplied, and advises the Board of such.
2. The risk level shall be based on the static and dynamic factors applicable at the time of the parole hearing.
3. Any convicted person who believes that the Board has miscalculated the risk level may submit a request for recomputation to the Board.
4. A request submitted pursuant to the section must be sent to the Board within 45 days after its hearing of the matter. The request must be sent to: State Board of

Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706.

5. A change in status following the hearing that may impact the risk factors shall not be the basis for a recomputation.
6. If the Executive Secretary to the Board determines that a factor was misapplied and the correction would cause a deviation from the Risk/Severity recommendation, the prisoner shall be granted a re-hearing as soon as practicable thereafter.

7. Use of and deviation from standards. (NRS 213.10885, 213.110, 213.140, 213.150)

1. The standards contained in this emergency regulation, inclusive, may be considered by the Board in determining whether to grant or deny parole, but nothing contained in this emergency regulation shall be construed to restrict the authority of the Board to:
 - (a) Deny parole in any case in which application of the standards indicates that parole should be granted; or
 - (b) Grant parole in any case in which application of the standards indicates that parole should be denied,~ if the decision of the Board is otherwise authorized by the provisions of chapter 213 of NRS.
 2. The Board may deviate from the standards contained in this emergency regulation inclusive, based upon any of the factors or combination thereof identified in Section 4 of this emergency regulation, or any other circumstances the Board deems appropriate.
 3. For statistical purposes only, the Board will maintain a written record of any case in which its decision conflicts with the standards.
- 8. Notice to prisoner of the parole decisions: Recommendations that might improve the possibility of parole at a subsequent hearing when parole is denied (NRS 213.130).**

1. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any.
2. Any recommendations provided by the Board do not create a liberty interest when a prisoner is considered for parole at a subsequent hearing, nor are they intended to create an expectation that parole will be granted.
3. Recommendations made by the Board may include, but are not limited to the following:
 - (a). The prisoner should not to engage in disciplinary misconduct during denial period;

- (b). The prisoner should participate in programs that address the behaviors that led to incarceration;
- (c). The prisoner should participate in educational or vocational programs;
- (d). The prisoner should participate in victim empathy programming; and
- (e). The prisoner should disassociate from involvement with a gang.

9. Considerations regarding the granting of Mandatory Parole (NRS 213.1215)

- 1. The Board shall consider eligible prisoners for release under the provisions of Mandatory Parole at least 60 days prior to their projected release, or as soon as practicable following the determination that a prisoner is eligible for release under NRS 213.1215.
- 2. A prisoner may not be released on Mandatory Parole until the Board has approved the release and the Division of Parole and Probation has established a program of the prisoner's activities during his parole.
- 3. Prior to making a final decision to grant Mandatory Parole, the Board shall consider whether there is a reasonable probability that the prisoner would be a danger to public safety if released on parole.
- 4. In considering whether there is a reasonable probability that the prisoner would be a danger to public safety while on parole, the Board shall consider the following:
 - (a). Whether the prisoner is a high risk to re-offend based on a validated risk assessment as specified in section 2 of this emergency regulation;
 - (b). The risk of the prisoner if he has been convicted of a sex offense listed in sub-paragraph 5 of NRS 213.1214;
 - (c). Whether the prisoner has ever made any substantive statements regarding their refusal to comply with the terms of parole, or made threats to harm others;
 - (d). Whether the prisoner has a history of violent convictions;
 - (e). Whether the prisoner has engaged in any assaultive or combative institutional behavior;
 - (f). Whether the prisoner has been convicted of multiple felony offenses of Driving under the Influence;
 - (g). Whether there is any history of supervision failures related to violence or whether additional crimes have been committed while on supervision;
 - (h). Whether the history of criminal conduct of the prisoner has been increasing in severity;
 - (i). Whether the prisoner has demonstrated pro-criminal attitude and behaviors such as active gang involvement or planning escapes or other criminal activity; and
 - (j). Any other factor that would demonstrate that there is a reasonable probability that the prisoner would be a danger to public safety if released on parole.

10. Crime severity table:

If a particular crime is not listed in the following table, the Board will rely on the severity as determined by the Nevada Department of Corrections. The following is a table of offenses referred to in section 2 of this emergency regulation:

CODE	CRIME	SEVERITY
495	AGGREVATED ESCAPE	HIGHEST
294	ARSON I	HIGHEST
295	ARSON II	HIGHEST
144	ASSAULT ON PEACE OFFICER	HIGHEST
143	ASSAULT W/A DEADLY WEAPON	HIGHEST
3435	ATT ARSON I	HIGHEST
3436	ATT ARSON II	HIGHEST
10011	ATT ASSAULT CAUSING SBH	HIGHEST
3439	ATT ASSAULT ON PEACE OFFICER	HIGHEST
3440	ATT ASSAULT W/ DEADLY WEAPON	HIGHEST
N87	ATT BATT BY PRISONER	HIGHEST
3443	ATT BATT BY PRISONER W/ DEADLY WPN	HIGHEST
3444	ATT BATT ON PEACE OFFICER; SBH	HIGHEST
3164	ATT BATT W/TC SEX ASSAULT; SBH	HIGHEST
3445	ATT BATT WITH SEX ASSAULT	HIGHEST
N38	ATT BATT BY PRISONER	HIGHEST
3447	ATT BATTERY CAUSING SUBST HARM	HIGHEST
2911	ATT BATTERY W/ DEADLY WPN	HIGHEST
3446	ATT BATTERY W/ INTENT TO COMMIT VIO CRIME	HIGHEST
3162	ATT BATTERY W/ INTENT TO KILL	HIGHEST
N5	ATT BATTERY WITH SEXUAL ASSAULT	HIGHEST
3456	ATT DISCHARGE FIREARM AT STRUCTURE/VEH	HIGHEST
3465	ATT ESCAPE W DEADLY WPN	HIGHEST
3470	ATT FALSE IMPRISONMENT; PRISONER W/ WPN	HIGHEST
3478	ATT INCEST	HIGHEST
3482	ATT KIDNAPPING I	HIGHEST
3484	ATT KIDNAPPING I; SUBST BODILY HARM	HIGHEST
2297	ATT LEWDNESS W/ A MINOR	HIGHEST
4544	ATT MAYHEM	HIGHEST
2148	ATT MURDER	HIGHEST
2149	ATT MURDER, UDW	HIGHEST
3519	PRISONER W/ WEAPON	HIGHEST
3136	ATT SEX ASSLT, VICT UND 16, SBH	HIGHEST
222	ATT SEXUAL ASSAULT	HIGHEST
3539	ATT SEXUAL ASSAULT, SBH	HIGHEST
3537	ATT SEXUAL ASSAULT, VICT UND 16	HIGHEST
9941	ATT SEXUAL CONDUCT BY SCHOOL EMPLOY/TEACHER	HIGHEST
2768	ATT STATUTORY SEXUAL SEDUCTION	HIGHEST
3554	ATT USE OF CHILD PRODUCING PORNOGRAPHY	HIGHEST
3489	ATTEMPT MURDER I	HIGHEST
121	ATTEMPT TO KILL BY POISON	HIGHEST

3442	BATT BY PRISONER W/ DEADLY WPN	HIGHEST
3165	BATT W/TC SEX ASSAULT: VICT UND 16	HIGHEST
149	BATTERY BY PRISONER	HIGHEST
2074	BATTERY CAUSING SUBST HARM	HIGHEST
147	BATTERY ON PEACE OFFICER, SBH	HIGHEST
148	BATTERY W/ DEADLY WEAPON	HIGHEST
129	BATTERY W/ INTENT TO COMMIT CRIME	HIGHEST
130	BATTERY W/ INTENT TO COMMIT SEXUAL ASSAULT	HIGHEST
2377	BATTERY W/ INTENT TO KILL	HIGHEST
3163	BATTERY W/TC SEXUAL ASSAULT; SUBST HARM	HIGHEST
252	CARRYING CONCEALED WEAPON	HIGHEST
4543	CONSPIRACY TO DESTROY BLDG BY EXPLOSIVES	HIGHEST
3461	CRIME ON SCHOOL BUS ENHANCEMENT	HIGHEST
238	DESTROYING OCCUPIED DWELLING W/ EXPLOSIVES	HIGHEST
3464	DRUG CRIME NEAR SCHOOL ENHANCEMENT	HIGHEST
134	DUELING CAUSING DEATH	HIGHEST
3469	FALSE IMPRISONMENT; PRISONER W/ WPN	HIGHEST
N8	FIGHTING CAUSING DEATH	HIGHEST
3476	HABITUAL CRIMINAL (GREATER)	HIGHEST
444	HABITUAL FELON	HIGHEST
182	INCEST	HIGHEST
N144	INFAMOUS CRIME (ARCHAIC)	HIGHEST
110	KIDNAP I, AIDING & ABETTING	HIGHEST
9012	KIDNAPPING I WITH SEXUAL ASSAULT	HIGHEST
107	KIDNAPPING I	HIGHEST
N137	KIDNAPPING I, UDW	HIGHEST
3561	KIDNAPPING I; SUBSTANTIAL BODILY HARM	HIGHEST
191	LEWDNESS W/ A MINOR	HIGHEST
104	MAYHEM	HIGHEST
3459	METAL PENETRATING BULLET ENHANCEMENT	HIGHEST
3463	MINOR IN DRUG CRIME ENHANCEMENT	HIGHEST
92	MURDER 1ST DEGREE	HIGHEST
9035	MURDER 1ST DEGREE BY CHILD ABUSE	HIGHEST
3562	MURDER 1ST, UDW	HIGHEST
94	MURDER 2ND DEGREE	HIGHEST
N104	MURDER 2ND, UDW	HIGHEST
512	PRISONER W/ WEAPON	HIGHEST
52	PROCURING EXECUTION BY PERJURY	HIGHEST
3462	PROMOTION OF GANG ENHANCEMENT	HIGHEST
170	PROMOTION OF SEXUAL PERFORMANCE BY MINOR	HIGHEST
N134	RESCUING PRISONER W/ DEADLY WPN	HIGHEST
3160	SEX ASSAULT; VICT UND 16; SUBST HARM	HIGHEST
114	SEXUAL ASSAULT	HIGHEST
N102	SEXUAL ASSAULT VICTIM OVER 65	HIGHEST
2145	SEXUAL ASSAULT; VICT UNDER 16	HIGHEST
215	SEXUAL PENETRATION OF DEAD BODY	HIGHEST
116	STATUTORY SEXUAL SEDUCTION	HIGHEST
N92	TRANSPORT EXPLOSIVES, CAUSING SBH	HIGHEST

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April 1, 2008

TO: Board of Parole Commissioners
RE: Questions and Suggestions

please include this as part of the minutes

Below are some issues on which your consideration for inclusion of a clarification and/or rationale is requested.

1. Re: the NDOX Crime Severity Code List.

The recent addition of a cover sheet answers the question of who compiled the document. It loses some of its credibility by not being dated or having a recent update given.]

- a. Could the public get a little history of how the document came about and when and how it meets the need of the Parole Board for a severity rating tool. Is it standardized? Will all of these crimes be listed in this proposed document? *It is referred to in both Section 6 and Section 8.* My understanding is that it is used as an initial intake tool when an inmate first enters a DOC facility uses as an initial classification and evaluation (NRS 209.341)
- b. Recommendation place the severity code in section 7.4

2. Re: page 2 section 5. There is no explanation of this list of 62 crimes and the related NRS number reference. What is its purpose?

3. RE: page 7, section 8.2 refers to an objective risk assessment which includes several items for your consideration.

- a. How does the board go about objectively considering each of these? What weight is given for each item in relation to an inmate in question?. How many items being relevant will differentiate a certain risk level? Is there a worksheet form? Will this be used just at first parole hearing for the offender or redone at each hearing?
- c. Is there a matrix or score sheet used for tallying what is relevant to a particular offender? In many of these listing one can get confused. Often there is no time frame mentioned. Example 2.d The employment history of the prisoner. Does this refer to employment prior to or during incarceration? I suggest better clarification would be to make a list of pre incarceration time frame items and a separate list for those relating to time during incarceration.

4 RE: page 8 for a better continuity of flow reverse the order of 8.3 and 8.4.

This puts the new 8.4 relating to sex offenses just before 8.5 also relating to sex offenses.

5. RE: if aggravating (page 9, section 2) and mitigating factors (page 10, section 3) are considered what and how is this weighed into the total picture – score sheet, matrix, meeting a certain number one category over the other?.

6. If 9.d is factored in one might want to define severe, extreme or abnormal.

7RE: page 12, Section 10. Is very wordy regarding that the Board will consider a request to reassess the severity level of the crime. The offender must mail in a request but there is no time frame here. "As soon as practicable" for a hearing to be set is not sufficient. Perhaps state hearing "within 30 days" being sure offender is notified (how notified? in writing preferably: if by case worker it often does not get done)

8RE: page 13 There is a concern to the delegation of power to staff and the Executive Secretary. There is nothing here assuring the offender's notification. Concern is does this staffer make decisions he/she is not qualified to do.

9. RE: page 17 Sec 15.1 regarding when the board decision is denial, this document wording says the board may include recommendations.... If my memory serves me correctly the new NRS requirement from last session was worded the board WILL give recommendations.

Wanting to limit this paper to one page I will cease with many of my question and concerns unanswered. In discussions with other families and input from offenders (you received a documentation on the proposal from at least one inmate) there are just too many issues that arise regarding this proposed regulation where changes are not clear, needed information possibly being repealed. Is it possible it be given more consideration before final approval?

Respectfully Submitted *PH*

NRS 213.10885

Parole Standards: Review of Effectiveness of Standards

Suggested Language:

NRS 213.10885 Board to adopt standards for granting or revocation of parole; sample form regarding probability of success on parole to be made available to public; review of effectiveness of standards; report to Legislature.

1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

- (a) Who committed a capital offense.
- (b) Who was sentenced to serve a term of imprisonment for life.
- (c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.
- (d) Who was convicted as a habitual criminal.
- (e) Who is a repeat offender.
- (f) Who was convicted of any other type of offense.

↪ The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the Board shall consider the information on decisions regarding parole that is compiled and maintained pursuant to NRS 213.10887 and all other factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. The other factors the Board considers must include, but are not limited to:

- (a) The severity of the crime committed;
- (b) The criminal history of the person;
- (c) Any disciplinary action taken against the person while incarcerated;
- (d) Any previous parole violations or failures;
- (e) Any potential threat to society or to the convicted person; and
- (f) The length of his or her incarceration.

3. In determining whether to grant parole to a convicted person, the Board shall not consider whether the person has appealed the judgment of imprisonment for which the person is being considered for parole.

4. The standards adopted by the Board must provide for a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

5. The Board shall make available to the public a sample of the form the Board uses in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued.

6. ~~On or before January 1 of each odd-numbered year,~~ *At least once every four years and within the limits of legislative appropriation,* the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that standard in its decisions regarding parole and shall adopt revised standards as soon as practicable after the review.

7. The Board shall report to each regular session of the Legislature:

- (a) The number and percentage of the Board's decisions that conflicted with the standards;
- (b) The results and conclusions from the Board's review pursuant to subsection 6; and
- (c) Any changes in the Board's standards, policies, procedures, programs or forms that have been or will be made as a result of the review.