

NAC 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](#).

(Added to NAC by Bd. of Parole Comm’rs by R018-08, eff. 4-17-2008)

NAC 213.514 Determination of whether to grant parole: Assignment of risk level to prisoner. ([NRS 213.10885](#), [213.110](#), [213.140](#))

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” has the meaning ascribed to it in [NRS 213.1214](#).

(Added to NAC by Bd. of Parole Comm’rs by R018-08, eff. 4-17-2008; A by R146-11, 5-30-2012)

NAC 213.516 Determination of whether to grant parole: Initial assessment. ([NRS 213.10885](#), [213.110](#), [213.140](#)) In determining whether to grant parole to a prisoner, the Board will apply the severity level of the crime for which parole is being considered as assigned pursuant to [NAC 213.512](#) and the risk level assigned to the prisoner pursuant to [NAC 213.514](#) to establish an initial assessment regarding whether to grant parole. The initial assessment will correspond to the following table:

Severity Level	Risk Level		
	High	Moderate	Low
Highest	Deny parole	Consider factors set forth in NAC 213.518	Consider factors set forth in NAC 213.518
High	Deny parole	Consider factors set forth in NAC 213.518	Grant parole at first or second meeting to consider prisoner for parole
Moderate	Deny parole	Grant parole at first or second meeting to consider prisoner for parole	Grant parole at initial parole eligibility
Low Moderate	Consider factors set forth in NAC 213.518	Grant parole at first or second meeting to consider prisoner for parole	Grant parole at initial parole eligibility
Low	Consider factors set forth in NAC 213.518	Grant parole at initial parole eligibility	Grant parole at initial parole eligibility

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.518 Determination of whether to grant parole: Consideration of additional aggravating and mitigating factors. ([NRS 213.10885](#), [213.110](#), [213.140](#))

1. After establishing an initial assessment regarding whether to grant parole pursuant to [NAC 213.516](#), the Board may consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner.

2. The aggravating factors which the Board may consider in determining whether to grant parole to a prisoner include, without limitation:

- (a) Whether the nature of the crime committed by the prisoner was severe, extreme or abnormal;
- (b) Whether the prisoner has previously been convicted of a crime;
- (c) The number of occasions on which the prisoner has been incarcerated;
- (d) Whether the prisoner has failed to complete probation or parole on three or more occasions;
- (e) Whether the prisoner has committed a crime while incarcerated, during any period of release from confinement on bail, during any period of escape from an institution or facility or while on probation or parole;
- (f) The extent to which the prisoner attempted to elude capture during or following the commission of a crime;
- (g) The extent of the injury or loss suffered by the victim of the crime for which parole is being considered;
- (h) Whether the prisoner has engaged in repetitive criminal conduct;
- (i) Whether the prisoner has engaged in disruptive behavior while incarcerated;

(j) Whether the Department of Corrections has ever ordered the prisoner to be confined in disciplinary segregation;

(k) Whether the prisoner has committed increasingly serious crimes;

(l) Whether the prisoner has a history of failing to comply with the orders of a mental health professional for the treatment of a mental illness, including, without limitation, failing to comply with prescriptions for medication to treat a mental illness;

(m) Whether the prisoner demonstrates that he or she does not understand the nature of any diagnosed mental illness and whether that lack of understanding may contribute to future criminal behavior;

(n) Whether, in committing the crime for which parole is being considered, the prisoner targeted a child under the age of 18 years or a person who is vulnerable because of his or her age or disability;

(o) Whether the prisoner has a history of possessing or using a weapon during the commission of a crime; and

(p) Any other factor which indicates an increased risk that the release of the prisoner on parole would be dangerous to society or the prisoner.

3. The mitigating factors which the Board may consider to determine whether to grant parole to a prisoner include, without limitation:

(a) Whether the prisoner has participated in programs which address the behaviors of the prisoner that led to the commission of the crime for which parole is being considered;

(b) Whether the prisoner has no prior history, or a minimal history, of criminal convictions;

(c) Whether the prisoner has not had any infractions of the rules of the institution or facility in which he or she has been incarcerated during the most recent 2 years if the lack of infractions is not a result of the confinement of the prisoner in disciplinary segregation;

(d) Whether the prisoner has adjusted positively to a program for reentry of offenders and parolees into the community established by the Director of the Department of Corrections pursuant to [NRS 209.4887](#) or a program of work release established by the Department of Corrections pursuant to [NRS 213.300](#);

(e) Whether the prisoner had less involvement in the commission of the crime for which parole is being considered than other persons who participated in the commission of the crime;

(f) Whether the prisoner previously completed probation or parole successfully, other than probation imposed and supervised by a court;

(g) Whether the prisoner has support available to him or her in the community or from his or her family;

(h) Whether a stable release plan exists for the prisoner;

(i) Whether the release of the prisoner is not a significant risk to society because the prisoner will be paroled to another jurisdiction for prosecution or deportation;

(j) Whether the presentence investigation indicates that the crime for which parole is being considered was situational and that the prisoner did not intend to cause harm;

(k) Whether the presentence investigation indicates that, prior to his or her arrest for the crime for which parole is being considered, the prisoner demonstrated immediate remorse for committing the crime by immediately and voluntarily turning himself or herself in to the proper authority, immediately and voluntarily seeking treatment to address the criminal behavior, immediately and voluntarily making restitution to the victims of the crime or taking any other voluntary action which demonstrates remorse;

(l) Whether the prisoner has consistently managed a mental illness which may contribute to criminal behavior in the manner recommended by mental health professionals; and

(m) Any other factor which indicates that the release of the prisoner on parole would benefit, or would not be dangerous to, society or the prisoner.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.522 Reassessment of severity level of crime. ([NRS 213.10885](#), [213.110](#), [213.140](#))

1. If the Board denies parole, the Board will not consider a request for the Board to reassess the severity level of the crime for which parole was denied unless:

(a) The Department of Corrections determines that the severity level assigned to the crime pursuant to [NAC 213.512](#) should have been lower and advises the Board, in writing, of its determination; and

(b) The prisoner mails a request to the State Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706, not later than 45 days after the meeting at which the Board considered whether to grant parole.

2. If the Board receives a request from a prisoner for the Board to reassess the severity level of a crime and the Department of Corrections has advised the Board that the severity level assigned to the crime should have been lower, the Executive Secretary of the Board or an employee of the Board designated by the Board must apply the lower severity level to establish a new initial assessment regarding whether to grant parole in the manner set forth in [NAC 213.516](#).

3. If the new initial assessment established pursuant to subsection 2 is more favorable to the prisoner than the initial assessment established before the reassessment of the severity level, the Board will, as soon as practicable, schedule a meeting to reconsider whether to grant parole to the prisoner.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.524 Reassessment of risk level assigned to prisoner. ([NRS 213.10885](#), [213.110](#), [213.140](#))

1. A prisoner who wishes to request that the Board reassess the risk level assigned to the prisoner pursuant to [NAC 213.514](#) must:

(a) Mail a request for the Board to reassess the risk level to the State Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706, not later than 45 days after the meeting at which the Board considered whether to grant parole; and

(b) Base the request on circumstances which existed at the time that the Board assigned the risk level.

2. If a prisoner does not mail a request in compliance with subsection 1 or bases the request on a change of circumstances since the Board assigned the risk level, the Board will not consider the request.

3. As soon as practicable after receiving a request for the Board to reassess the risk level assigned to a prisoner, the Executive Secretary of the Board or an employee of the Board designated by the Board shall determine whether the Board, in assigning the risk level, did not consider a factor set forth in the sample form created by the Board pursuant to [NRS 213.10885](#) or did not give such a factor the appropriate weight. If such a determination is made, the Executive Secretary or the employee designated by the Board must reassess the risk level of the prisoner by considering only the facts which existed at the time of the original assignment.

4. If, after reassessing the risk level assigned to a prisoner, it is determined that the risk level is the same or higher than the previously assigned risk level, the Executive Secretary of the Board or the employee designated by the Board must affirm the denial of parole. If, after reassessing the risk level assigned to a prisoner, the risk level is lower than the previously assigned risk level, the Executive Secretary or the employee designated by the Board must apply the lower risk level to establish a new initial assessment regarding whether to grant parole in the manner set forth in [NAC 213.516](#).

5. If the new initial assessment established pursuant to subsection 4 is more favorable to the prisoner than the initial assessment established before the reassessment of the risk level, the Board will, as soon as practicable, schedule a meeting to reconsider whether to grant parole to the prisoner.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.526 Requests to reconsider denial of parole. ([NRS 213.10885](#), [213.110](#), [213.140](#))

1. A prisoner who wishes to request that the Board reconsider a denial of parole, other than a request pursuant to [NAC 213.522](#) or [213.524](#), must:

(a) Mail the request to the State Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706, not later than 45 days after the meeting at which the Board considered whether to grant parole; and

(b) Base the request on circumstances which existed at the time of the meeting at which the Board considered whether to grant parole.

2. As soon as practicable after receiving a request to reconsider a denial of parole pursuant to subsection 1, the Executive Secretary of the Board or an employee of the Board designated by the Board

shall consider the request and determine whether to deny the request or submit the request to the members of the Board.

3. If, after considering a request to reconsider a denial of parole pursuant to subsection 1, the Executive Secretary of the Board or the employee of the Board determines that the Board:

(a) Knew about the circumstances on which the request is based at the time the Board denied parole or that the circumstances on which the request is based are not factors which the Board considers when determining whether to grant parole, the Executive Secretary or employee shall deny the request.

(b) Did not have knowledge of the circumstances on which the request is based at the time the Board denied parole and that the circumstances on which the request is based are factors which the Board considers when determining whether to grant parole, the Executive Secretary or employee shall submit the request to the Board.

4. If a request to reconsider a denial of parole is submitted to the members of the Board pursuant to paragraph (b) of subsection 3 and a majority of the members of the Board state in writing that:

(a) The Board should schedule a meeting to reconsider the denial of parole, the Board will, as soon as practicable, schedule a meeting to reconsider the denial of parole.

(b) The Board should not schedule a meeting to reconsider the denial of parole, the Board will not schedule a meeting to reconsider the denial of parole.

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.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.532 Mandatory release of certain prisoners: Prerequisites; recommendation of panel that Board grant discretionary parole instead. ([NRS 213.10885](#), [213.110](#), [213.140](#))

1. A prisoner may not be released on mandatory parole pursuant to [NRS 213.1215](#) unless the Board has approved the release and the Division has established a program for the prisoner's activities during parole.

2. The Board will conduct a meeting to consider a prisoner for mandatory parole pursuant to [NRS 213.1215](#) not sooner than 150 days before the date on which the prisoner must be released on mandatory parole.

3. Before approving the mandatory parole of a prisoner, the Board will determine whether there is a reasonable probability that the prisoner will be a danger to public safety while on parole by considering:

(a) The risk level assigned to the prisoner pursuant to [NAC 213.514](#);

(b) If the prisoner has been convicted of an offense listed in subsection 5 of [NRS 213.1214](#), whether the prisoner has been certified as not presenting a high risk to reoffend pursuant to the provisions of subsection 1 of [NRS 213.1214](#);

(c) Whether the prisoner has made any statements indicating that the prisoner will refuse to comply with the terms and conditions of parole;

(d) Whether the prisoner has made any threats to harm others;

(e) The number and nature of any prior convictions of the prisoner, including, without limitation, whether the prisoner has a history of conviction for violent crimes;

(f) Whether the prisoner has engaged in violent behavior while incarcerated;

(g) Whether the prisoner has been convicted of multiple felony offenses involving driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance;

(h) Whether the prisoner has previously failed to successfully complete probation or parole and whether that failure was the result of violent or criminal actions by the prisoner;

(i) Whether the criminal history of the prisoner indicates that the crimes committed by the prisoner have increased in severity over time;

(j) Whether the prisoner has demonstrated an attitude or behavior which indicates that the prisoner favors a criminal lifestyle, including, without limitation, whether the prisoner has been actively involved in a criminal gang, the planning of prison escapes or other criminal activity; and

(k) Any other factor which demonstrates a reasonable probability that the prisoner will be a danger to public safety while on parole.

4. If a panel to which the Board has delegated its authority pursuant to [NRS 213.133](#) determines that it will recommend that the Board grant mandatory parole to a prisoner and that the prisoner has not been considered and is eligible for discretionary parole pursuant to [NRS 213.1099](#), the panel may recommend that the Board grant discretionary parole to the prisoner rather than mandatory parole.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.534 Notice to prisoner of meeting to consider whether to grant parole; waiver of certain rights by prisoner. ([NRS 213.110](#), [213.140](#))

1. Unless a prisoner has waived the right to receive notice pursuant to subsection 5, the Board will provide to a prisoner notice of the meeting to consider whether to grant parole to the prisoner. The notice will consist of:

(a) Personal delivery of written notice to the prisoner not later than 5 working days before the meeting; or

(b) The mailing, by certified mail, of written notice, addressed to the prisoner, to the residence, institution or facility at which the prisoner is confined not later than 21 working days before the meeting.

2. The Board will provide the notice required by subsection 1 only for a meeting to consider whether to grant parole to the prisoner.

3. Notice to a prisoner pursuant to paragraph (a) of subsection 1 will be deemed adequate if written notice was personally delivered to the prisoner and a copy of the written notice was returned to the Board and signed by:

(a) The prisoner and the employee of the Department of Corrections or the Department of Public Safety who witnessed the delivery of the written notice; or

(b) Two persons employed by the Department of Corrections or the Department of Public Safety who witnessed the prisoner refuse to accept the written notice.

4. Notice to a prisoner pursuant to paragraph (b) of subsection 1 will be deemed adequate if the Board has received a return receipt of delivery from the United States Postal Service.

5. A prisoner may waive, in writing, the rights granted to him or her pursuant to subsections 9 and 10 of [NRS 213.131](#).

6. If the Board finds that notice was not provided to a prisoner in accordance with this section and that the prisoner did not waive the right to receive notice pursuant to subsection 5, the Board may:

(a) Grant parole to the prisoner; or

(b) Reschedule the meeting.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.536 Recommendations to improve possibility of receiving parole. ([NRS 213.110](#), [213.140](#))

1. The recommendations which the Board may provide pursuant to [NRS 213.131](#) to a prisoner to whom parole is denied to improve the possibility of receiving parole may include, without limitation, a recommendation that the prisoner:

(a) Not engage in misconduct which may lead to disciplinary action;

(b) Participate in a program that addresses the behavior of the prisoner which led to his or her incarceration;

(c) Participate in an educational, occupational or vocational program;

(d) Participate in a program which encourages the development of empathy for victims of crime;

(e) Avoid participation in, and association with, a criminal gang; or

(f) Take any other action, or refrain from any other action, which the Board deems appropriate.

2. Any recommendation provided to a prisoner pursuant to [NRS 213.131](#) is not intended to create an expectation that the Board will grant parole to the prisoner if the prisoner follows the recommendations and does not create an interest in liberty or property when the Board considers the prisoner for parole at a subsequent hearing.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.545 Rescission of parole before release of prisoner: Procedure; delay of release. ([NRS 213.110](#), [213.140](#))

1. After the Board has granted parole to a prisoner but before the prisoner is released from prison, the Board may rescind the parole of the prisoner.

2. If the Department of Corrections or the Division becomes aware of information which provides grounds to rescind the parole of a prisoner and the prisoner is scheduled to be released on parole less than 3 working days after the Department or the Division becomes aware of the information, the Department or the Division may:

(a) Delay the release of the prisoner on parole for not more than 3 working days after the date on which the prisoner is scheduled to be released;

(b) Provide to any member of the Board written notification of the grounds to rescind parole and that the release of the prisoner has been delayed; and

(c) Request that a member of the Board order the further delay of the release of the prisoner.

3. If a member of the Board becomes aware of information which provides grounds to rescind the parole of a prisoner or receives written notification of grounds to rescind parole pursuant to subsection 2, the member may order the delay of the release of the prisoner to allow time for the Board to consider whether to rescind the parole of the prisoner.

4. If a member of the Board has received written notification of grounds to rescind parole pursuant to subsection 2 and does not order the delay of the release of the prisoner on parole within 3 working days after the date on which the prisoner is scheduled to be released on parole, the prisoner must be released.

5. If a member of the Board orders the delay of the release of a prisoner on parole pursuant to subsection 3, the Board will, as soon as practicable:

(a) Schedule a meeting to consider whether to rescind the parole of the prisoner; or

(b) If a majority of the members of the Board state in writing that the parole of the prisoner should not be rescinded, authorize the release of the prisoner.

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)

NAC 213.550 Determination of whether to revoke parole. ([NRS 213.10885](#), [213.110](#), [213.140](#), [213.150](#)) In determining whether to revoke the parole of a person for a violation of his or her parole, the Board may consider whether the person has, while on parole:

1. Been convicted of any crime committed after his or her 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 or her imprisonment;

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

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

5. Engaged in any other conduct that makes him or her 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; R080-98, 8-11-98)

NAC 213.560 Use of or deviation from standards; deviation from initial assessment. ([NRS 213.10885](#), [213.110](#), [213.140](#), [213.150](#))

1. The standards contained in [NAC 213.512](#) to [213.518](#), inclusive, and [213.550](#) 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 213.512](#) to [213.518](#), inclusive, and [213.550](#) based upon any factor, or combination of factors, set forth in [NAC 213.518](#) or any other factor which the Board deems relevant to the determination of whether to grant, deny, continue or revoke parole.

3. If the Board takes an action contrary to the initial assessment regarding whether to grant parole which is established pursuant to [NAC 213.516](#), the Board will state in its order the reasons for deviating from the initial assessment.

4. 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 213.512](#) to [213.518](#), inclusive, and [213.550](#).

(Added to NAC by Bd. of Parole Comm'rs, 6-27-90, eff. 5-11-90; A 7-19-96; R080-98, 8-11-98; R018-08, 4-17-2008)

NAC 213.565 Delegation of certain authority of Board to panel. ([NRS 213.133](#)) When authorized pursuant to [NRS 213.133](#), the Board may delegate its authority to hear, consider and act upon the parole of a prisoner and on any issue before the Board to a panel consisting of:

1. Two or more members of the Board, two of whom constitute a quorum; or

2. One member of the Board who is assisted by a case hearing representative chosen from the list of persons eligible to serve as case hearing representatives established and maintained by the Board pursuant to [NRS 213.135](#).

(Added to NAC by Bd. of Parole Comm'rs by R018-08, eff. 4-17-2008)