

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

### PARDONS, REMISSIONS OF FINES, COMMUTATIONS OF PUNISHMENTS

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(Supplied in codification; A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

Commissioners.

NAC 213.010 "Board" defined. (NRS 233B.040) "Board" means the State Board of Pardons

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

NAC 213.005 Definitions. (NRS 233B.040) As used in NAC 213.005 to 213.205, inclusive, unless the context otherwise requires, the words and terms defined in NAC 213.010 to 213.018, inclusive, have the meanings ascribed to them in those sections.

General Provisions

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(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.012 "Commutation of a punishment" defined.** (NRS 233B.040) "Commutation of a punishment" means the changing of the sentence of a person convicted of a crime to another sentence, resulting in a reduction or lessening of the sentence.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.013 "Department" defined.** (NRS 233B.040) "Department" means the Department of Corrections.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.014 "Division" defined.** (NRS 233B.040) "Division" means the Division of Parole and Probation of the Department of Public Safety.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.017 "Pardon" defined.** (NRS 233B.040) "Pardon" means the forgiveness of a crime and the penalty associated with it.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.018 "Secretary" defined.** (NRS 233B.040) "Secretary" means the Secretary of the Board.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.019 Declaration concerning pardons, remissions of fines, commutations of punishments and restorations of civil rights.** (NRS 233B.040, 233B.050) The provisions of NAC 213.005 to 213.205, inclusive, do not grant any person a right to the remission of a fine or forfeiture, the commutation of a punishment, the granting of a pardon or the restoration of any civil rights or restrict the authority granted to the Board by the Nevada Constitution, and it is not intended that the establishment of standards relating to the remission of fines or forfeitures, the commutation of punishments, the granting of pardons or the restoration of civil rights create any such right or interest in liberty or property or establish a basis for any cause of action against the State, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.020 Meetings.** (NRS 213.010, 233B.040, 233B.050)

1. The Board may meet semiannually or more often.  
2. Meetings may be held during the second week of November and the second week of May on a date determined by the Board, unless otherwise designated by the Board.  
3. Upon the recommendation of any member of the Board or the Secretary, and with the consent of the Governor, a special meeting of the Board may be held.

[Bd. of Pardons Comm'rs, No. 1, eff. 12-24-66]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.030 Chair.** (NRS 233B.040) The Governor is the Chair of the Board.

[Bd. of Pardons Comm'rs, No. 2, eff. 12-24-66]

#### Applications

**NAC 213.040 Availability and submission; time limit.** (NRS 213.020, 233B.040, 233B.050)

1. A person seeking clemency, or any person acting on behalf of such a person, must submit an application to the Board in accordance with the instructions prescribed by the Secretary. An application for clemency may be obtained from the Secretary at 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706. In addition, an application for the commutation of a punishment may be obtained from the wardens of institutions and facilities of the Department in accordance with the instructions prescribed by the Secretary.  
2. Except as otherwise provided in subsection 3, an application for a pardon, the remission of a fine or forfeiture or the commutation of a punishment must be submitted to the Secretary not less than 90 days before a semiannual meeting of the Board.

3. The Governor may prescribe a shorter period for a special hearing of the Board.  
[Bd. of Pardons Comm'rs, No. 5, eff. 12-24-66; A 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.050 Contents; applicability.** (NRS 213.020, 233B.040, 233B.050)

1. An application must include:
  - (a) The name of the person making the application;
  - (b) If the application is filed on behalf of another person, the name of the person in whose favor the application is made;
  - (c) The court rendering judgment;
  - (d) The amount of the fine or forfeiture, or the kind or character of the punishment;
  - (e) The type of clemency or pardon being sought;
  - (f) The grounds for the application; and
  - (g) Any other information deemed necessary by the Secretary.
2. An application for clemency must relate to a violation of the laws of this State. A person may not apply for clemency if the offense for which clemency is sought was a violation of the laws of another state, the United States, a district, commonwealth, territory or insular possession of the United States or a foreign country.

[Bd. of Pardons Comm'rs, No. 4, eff. 12-24-66]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.055 Procedures and criteria for selection of applications for consideration by Board; additional selections.** (NRS 213.017, 233B.040, 233B.050)

1. The Secretary shall establish procedures and criteria for the selection of applications for clemency to be considered by the Board at a meeting. The Secretary shall:
  - (a) Post the procedures and criteria on the Internet website maintained by the Board; and
  - (b) Make the procedures and criteria available for public inspection at the primary office of the Secretary.

2. Except as otherwise provided in subsection 4, a member of the Board may select an application for clemency for the consideration of the Board at a meeting notwithstanding the procedures and criteria established by the Secretary pursuant to subsection 1, any regulation of the Board or the recommendation or absence of a recommendation from the Director of the Department or the Chief Parole and Probation Officer. A member of the Board who wishes to select an application for the consideration of the Board must inform the Secretary of the selection not less than 50 days before the date of the meeting at which the Board will consider the application, unless the member demonstrates good cause for a shorter period of time.

3. Members of the State Board of Parole Commissioners and the Director of the Department may provide to the Secretary the names of inmates who may merit consideration for clemency.

4. Before a meeting of the Board, the Governor may remove from consideration any application for clemency that has been selected for the consideration of the Board.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.065 Pardons: Waiting period for eligibility to submit application; waiver.** (NRS 233B.040, 233B.050)

1. Except as otherwise provided in this section, a person may not submit an application for a pardon from a conviction for a:
  - (a) Misdemeanor which constitutes domestic violence pursuant to [NRS 33.018](#) until 5 years after the date on which the person is released from actual custody or is no longer under a suspended sentence, whichever occurs later.
  - (b) Category E felony until 6 years after the date on which the person is discharged from probation or parole or released from prison because of the expiration of the term of imprisonment to which the person was sentenced.
  - (c) Category B, C or D felony for which the person was sentenced to probation until 8 years after the date on which the person is discharged from probation, except as otherwise provided in this paragraph. If the person was sentenced to probation upon a conviction for a category C or D felony and his or her probation was revoked, the person may not submit an application for a pardon until 10 years after the date on which the person is discharged from parole or released from prison because of the expiration of the term of imprisonment to which the person was sentenced.
  - (d) Category C or D felony for which the person was sentenced to a term of imprisonment until 9 years after the date on which the person is discharged from parole or released from prison because of the expiration of the term of imprisonment to which the person was sentenced.
  - (e) Category B felony for which the person was sentenced to a term of imprisonment until 10 years after the date on which the person was sentenced.

the date on which the person is discharged from parole or released from prison because of the expiration of the term of imprisonment to which the person was sentenced.

(f) Category A felony until 12 years after the date on which the person is discharged from probation or parole or released from prison because of the expiration of the term of imprisonment to which the person was sentenced.

2. If a person is convicted of a crime, other than a traffic offense, during the waiting period prescribed in subsection 1, the Board may require that the waiting period begin on the date of the conviction or on the date on which the person is discharged from probation or parole or released from prison because of the expiration of the term of imprisonment to which the person was sentenced.

3. With the consent of a member of the Board, the Secretary may waive the waiting period prescribed in subsection 1.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.073 Pardons: Investigation of applicant; rejection of application; list of rejected applications; written recommendation. (NRS 213.017, 233B.040, 233B.050)**

1. Upon receiving an application for a pardon from a person who meets the minimum qualifications set forth in [NAC 213.065](#), the Secretary shall request that the Division investigate the applicant as the Secretary deems necessary and appropriate. If the investigation reveals serious negative information which indicates that the Board may be unlikely to grant a pardon to the applicant, the Secretary may reject the application for consideration by the Board. The Secretary shall:

(a) Create a list of all applicants investigated who are denied a hearing and the reason for the denial; and

(b) Make the list available for the Board's consideration.

2. After the Division has completed the investigation required by subsection 1, the Chief Parole and Probation Officer shall provide to the Board a written recommendation regarding whether to grant a pardon to the applicant.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.077 Restoration of civil rights without Board meeting. (NRS 213.017, 213.035, 233B.040, 233B.050)**

1. If a person has applied for a pardon for the sole purpose of restoring his or her civil rights, the Board may grant the pardon and restore, in whole or in part, the civil rights of the applicant without a meeting if the following conditions are satisfied:

(a) The offense for which the pardon is sought:

(1) Did not result in physical injury to a victim;

(2) Did not involve the use or threatened use of force or violence; and

(3) Was not a sexual offense.

(b) The applicant has never been convicted of:

(1) An offense that resulted in physical injury to a victim;

(2) An offense involving the use or threatened use of force or violence; or

(3) A sexual offense.

(c) There is no objection from the court in which the judgment was rendered.

(d) There is no objection from the district attorney of the county in which the applicant was convicted.

(e) The Board has not received a written request for notice concerning a meeting to consider an application for clemency from a victim of a crime committed by the applicant or, during the course of an investigation of the applicant, a victim of a crime committed by the applicant has not objected to the granting of a pardon to the applicant.

2. The Secretary shall identify applications that may meet the criteria set forth in subsection 1 before requesting the investigation required by [NAC 213.073](#). If the Secretary determines that an application meets the criteria set forth in subsection 1, the Secretary shall submit to the Division a notice of the intent to act on the application without a meeting of the Board. During the investigation, the Division shall provide notice of the intent to act on the application without a meeting of the Board to the court in which the applicant was convicted and to the district attorney of the county in which the applicant was convicted.

3. If the court in which the applicant was convicted and the district attorney of the county in which the applicant was convicted do not object to the Board taking action on the application without a meeting, the Secretary shall provide to the members of the Board the application, the results of the investigation required by [NAC 213.073](#) and any other material deemed relevant by the Secretary.

4. Within 30 days after receiving the information described in subsection 3, the Governor and Attorney General shall determine whether to grant the pardon and restore, in whole or in part, the civil rights of the applicant. Within 45 days after receiving the information described in subsection 3, the Justices of the

Supreme Court shall determine whether to grant the pardon and restore, in whole or in part, the civil rights of the applicant.

5. If a majority of the members of the Board, with the Governor being in the majority, agree to grant the pardon and restore, in whole or in part, the civil rights of the applicant, the Secretary shall prepare the documents described in [NAC 213.205](#) to reflect the action taken by the Board.

6. As used in this section, "sexual offense" has the meaning ascribed to it in [NRS 179D.097](#). (Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.080 Prisoners eligible for or denied parole.** ([NRS 233B.040, 233B.050](#)) The Board will not accept the application of a prisoner for a pardon or the commutation of a punishment if the prisoner is eligible for release on parole to the community, or becomes eligible for release on parole to the community on a date less than 1 year after the date of the next meeting of the Board, unless the applicant shows extraordinary circumstances that merit consideration by the Board.  
[Bd. of Pardons Comm'rs, No. 6 § (b), eff. 12-24-66; A 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.085 Persons on parole.** ([NRS 233B.040, 233B.050](#)) Except as otherwise provided in subsection 2 of [NAC 213.055](#), the Board will not consider an application for the remission of a fine or forfeiture or the commutation of a punishment submitted by a person on parole unless, pursuant to [NRS 176.033](#), the person has served one-half of the period of his or her parole, or 10 consecutive years on parole in the case of a person sentenced to life imprisonment, and:

1. The Division has provided the person a favorable recommendation for a modification of sentence pursuant to [NRS 176.033](#) and the State Board of Parole Commissioners has refused to file a petition for a modification of sentence pursuant to [NRS 176.033](#); or

2. The State Board of Parole Commissioners has filed a petition for a modification of sentence pursuant to [NRS 176.033](#) and the court has denied the petition.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.100 Effect of new criminal code.** ([NRS 233B.040, 233B.050](#)) An application for the commutation of a punishment submitted by a person serving a sentence prescribed under a previous criminal law which is longer than now prescribed under current law will be considered on the merits of the case alone and not solely because, under the new law, the punishment has been reduced.  
[Bd. of Pardons Comm'rs, No. 16, eff. 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.103 Persons required to register as offender convicted of offense against child or sex offender.** ([NRS 233B.040, 233B.050](#)) Except as otherwise provided in subsection 2 of [NAC 213.055](#), the Board will not consider an application for clemency if the applicant is required to register as an offender convicted of an offense against a child or a sex offender as a result of the conviction for which the applicant is seeking clemency, unless, pursuant to [NRS 179D.490](#), the applicant is no longer required to register as an offender convicted of a crime against a child or a sex offender.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.107 Availability of judicial or administrative relief.** ([NRS 233B.040, 233B.050](#)) Except as otherwise provided in subsection 2 of [NAC 213.055](#), the Board will not consider an application for clemency if other forms of judicial or administrative relief are reasonably available to the applicant.  
(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.110 Commutation of sentence of life without possibility of parole.** ([NRS 213.085, 233B.040, 233B.050](#)) The Board will not consider an application for the commutation of a sentence of life without the possibility of parole to life with the possibility of parole unless:

1. The applicant committed the crime before July 1, 1995; and

2. Nineteen calendar years have been served by the applicant.  
[Bd. of Pardons Comm'rs, No. 15, eff. 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.120 Death penalty.** ([NRS 213.085, 233B.040, 233B.050](#)) Except as otherwise provided in subsection 2 of [NAC 213.055](#), the Board will not consider an

application for a pardon or the commutation of a punishment submitted by a person sentenced to the death penalty unless the person has exhausted all available judicial appeals.

2. If a death penalty is being considered, the presence of the Governor is required and any judgment must be made by a majority of the members of the Board.

[Bd. of Pardons Comm'rs, No. 9, eff. 12-24-66]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.125 Requirements for reapplication.** (NRS 233B.040, 233B.050) Any person whose application for clemency has been considered by the Board and who has been denied favorable action by the Board may not reapply for clemency unless:

1. The person shows a substantial change of circumstance that merits consideration by the Board; or

2. The Board provided instructions to the person at a previous hearing and the person has demonstrated that he or she has complied fully with the instructions.

[Bd. of Pardons Comm'rs, No. 6 § (a), eff. 12-24-66; A 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010) (Substituted in revision for NAC 213.070)

#### Meetings and Hearings

**NAC 213.183 Recommendation of Director to accompany application; approval of Secretary.** (NRS 213.017, 233B.040, 233B.050)

1. The application of an inmate who is selected for consideration by the Board must be accompanied by a recommendation by the Director of the Department to the Secretary.

2. Except as otherwise provided in [NAC 213.055](#), the Secretary has the final approval in placing an application on the agenda. Except as otherwise provided in [NAC 213.077](#), upon such approval, the applicant will be granted a hearing at a regularly or specially called meeting of the Board.

3. A list of all applicants who are denied a hearing and the reason for the denial must be available for the Board's consideration.

[Bd. of Pardons Comm'rs, No. 6 § (c), eff. 12-24-66; A 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010) (Substituted in revision for NAC 213.090)

**NAC 213.185 Notice to certain persons of meeting to consider application; request for recommendations.** (NRS 213.020, 213.040, 233B.040, 233B.050) Notice served pursuant to [NRS 213.020](#) must include:

1. An offer to the district judge who adjudicated the case involving the applicant, or the successor of that district judge, to provide comments and a recommendation to the Board;

2. A request for a statement of facts and any information affecting the merits of the application pursuant to [NRS 213.040](#) from the district attorney who prosecuted the case involving the applicant or the successor of that district attorney;

3. If the application is for the remission of a fine or forfeiture, a request for a recommendation concerning whether to remit the fine or forfeiture from the chair of the board of county commissioners of the county in which the applicant was convicted; and

4. An invitation for the district judge, the district attorney and, when applicable, the chair of the board of county commissioners to testify before the Board at the hearing.

[Bd. of Pardons Comm'rs, No. 7, eff. 12-24-66; A 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010) (Substituted in revision for NAC 213.060)

**NAC 213.187 Notice to victim of meeting for consideration of clemency.** (NRS 213.010, 213.017, 233B.040, 233B.050) If an application for clemency is selected for the consideration of the Board at a meeting, the Secretary shall, in accordance with [NRS 213.010](#), notify any victim of the crime for which clemency is sought.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**NAC 213.190 Hearings to be informal.** (NRS 233B.040, 233B.050) Hearings before the Board will be informal in nature, and regular rules of evidence or other formalities do not apply.

[Bd. of Pardons Comm'rs, No. 16, eff. 12-24-66; renumbered as No. 20, 11-9-68]—(NAC A by Bd. of Pardons Comm'rs by R085-09, 8-13-2010)

**NAC 213.200 Testimony; presence of applicant; affidavits and depositions.** (NRS 233B.040, 233B.050) The Board may:

1. Require all testimony to be given under oath.
2. Require the presence of the applicant.
3. Accept for consideration any affidavits or depositions taken and certified by a district judge, county clerk or notary public.

[Bd. of Pardons Comm'rs, No. 14, eff. 12-24-66; A and renumbered as No. 18, 11-9-68]

**NAC 213.205 Preparation of official documents for clemency. (NRS 213.017, 233B.040, 233B.050)**

1. If the Board grants clemency:
  - (a) The Secretary shall prepare two official documents which:
    - (1) Describe the fine, forfeiture, sentence or punishment that is the subject of the Board's action, the action taken by the Board and the consequences of that action, including, without limitation, any limitations or conditions on the action; and
    - (2) Are signed by the Secretary of State and attested with the Great Seal of the State of Nevada;
  - (b) Each member of the Board who voted in favor of the action shall sign the official documents prepared by the Secretary; and
  - (c) A member of the Board who voted against the granting of clemency may sign the official documents prepared by the Secretary to affirm that the official documents reflect the action taken by the Board.
2. Except as otherwise provided in this subsection, the Secretary may not prepare an official document if the Board refuses to grant clemency. If the Board has refused to grant clemency and instructs the Secretary to prepare an official document reflecting that action, the Secretary shall prepare an official document reflecting the Board's refusal to grant clemency.
3. If a member of the Board who voted in favor of granting clemency is no longer a member of the Board or is unable to sign the official documents prepared by the Secretary pursuant to subsection 1 and a majority of the members of the Board who voted in favor of the action are no longer members of the Board, the current Governor, Attorney General and Chief Justice of the Supreme Court may sign an instrument of clemency certifying the action of the Board based on the transcripts and minutes taken at the meeting of the Board.
4. The Secretary shall:
  - (a) Keep at the primary office of the Secretary one official document prepared and signed pursuant to subsection 1.
  - (b) Provide to the person to whom clemency was granted one official document prepared pursuant to subsection 1.
5. The Secretary may certify a copy of an official document prepared pursuant to subsection 1.
  - (a) Granted probation after suspension of sentence by a court of this or any other state; or
  - (b) Released on parole by the State Board of Parole Commissioners of this or any other state.
2. The provisions of NAC 213.220 to 213.280, inclusive, do not apply to any probationer who was sentenced before March 16, 1983, or to any parolee who was released on parole before March 16, 1983.

(Added to NAC by Bd. of Pardons Comm'rs by R085-09, eff. 8-13-2010)

**FEE FOR SUPERVISION**

**NAC 213.220 Applicability. (NRS 213.1076)**

1. Except as otherwise provided in subsection 2, the provisions of NAC 213.220 to 213.280, inclusive, apply to every person living in this State who has been:
  - (a) Granted probation after suspension of sentence by a court of this or any other state; or
  - (b) Released on parole by the State Board of Parole Commissioners of this or any other state.
2. The provisions of NAC 213.220 to 213.280, inclusive, do not apply to any probationer who was sentenced before March 16, 1983, or to any parolee who was released on parole before March 16, 1983.

(Added to NAC by Dept. of Parole & Probation, eff. 7-1-83; A 9-26-89)

**NAC 213.230 Fee required; amount; exception. (NRS 213.1076)** Each parolee or probationer shall, during the term of the parole or probation, pay a monthly fee of \$30 to the Division of Parole and Probation of the Department of Public Safety to help defray the cost of supervision unless he or she receives a waiver as provided in subsection 2 of NRS 213.1076.  
 (Added to NAC by Dept. of Parole & Probation, eff. 7-1-83; A 7-22-85; 10-13-87; A by Div. of Parole & Probation by R111-00, 1-10-2001)

**NAC 213.260 Postponement of payment. (NRS 213.1076)** If the Chief Parole and Probation Officer grants a waiver of immediate collection of the fees upon condition of future payment, the parolee or probationer shall pay the back fees if at any time before the end of the term of parole or probation his or her income becomes sufficient to enable him or her to do so.  
 (Added to NAC by Dept. of Parole & Probation, eff. 7-1-83)

**NAC 213.270 Form of payment; statement of account. (NRS 213.1076)**



1. A check or money order written to pay the fee set forth in NAC 213.230 must be made payable to the

2. A check or money order written to pay for the use of any equipment required by the Division of Parole and Probation of the Department of Public Safety for the surveillance of a parolee or probationer under supervision by the Division must be made payable to the provider of the equipment that is approved by the Division.

3. A fee required to be paid pursuant to NAC 213.230 or an amount required to be paid pursuant to subsection 2 is not payable in cash.

4. Upon request by a parolee or probationer, the Division will furnish him or her a statement of his or her account for payments of fees and any amounts due.

(Added to NAC by Dept of Parole & Probation, eff. 7-1-83; A by Div. of Parole & Probation by R111-00, 1-10-2001)

### **NAC 213.280 Clarification of provisions regarding payment of fee. (NRS 213.1076)**

A person may obtain clarification of the provisions of NAC 213.220 to 213.270, inclusive, information about waivers, or other information relating to those provisions from the Division of Parole and Probation, 1445 Hot Springs Road, Suite 104, Carson City, Nevada 89711.

(Added to NAC by Dept of Parole & Probation, eff. 7-1-83)

## **LIFETIME SUPERVISION**

### **NAC 213.290 Notification; report; hearing; request to modify conditions. (NRS 213.1243)**

1. At least 120 days before the first day of the month in which a sex offender who has been sentenced to a special sentence of lifetime supervision is scheduled to be released from an institution or facility of the Department, the Department shall provide written notification to the Division of the date that the sex offender is scheduled to be released during the month. If more than one such sex offender is scheduled to be released during the month, the Department shall provide notice for such sex offenders pursuant to this subsection in the form of a list that includes the name of each sex offender scheduled for release and the date on which each sex offender will be released.

2. At least 90 days before the first day of the month in which a sex offender who has been sentenced to a special sentence of lifetime supervision is scheduled to complete a term of parole or probation or to be released from an institution or facility of the Department. If more than one such sex offender is scheduled to complete a term of parole or probation or to be released from an institution or facility of the Department during the month, the Division shall provide notice for such sex offenders pursuant to this subsection in the form of a list that includes the name of each sex offender and the date on which each sex offender will complete his or her term or be released.

3. Upon receipt of written notification pursuant to subsection 2, the Board will schedule a hearing to establish the conditions of lifetime supervision for the sex offender. The Board will:

(a) Determine an appropriate location for the hearing that may include, without limitation, the institution or facility at which the sex offender is housed or an office of the Board; and

(b) Appoint a panel pursuant to NRS 213.133 to conduct the hearing.

4. At least 30 days before the date on which a hearing is scheduled pursuant to subsection 3, the Division shall provide to the Board a report on the status of the sex offender who is the subject of the hearing. The report must include, without limitation:

(a) A summary of the progress of the sex offender while on parole or probation or in an institution or facility of the Department, as applicable; and

(b) Recommendations for conditions of lifetime supervision for the sex offender.

5. The Division may request the Board to modify the conditions of lifetime supervision of a sex offender. Upon receipt of such a request, the Board will schedule and hold a hearing in the same manner as provided in subsection 3. The Board may require the presence of the sex offender at the hearing.

6. As used in this section:

(a) "Board" means the State Board of Parole Commissioners.

(b) "Department" means the Department of Corrections.

(c) "Division" means the Division of Parole and Probation of the Department of Public Safety.

(d) "Sex offender" has the meaning ascribed to it in NRS 213.107.

(Added to NAC by Bd. of Parole Comm'rs by R183-99, eff. 3-3-2000)

RELEASE ON AND REVOCATION OF PAROLE

**NAC 213.495 Definitions. (NRS 213.110)** As used in NAC 213.495 to 213.565, inclusive, unless the context otherwise requires, the words and terms defined in 213.506, inclusive, have the meanings ascribed to them in those sections.  
(Added to NAC by Bd. of Parole Comm'ts by R018-08, eff. 4-17-2008)

**NAC 213.500 "Board" defined. (NRS 213.110)** "Board" means the State Board of Parole Commissioners.  
(Added to NAC by Bd. of Parole Comm'ts, 6-27-90, eff. 5-11-90; A by R018-08, 4-17-2008)

**NAC 213.502 "Criminal gang" defined. (NRS 213.110)** "Criminal gang" has the meaning ascribed to it in NRS 213.1263.  
(Added to NAC by Bd. of Parole Comm'ts by R018-08, eff. 4-17-2008)

**NAC 213.504 "Division" defined. (NRS 213.110)** "Division" means the Division of Parole and Probation of the Department of Public Safety.  
(Added to NAC by Bd. of Parole Comm'ts by R018-08, eff. 4-17-2008)

**NAC 213.506 "Property offense" defined. (NRS 213.110)** "Property offense" means an offense or attempted offense involving:

1. Securities in violation of NRS 90.650;
2. Commodities in violation of NRS 91.340;
3. Fraud in violation of NRS 119.330, 197.210, 205.365, 205.370, 205.435, 205.445 or 645.990;
4. Neglect of duty or malfeasance by a public officer in violation of NRS 197.040, 204.030, 204.050, 281.230, 356.110, 583.543 or 658.155;
5. Falsely auditing or paying a claim or demand against the State or a county, town or city of this State in violation of NRS 197.150;
6. Robbery in violation of NRS 200.380;
7. The use or sale of liquid silicone in violation of NRS 202.248;
8. The unlawful use of public money in violation of NRS 204.020;
9. Arson with the intent to defraud an insurer in violation of NRS 205.030;
10. Burglary in violation of NRS 205.060 or 205.075;
11. Home invasion in violation of NRS 205.067;
12. Theft in violation of NRS 205.0832 or 205.2707;
13. An organized retail theft ring in violation of NRS 205.08345;
14. Forgery in violation of NRS 205.090, 205.110, 205.160 or 205.481;
15. False representations or statements in violation of NRS 205.120, 205.370, 517.300, 668.015 or 668.095;
16. The issuance, or attempted issuance, of a check or draft without sufficient money or credit in violation of NRS 205.130;
17. Counterfeiting in violation of NRS 205.175, 205.180 or 205.185;
18. Sound recordings in violation of NRS 205.217;
19. Grand larceny in violation of NRS 205.220, 205.226 or 205.228;
20. Petit larceny in violation of NRS 205.240;
21. The taking of property from the person of another under circumstances not amounting to robbery in violation of NRS 205.270;
22. A stolen vehicle in violation of NRS 205.273;
23. Stolen property in violation of NRS 205.275;
24. Embezzlement in violation of NRS 205.300 or 668.055;
25. Obtaining money, property or a signature by false pretenses in violation of NRS 205.380 or 205.390;
26. The unauthorized collection of money for a benefit in violation of NRS 205.415;
27. Impersonating another person in violation of NRS 205.450 or 205.455;
28. Personal identifying information in violation of NRS 205.463, 205.464 or 205.465;
29. The unlawful use of a computer in violation of NRS 205.4765 or 205.477;
30. Documents of title in violation of NRS 205.520, 205.540, 205.570, 205.580 or 205.590;
31. Credit cards, debit cards or telephone calling cards in violation of NRS 205.690 to 205.760, inclusive, or 205.770 to 205.800, inclusive;
32. Obtaining telephone service with the intent to avoid payment for that service in violation of NRS 205.920;

33. The obtaining of a loan for another in violation of NRS 205.950;  
34. An agreement to act as a qualified intermediary in violation of NRS 205.960;  
35. A monetary instrument which is the proceeds of or derived from an unlawful activity in violation of NRS 207.195;  
36. Public assistance in violation of NRS 207.340, 422.366 to 422.369, inclusive, 422.410, 422.560 or 422A.700;  
37. Racketeering in violation of NRS 207.400;  
38. The procuring or filing of a false or forged public record in violation of NRS 239.330;  
39. A facsimile signature or seal on a public security or an instrument of payment in violation of NRS 351.060;

40. The giving of an unlawful receipt by a tax receiver in violation of NRS 361.525;  
41. Unlawful licenses in violation of NRS 364.090;  
42. The tax on cigarettes in violation of NRS 370.380 or 370.382;  
43. An Indian burial site in violation of NRS 383.180;  
44. A dead body of a human being, or any part thereof, in violation of NRS 451.030;  
45. The sale of a vehicle in violation of NRS 482.547;  
46. The failure to pay for farm products in violation of NRS 576.125;  
47. Meat or poultry in violation of NRS 583.495;  
48. A deceptive trade practice in violation of NRS 598.0999;  
49. An unfair trade practice in violation of NRS 598A.280;  
50. Telephone solicitation in violation of NRS 599B.255;  
51. Industrial insurance in violation of NRS 616D.300, 616D.310, 616D.370, 616D.390 or 616D.400 or a predecessor of those provisions;  
52. A fraudulent or excessive charge for drugs or medical supplies under a program of public assistance in violation of NRS 639.2815;  
53. An escrow or trust account in violation of NRS 645B.960 or a predecessor of that provision;  
54. Criminally receiving junk in violation of NRS 647.145;  
55. The failure to follow a written order of the Commissioner of Financial Institutions in violation of NRS 666.215;  
56. An insolvent bank in violation of NRS 668.045;  
57. A trust company in violation of NRS 669.290;  
58. A thrift company in violation of NRS 677.810 or 677.850;  
59. Insurance in violation of NRS 686A.290, 686A.291, 692B.040, 692C.480 or 693A.070;  
60. Public utilities in violation of NRS 704.800; or  
61. The conduct set forth in subsections 1 to 60, inclusive, which violated a law of any other jurisdiction that prohibits the same or similar conduct.

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

**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. 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

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	Deny parole	Consider factors set forth in <a href="#">NAC 213.518</a>	Grant parole at first or second meeting to consider prisoner for parole
High	Deny parole	Deny parole	Consider factors set forth in <a href="#">NAC 213.518</a>	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 first or second meeting to consider prisoner for parole	Grant parole at initial parole eligibility
Low Moderate	Consider factors set forth in <a href="#">NAC 213.518</a>	Grant parole at first or second meeting to consider prisoner for parole	Grant parole at initial parole eligibility	Grant parole at initial parole eligibility
Low	Consider factors set forth in <a href="#">NAC 213.518</a>	Consider factors set forth in <a href="#">NAC 213.518</a>	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'r's 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

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:

**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 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)

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)

#### STANDARDS FOR RECOMMENDATIONS REGARDING PAROLE OR PROBATION

#### REVISER'S NOTE

The provisions of NAC 213.570 to 213.630, inclusive, were originally adopted by the Chief Parole and Probation Officer on April 6, 1990. Pursuant to ch. 790, Stats. 1989, those provisions became effective 10 days after that date.

**NAC 213.570 "Division" defined.** (NRS 213.10988) As used in NAC 213.570 to 213.630, inclusive, unless the context otherwise requires, "Division" means the Division of Parole and Probation of the Department of Public Safety.

(Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90)

**NAC 213.580 Evaluation by Division.** (NRS 213.10988)

Except as otherwise provided by statute or directed by the court, the Division will evaluate every person who is convicted of a felony. The purpose of the evaluation is to enable the Chief Parole and Probation Officer to make a recommendation to the court concerning sentencing.  
(Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90; A by Div. of Parole & Probation by R225-05, 9-18-2006)

**NAC 213.590 Use of Probation Success Probability form.** (NRS 213.10988)

1. Each convicted person will first be evaluated using the Probation Success Probability form adopted by the Division. The form generates a numeric score based upon consideration of the following factors:

- (a) The number of prior criminal convictions sustained by the convicted person;
- (b) The number of other criminal prosecutions pending against the person;
- (c) The number of occasions on which the person has been incarcerated;
- (d) If the person is 23 years of age or younger, the number of occasions on which he or she has been committed to a correctional facility for juveniles;

(e) The number of years that have elapsed since the person's most recent previous conviction, whether the conviction was sustained as a juvenile or as an adult;

(f) The number of occasions on which the person has been supervised as an adult or juvenile probationer;

(g) The tendency of the person to have engaged in crimes of increasing or decreasing severity, or in crimes involving violence;

(h) The circumstances of the person's arrest for the present offense;

(i) The nature of the present offense and the number of persons victimized;

(j) The degree of psychological, physical and financial harm caused to the victim of the present offense;

(k) If the present offense involved controlled substances, the nature of the conduct involved in the offense;

(l) The sophistication of the present offense and the degree of premeditation involved in the offense;

(m) The benefits received by the person as the result of any plea negotiation in the present proceeding;

(n) The use of any weapon in connection with the present offense;

(o) The involvement in the present offense of any other offender;

(p) The existence and nature of any motive for the present offense;

(q) The age and education of the person;

(r) The support provided to the person by his or her immediate family;

(s) The person's history of employment and record of military service;

(t) The employability of the person;

(u) The person's financial self-sufficiency;

(v) The ties or connections between the person and the community in which he or she lives;

(w) The person's history of substance abuse;

(x) The availability to the person of rehabilitative or other programs in the community;

(y) Participation by the person in a mental health or substance abuse program, if such a program is warranted by the nature of the case;

(z) The person's honesty and cooperation in dealing with an employee of the Division who is performing the evaluation; and

(aa) The attitude of the person concerning the present offense and toward supervision on probation.

2. The numeric score derived from the use of the Probation Success Probability form may be used by the Chief Parole and Probation Officer in making a recommendation concerning:

(a) The granting or denial of probation; and

(b) The length of any term of confinement to be served by the convicted person, as provided in NAC 213.600.

(Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90; A by Div. of Parole & Probation by R225-05, 9-18-2006)

**NAC 213.600 Use of Sentence Recommendation Selection Scale form. (NRS 213.10988)** Any recommended term of confinement for a convicted person may be derived using the Sentence Recommendation Selection Scale form adopted by the Division. The form may be used to apply the numeric score obtained from the Probation Success Probability form to the range of sentences provided by law for the offense, resulting in a recommended term of confinement.

(Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90)

**NAC 213.610 Considerations for recommending continuation or revocation of probation. (NRS 213.10988)** In making a recommendation pursuant to NRS 176A.630 concerning the continuation or revocation of probation, the Chief Parole and Probation Officer may consider any of the following acts or omissions occurring during the period of probation:

1. Failure of the convicted person to participate in any program established for him or her by the Division, or to report to his or her supervising parole and probation officer or any other person designated by the Division.

2. Any change of employment or place of residence, or any departure from this State or the area of residence of the convicted person, that occurs without the consent of his or her supervising parole and probation officer.

3. Failure of the convicted person to submit each month a true and correct report in writing to his or her supervising parole and probation officer in the form prescribed by the Division.

4. Any use of alcoholic beverages to any extent or, as directed by the court, to the extent that the convicted person has 0.10 percent or more by weight of alcohol in his or her blood.

5. Any unlawful purchase, use, possession, administration or sale or other transfer of any controlled substance or dangerous drug by the convicted person.

6. Failure of the convicted person to submit to a test for the presence of any controlled substance or dangerous drug in his or her blood or other bodily substance, as directed by his or her supervising parole and probation officer.
7. Any possession, ownership or use of a weapon by the convicted person.
8. Any association by the convicted person with any person who is of bad reputation or who has been confined to a penal institution.
9. Failure of the convicted person to cooperate with his or her supervising parole and probation officer, or to obtain the written consent of the officer before marrying, engaging in business, incurring debt or purchasing any real property or any automobile.
10. Failure of the convicted person to conduct himself or herself as a good citizen or to obey any federal, state, county or municipal law or ordinance.
11. Failure of the convicted person to seek and maintain employment, or to participate in the program of employment established for him or her by the Division.
12. Failure of the convicted person to make any restitution ordered by the court as a condition of probation.
13. Any violation by the convicted person of any other condition of probation established by the court.

(Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90)

**NAC 213.620 Considerations regarding certification of order to arrest parolee or for recommending continuation or suspension of parole. (NRS 213.10988)**

1. In determining whether to certify an order of the Board pursuant to [NRS 213.1517](#) concerning the continuation or suspension of parole, the Chief Parole and Probation Officer may consider any of the following acts or omissions occurring during the period of parole:

- (a) Failure of the parolee to participate in the program established for him or her by the Division, or to report to his or her supervising parole and probation officer or any other person designated by the Division.
- (b) Any change of residence of the parolee or any departure from this State that occurs without the consent of his or her supervising parole and probation officer.
- (c) Failure of the parolee to seek and maintain employment, or to participate in the program of employment established for him or her by the Division.
- (d) Failure of the parolee to submit a true and correct report in writing to his or her supervising parole and probation officer each month in the form prescribed by the Division.
- (e) Any use of alcoholic beverages to any extent or, as directed by the Board, to the extent that the parolee has 0.10 percent or more by weight of alcohol in his or her blood.
- (f) Failure of the parolee to submit to a search of his or her person, place of residence or automobile by a parole and probation officer.
- (g) Any unlawful purchase, use, possession, administration or sale or other transfer of any controlled substance or dangerous drug by the parolee.
- (h) Failure of the parolee to submit to a test for the presence of any controlled substance or dangerous drug in his or her blood or other bodily substance, as directed by his or her supervising parole and probation officer.
- (i) Any possession, ownership or use of a weapon by the parolee.
- (j) Any association or correspondence by the parolee with any person who is of bad reputation or who has been confined to a penal institution, except as specifically authorized in writing by the parolee's supervising parole and probation officer.
- (k) Failure of the parolee to cooperate with his or her supervising parole and probation officer, or to obtain the written consent of the officer before marrying, incurring debt, changing employment or purchasing any motor vehicle.
- (l) Failure of the parolee to conduct himself or herself as a good citizen or to obey any federal, state, county or municipal law or ordinance.
- (m) Any violation of any other condition of parole established by the Board.

2. As used in this section, "Board" means the State Board of Parole Commissioners.  
 (Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90)

**NAC 213.630 Additional considerations; deviation from standards; approval of recommendations.**

1. In making:

- (a) Any recommendation concerning the continuation or revocation of probation, or
- (b) Any determination described in [NAC 213.620](#),

[NRS 213.10988](#)

Based upon any act or omission described in [NAC 213.610](#) or [213.620](#), the Chief Parole and Probation Officer may consider any mitigating factor which influenced or contributed to the act or omission.

2. In making any such recommendation or determination, the Chief Parole and Probation Officer may also consider:

(a) Any prior criminal history of the convicted person or parolee;

(b) The nature of the person's present offense;

(c) Any pattern of previous offenses; and

(d) The circumstances of the person's present and previous offenses;

5. In determining whether the act or omission is a significant indicator of the person's success or failure on parole or probation.

3. Nothing contained in [NAC 213.570](#) to [213.620](#), inclusive, shall be deemed to restrict the authority of the Chief Parole and Probation Officer, in any case he or she deems appropriate, to make any recommendation concerning sentencing or the continuation or revocation of probation, or any determination described in [NAC 213.620](#), that deviates from the standards contained in those sections.

4. Before any recommendation described in subsection 3 is transmitted to the court on behalf of the Chief Parole and Probation Officer, it must be approved by the district administrator having authority over the case or by a person designated thereof.

5. The Chief Parole and Probation Officer will keep a record of the number and percentage of recommendations and determinations that deviate from the standards contained in [NAC 213.570](#) to [213.620](#), inclusive.

(Added to NAC by Dept of Parole & Probation, 4-18-90, eff. 4-16-90)

### PROGRAMS OF REENTRY INTO COMMUNITY

**NAC 213.650 Definitions.** (NRS 213.625) As used in [NAC 213.650](#) to [213.700](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 213.660](#) to [213.690](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Bd. of Parole Comm'rs by R086-01, eff. 11-29-2001)

**NAC 213.660 "Board" defined.** (NRS 213.625) "Board" means the State Board of Parole Commissioners.

(Added to NAC by Bd. of Parole Comm'rs by R086-01, eff. 11-29-2001)

**NAC 213.670 "Division" defined.** (NRS 213.625) "Division" means the Division of Parole and Probation of the Department of Public Safety.

(Added to NAC by Bd. of Parole Comm'rs by R086-01, eff. 11-29-2001)

**NAC 213.680 "Program" defined.** (NRS 213.625) "Program" means a program for reentry of parolees into the community that is established in a judicial district pursuant to [NRS 209.4883](#).

(Added to NAC by Bd. of Parole Comm'rs by R086-01, eff. 11-29-2001)

**NAC 213.690 "Reentry court" defined.** (NRS 213.625) "Reentry court" means the court in a judicial district that has established a program.

(Added to NAC by Bd. of Parole Comm'rs by R086-01, eff. 11-29-2001)

**NAC 213.700 Reimbursement for cost of participation in program.** (NRS 213.625) The Board will require as a condition of parole that the parolee reimburse the reentry court and the Division for the cost of his or her participation in a program, as determined by the reentry court, to the extent that the parolee has the ability to pay.

(Added to NAC by Bd. of Parole Comm'rs by R086-01, eff. 11-29-2001)

### CHANGE OF DISHONORABLE DISCHARGE TO HONORABLE DISCHARGE

**NAC 213.720 Definitions.** (§ 16 of ch. 476, Stats. 2005) As used in [NAC 213.720](#) to [213.790](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 213.730](#), [213.740](#) and [213.750](#) have the meanings ascribed to them in those sections.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.730 "Applicant" defined.** (§ 16 of ch. 476, Stats. 2005) "Applicant" means a person who submits an application to the Division to change his or her dishonorable discharge from probation or parole to

an honorable discharge from probation or parole in accordance with the provisions of section 16 of chapter 476, Statutes of Nevada 2005.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.740 "Chief" defined.** (§ 16 of ch. 476, Stats. 2005) "Chief" means the Chief Parole and Probation Officer.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.750 "Division" defined.** (§ 16 of ch. 476, Stats. 2005) "Division" means the Division of Parole and Probation of the Department of Public Safety.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.760 Submission of application and supporting documentation and information; action upon receipt.** (§ 16 of ch. 476, Stats. 2005)

1. To request that his or her dishonorable discharge from probation or parole be changed to an honorable discharge from probation or parole, an applicant must submit to the office of the Chief:

(a) A completed application, in the form prescribed by the Division;

(b) Documentation of his or her current income; and

(c) Any other information requested by the Division.

2. Upon receipt of an application and the supporting documentation and information from an applicant, the Chief shall obtain from the Division the discharge summary pertaining to the applicant and a summary of restitution and fees for supervision paid by the applicant. If necessary, the Chief may request from the Division an audit of the payments made by the applicant.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.770 Action upon determination of eligibility of applicant; monthly payments by applicant.** (§ 16 of ch. 476, Stats. 2005)

1. If the Division determines that an applicant is not eligible to change his or her dishonorable discharge to an honorable discharge, the Chief shall:

(a) Notify the applicant, in writing, that the application has been denied and state the reasons for the denial; and

(b) Retain copies of the application, the discharge summary, the summary of restitution and fees paid by the applicant, the written notification provided to the applicant pursuant to paragraph (a) and any other supporting documentation or information received from the applicant or considered by the Division.

2. If the Division determines that an applicant is eligible to change his or her dishonorable discharge to an honorable discharge, the Chief shall establish a schedule of payments for the applicant to make over the period for repayment established pursuant to subsection 4. Except as otherwise provided in subsection 3, an applicant must be required to pay a minimum monthly payment in an amount that is equal to four times the hourly wage earned by the applicant.

3. If the Division determines that the applicant has demonstrated an economic hardship, the applicant must be required to pay a minimum monthly payment in the amount of \$20.

4. The period for repayment for an applicant must be:

(a) One year; or

(b) A period equal to one-half of the time that the applicant was under the supervision of the Division, whichever is longer.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.780 Grant or denial of application.** (§ 16 of ch. 476, Stats. 2005)

1. If, at the end of the period for repayment established by the Division pursuant to NAC 213.770, the Division determines that the applicant has made an effort in good faith and has made satisfactory progress towards making the required payments, the Division will submit its recommendation that the application should be granted to the court or the State Board of Parole Commissioners, whichever is applicable. Upon notification from the court or the State Board of Parole Commissioners that an application has been granted, the Division will:

(a) Notify the applicant, in writing, that the application has been granted;

(b) Forward to the applicant from the court or the State Board of Parole Commissioners, whichever is applicable, the official document which:

(1) Provides that he or she has received an honorable discharge from probation or parole; and

(2) States, as applicable, the dates on which his or her civil rights to vote, to serve as a juror in a civil

action, to hold office and to serve as a juror in a criminal action will be restored to him or her;

(c) Forward a copy of the official document to the Central Repository for Nevada Records of Criminal History; and

(d) Retain a copy of the official document.

2. If, at the end of the period for repayment established by the Division pursuant to NAC 213.770, the Division determines that the applicant has not made an effort in good faith and has not made satisfactory progress towards making the required payments, the Division will:

(a) Deny the application of the applicant; and

(b) Notify the applicant that the application has been denied.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)

**NAC 213.790 Availability of information and forms.** (§ 16 of ch. 476, Stats. 2005) The Division will

make available at its offices, on its website and by mail:

1. A written explanation of the provisions of section 16 of chapter 476, Statutes of Nevada 2005, and NAC 213.720 to 213.790, inclusive; and

2. The form for an application.

(Added to NAC by Div. of Parole & Probation by R212-05, eff. 5-4-2006)