

**CENTRAL OFFICE**

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

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

DARLA FOLEY, *Executive Secretary*

**STATE OF NEVADA**

STEVE SISOLAK  
Governor



**LAS VEGAS OFFICE**

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

CHRISTOPHER DERICCO, *Chairman*  
ERIC CHRISTIANSON, *Member*  
DONNA VERCHIO, *Member*  
VACANT, *Member*

**NEVADA BOARD OF PAROLE COMMISSIONERS**

July 14, 2020

**NOTICE OF INTENT TO ACT UPON A REGULATION**

LCB File No. R066-20

**Notice of Hearing for the Adoption of a Regulation of  
the Board of Parole Commissioners.**

The Board of Parole Commissioners (Board) will hold a public hearing at **1:00 PM on Monday, August 31, 2020** at 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706 that will be video conferenced to 4000 South Eastern Avenue, Suite 130, Las Vegas, NV 89119. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 213 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

This proposed regulation is necessary to carry out the provisions of a recent change to NRS Chapter 213 by the Nevada Legislature in Assembly Bill 236, Section 93.3 of the 2019 Legislative session, effective July 1, 2020. This proposed regulation allows the State Board of Parole Commissioners to grant geriatric parole to certain prisoners who: (1) are 65 years of age or older; (2) have not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; (3) have not been found to be a habitual criminal; (4) have served at least the majority of the maximum term or maximum aggregate term of his or her sentence; (5) are not serving a sentence of life imprisonment without the possibility of parole and have not been sentenced to death; and (6) do not pose a significant and articulable risk to public safety. Existing law requires the Board to adopt regulations necessary to carry out the provisions relating to geriatric parole. (NRS 213.12155)

Board of Parole Commissioners Notice of  
Intent to Adopt a Regulation

Page 2

2. If the proposed regulation is a permanent regulation, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to [NRS 233B.063](#).

A copy of the proposed regulation is attached to this notice. The proposed regulation can also be obtained by visiting the Board's website at [www.parole.nv.gov](http://www.parole.nv.gov) or by contacting the Board office at (775) 687-5049 and requesting a copy to be mailed.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be state separately, and in each case must include:
  - a. Both adverse and beneficial effects; and

Adverse effects: There are no known adverse economic effects of the proposed regulation.

Beneficial effects: The beneficial economic effects of the proposed regulation are a possible decrease in costs by the Department of Corrections related a decrease in housing geriatric inmates.

- b. Both Immediate and long-term effects.

Immediate economic effects: There are no known immediate economic effects.

Long-term economic effects: There are no known long-term economic effects.

4. A statement identifying the methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of [NRS 233B.0608](#).

The Board used informed, reasonable judgement in determining that there will not be an impact on small businesses due to the nature of the proposed regulation.

5. The estimated cost to the agency for enforcement of the proposed regulation.

The Board estimates that there are no additional enforcement costs as a result of the proposed regulation.

6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.

The Board is unaware of any other Federal, state or local governmental agency regulations that the proposed regulation may overlap or duplicate.

Board of Parole Commissioners Notice of  
Intent to Adopt a Regulation Page 3

7. If the regulation is required pursuant to federal law, a citation and description of the federal law.

The proposed regulation is not required pursuant to Federal law.

8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed regulation does not include provisions which are more stringent than a Federal regulation that regulates the same activity.

9. Whether the proposed regulation establishes a new fee or increases an existing fee.

The proposed regulation does not establish a new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Board of Parole Commissioners may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form to the Board of Parole Commissioners, attention Kathi Baker at 1677 Old Hot Spring Road, Carson City, Nevada, 89706 or by email to [kjbaker@parole.nv.gov](mailto:kjbaker@parole.nv.gov). Written submissions must be received by the Board of Parole Commissioners on or before August 26, 2020. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Board of Parole Commissioners may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Board of Parole Commissioners office located at 1677 Old Hot Springs Road, Suite A, Carson City, Nevada; the Board of Parole Commissioners office located at 4000 S. Eastern Avenue, Suite 130, Las Vegas, Nevada; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours.

This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations (R188-19), which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

## NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library  
900 North Roop St.  
Carson City, NV 89701

Churchill County Library  
553 South Maine Street  
Fallon, NV 89406

Douglas County Public Library  
1625 Library Lane  
Minden, NV 89423

Battle Mountain Branch Library  
625 South Broad Street  
Battle Mountain, Nevada 89822

Elko County Library  
720 Court Street  
Elko, NV 89801

Eureka County Library  
10190 Monroe Street  
Eureka, Nevada 89316

Humboldt County Library  
85 East 5<sup>th</sup> Street  
Winnemucca, Nevada 89445

McDermitt County Library  
135 Oregon Road  
McDermitt, NV 89421

Clark County Library  
1401 E. Flamingo Road  
Las Vegas, NV 89119

Las Vegas Library  
833 Las Vegas Blvd North  
Las Vegas, NV 89101

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Lyon County Central Library  
20 Nevin Way  
Yerington, Nevada 89447

Mineral County Public Library  
PO Box 1390  
Hawthorne, Nevada 89415

Mineral County Public Library  
110 First Street  
Hawthorne, NV 89415

Pershing County Library  
1125 Central Avenue  
Lovelock, Nevada 89419

Storey County Library  
175 E. Carson Street  
Virginia City, NV 89440

Storey County Treasurer and Clerk's Office  
Drawer D  
Virginia City, Nevada 89049

Tonopah Public Library  
PO Box 449  
Tonopah, Nevada 89049

Washoe County Library System  
301 South Center Street  
Reno, Nevada 89501-2102

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301

# PROPOSED REGULATION OF THE STATE BOARD OF PAROLE COMMISSIONERS

## LCB File No. R066-20

July 2, 2020

EXPLANATION– Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-6, NRS 213.12155.

A REGULATION relating to parole; establishing provisions relating to geriatric parole; and providing other matters properly relating thereto.

### **Legislative Counsel’s Digest:**

Existing law authorizes the State Board of Parole Commissioners to grant geriatric parole to certain prisoners who: (1) are 65 years of age or older; (2) have not been convicted of a crime of violence, certain offenses committed against a child, a sexual offense, vehicular homicide or driving under the influence of alcohol or a prohibited substance and causing the death of or substantial bodily harm to another person; (3) have not been found to be a habitual criminal; (4) have served at least the majority of the maximum term or maximum aggregate term of his or her sentence; (5) are not serving a sentence of life imprisonment without the possibility of parole and have not been sentenced to death; and (6) do not pose a significant and articulable risk to public safety. Existing law requires the Board to adopt regulations necessary to carry out the provisions relating to geriatric parole. (NRS 213.12155)

**Section 5** of this regulation establishes the process by which a prisoner, or any person acting on behalf of the prisoner, may apply in writing for geriatric parole. **Section 5** of this regulation prescribes the information to be included in a form for application for geriatric parole. **Section 5** of this regulation also provides that the Board will make the form for application for geriatric parole available: (1) on its Internet website; and (2) upon written request to the Board, in paper copy.

**Section 6** of this regulation provides that: (1) the Board will, within 15 days of receiving a form for application and any supporting documentation from a prisoner applying for geriatric parole, request verification from the Department of Corrections that the prisoner qualifies for geriatric parole; (2) if the Department verifies that the prisoner is eligible for geriatric parole, the Board will schedule a hearing for geriatric parole, and notify the prisoner, person acting on behalf of the prisoner, if applicable, and any victims and other interested persons, of the date, time and location of the geriatric parole hearing; and (3) if the Department verifies that the prisoner is not eligible for geriatric parole, the Board will notify the prisoner and the person acting on behalf of the prisoner, if applicable, that the prisoner does not qualify for geriatric parole. **Sections 3 and 4** of this regulation define the terms “Board” and “Department” for the purposes of this regulation.

**Section 1.** Chapter 213 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 6, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Board” means the State Board of Parole Commissioners.*

**Sec. 4.** *“Department” means the Department of Corrections.*

**Sec. 5.** *1. A prisoner applying for geriatric parole pursuant to NRS 213.12155, or any person acting on behalf of the prisoner, must submit to the Board:*

*(a) A written application, on a form prescribed by the Board; and*

*(b) Any supporting documentation required by the Board.*

*2. The form must include, without limitation:*

*(a) The name of the prisoner;*

*(b) The date of birth of the prisoner;*

*(c) The Department identification number of the prisoner;*

*(d) A list of any offenses for which the prisoner was convicted*

*and the corresponding case numbers relating to those convictions;*

*(e) The reason that the prisoner is requesting geriatric parole; and*

*(f) The name, address and contact information of the person submitting the form.*

*3. The Board will provide the form, for completion of the written application:*

*(a) On the Internet website maintained by the Board; and*

*(b) Upon written request to the Board, in paper copy.*

**Sec. 6. 1. Not later than 15 days after receipt of the written application and any supporting documentation pursuant to section 5 of this regulation, the Board will request verification from the Department that the prisoner requesting geriatric parole meets the criteria set forth in subsection 1 of NRS 213.12155.**

**2. If the Department determines that the prisoner applying for geriatric parole:**

**(a) Meets the criteria set forth in subsection 1 of NRS 213.12155, the Board will:**

**(1) Schedule a hearing to consider the geriatric parole of the eligible prisoner whose name appears on the list prepared pursuant to NRS 209.254;**

**(2) Give notification of the date, time and location of the geriatric parole hearing to:**

**(I) The prisoner applying for geriatric parole;**

**(II) The person who submitted the application on behalf of the prisoner, if applicable; and**

**(III) Any victim or other interested person who requested notification from the Board.**

**(b) Does not meet the criteria set forth in subsection 1 of NRS 213.12155, the Board will notify the prisoner, and the person who submitted the application on behalf of the prisoner, if applicable, that the prisoner is not eligible for geriatric parole.**

## CENTRAL OFFICE

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

CHRISTOPHER DERICCO, *Chairman*  
TONY CORDA, *Member*  
MARY BAKER, *Member*  
SUSAN JACKSON, *Member*  
  
DARLA FOLEY, *Executive Secretary*

## STATE OF NEVADA STEVE SISOLAK Governor



## LAS VEGAS OFFICE

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

CHRISTOPHER DERICCO, *Chairman*  
MICHAEL KEELER, *Member*  
ERIC CHRISTIANSON, *Member*  
MINERVA DE LA TORRE, *Member*

## NEVADA BOARD OF PAROLE COMMISSIONERS

### Assembly Bill 236, Section 93.3, as codified in NRS 213.12155 Small Business Impact Statement pursuant to NRS 233B.0608

February 12, 2020

The following statement is made pursuant to the regulatory process outlined in NRS 233B.

Before conducting a workshop on the proposed regulation, the agency must make a concerted effort to determine whether the regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business. If the agency concludes that the proposed regulation is likely to have such an impact, it must; (1) consult with owners and officers of small businesses that are likely to be affected by the proposed regulation; (2) conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses; (3) consider methods to reduce the impact of the proposed regulation on small businesses; and (4) prepare a small business impact statement and make copies of the statement available to the public not less than 15 days before the workshop conducted and the public hearing held pursuant to NRS 233B.061.

Prior to scheduling the public workshop, the Board of Parole Commissioners' (Board) staff made a concerted effort to determine whether the proposed regulation was likely to impose a direct and significant economic burden upon a small business and/or directly restrict the formation, operation or expansion of a small business.

The proposed regulations codify administrative functions related to (1) the consideration of geriatric parole pursuant to NRS 213.12155(1); and (2) the execution of the documents thereto.

Board staff considered whether any part of the proposed regulations would impact a small business, and also considered whether the regulations imposed a fee on a small business; whether a small business would be required in any way to participate in the geriatric parole process; or whether a small business would be impacted in any way by the procedures for the consideration of geriatric parole.

The Board staff has determined that the proposed regulations would not impact small businesses as small businesses do not currently perform a function within the parole process, and therefore would not directly or indirectly experience a negative outcome if the regulations are adopted.



Assembly Bill 236, Section 93.3

Small Business Impact Statement pursuant to NRS 233B.0608

February 12, 2020

Page 2

*I hereby certify that to the best of my knowledge or belief that a concerted effort was made to determine the impact of the proposed regulation on small businesses and the information contained in the statement is prepared properly and accurate.*

A handwritten signature in blue ink, appearing to read "C. P. DeRicco", with a long horizontal line extending to the right.

Christopher P. DeRicco, Chairman

Board of Parole Commissioners

775-687-5049

