

CENTRAL OFFICE

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STATE OF NEVADA

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NEVADA BOARD OF PAROLE COMMISSIONERS

NOTICE OF WORKSHOPS TO SOLICIT COMMENTS ON PROPOSED REGULATIONS

The Board of Parole Commissioners is proposing the adoption of regulations pertaining to Chapter 213 of the Nevada Administrative Code pursuant to NRS 213.12155, NRS 213.632, and NRS 233B.100.

Workshops have been scheduled for 1:00 p.m., on Thursday, April 30, 2020, at the Board of Parole Commissioners located at 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706 and video tele-conferenced to the Board of Parole Commissioners office located at 4000 S. Eastern Avenue, Suite 130, Las Vegas, NV 89119.

The purpose of the workshops is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulation:

TOPICS

The Board to discuss adding to its regulations pursuant to NRS 213.12155, which established a system for geriatric parole for inmates that meet the required criteria; application; hearing; considerations; determinations; and providing other matters properly relating thereto.

The Board to discuss adding to its regulations pursuant to NRS 213.632, which established a system for persons who are ordered to participate in and complete a correctional program and reimburse the Department of Corrections and the Division for the cost of their participation in a correctional program, to the extent of their ability to pay; and providing other matters properly relating thereto.

The Board to discuss adding to its regulations pursuant to NRS 233B.100, which established a system for any interested person may petition an agency requesting the adoption, filing, amendment or repeal of any regulation and shall accompany the petition with relevant data, views and arguments on a form developed by the Board; and providing other matters properly relating thereto.

NAC REGULATIONS

NRS 213.12155

NRS 213.632

NRS 233B.100

A copy of all materials for the meeting may be obtained at the workshops or by contacting Kathi Baker, Management Analyst III at (775) 687-6566, Board of Parole Commissioners, 1677 Old Hot Springs Rd, Suite A, Carson City, NV 89706. A reasonable fee for copying may be charged. A copy of the proposed regulations are also posted on the web site of the Board of Parole Commissioners located at <http://parole.nv.gov>.

This Notice of Workshops to Solicit Comments on Proposed Regulations has been sent to all listed meeting locations, all persons on the agency's mailing list for administrative regulations, all Nevada main public libraries, and agency single points of contact and posted at the following:

Board of Parole Commissioners, Carson City
Office of Attorney General, Carson City
Carson City Library, Carson City
Board of Parole Commissioners, Las Vegas
Clark County Main Library/Reference section, Las Vegas
Office of Attorney General, Las Vegas

<http://parole.nv.gov>
<http://notice.nv.gov>
<http://www.leg.state.nv.us>

Electronically Posted pursuant to NRS 241.020(4)

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, Nevada 89706, (775) 687-5049 no later than 2 working days prior to the meeting.

**DRAFT REGULATION OF THE
BOARD OF PAROLE COMMISSIONERS**

LCB File No. _____

EXPLANATION – Matter in *italics* is new.

AUTHORITY: Assembly Bill 236, Section 93.3 as codified in NRS 213.12155

A REGULATION relating to geriatric parole by the Board to qualified prisoners 65 years of age and older; and providing other matters properly relating thereto.

CONSIDERATION OF GERIATRIC PAROLE

Section 1: Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:

1. *The Board shall make a form to be used as an application for Geriatric Parole containing the following information:*
 - a. *The inmate's name,*
 - b. *The inmate's Case number(s),*
 - c. *The inmate's NDOC Identification number,*
 - d. *The inmate's Date of Birth,*
 - e. *The inmate's Offense(s),*
 - f. *The reason for the request,*
 - g. *A suggested list of supporting documents, and*
 - h. *The name, address, and contact information of the person submitting the form.*
2. *The application form for geriatric parole will be available on the Parole Board website or by contacting the Parole Board in writing.*
3. *Within 15 days of receipt of an application, the Board shall request verification from the Department of the inmate's eligibility for Geriatric Parole under the requirements of NRS 213.1255(1).*
4. *Upon receipt of a determination made by the Department:*
 - a. *If the inmate meets the criteria of Geriatric Parole contained in NRS 213.12155(1) and the Department places the inmate on the next available list of persons eligible for parole pursuant to NRS 209.254:*
 - i. *The Board shall place the eligible inmates on an agenda and schedule them for a hearing in the same manner as other parole hearings.*
 - ii. *The Board shall give notification of the date, time and location of the hearing to:*
 1. *The inmate;*
 2. *The person submitting the application (if different than the inmate); and*
 3. *Any victims or interested parties requesting notification of hearings;*
 - b. *If the inmate does not meet the criteria of Geriatric Parole:*
 - i. *The Board will notify the inmate and the person submitting the application in writing of the determination.*

5. *The Board shall conduct the geriatric parole hearing in the same general manner as other parole hearings, however, when determining whether to grant geriatric parole they must also consider the considerations contained in NRS 213.12155(7).*
6. *Upon the final decision being ratified by the Board, the Board shall issue a written order granting or denying geriatric parole in accordance with subsection 11 of NRS 213.131.*
7. *If Geriatric Parole is granted, the Board shall set the terms and conditions of parole.*
8. *As defined:*
 - a. *“Board” means State Board of Parole Commissioners;*
 - b. *“Department” means Department of Corrections.*

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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 flourish extending to the right.

Christopher P. DeRicco, Chairman
Board of Parole Commissioners
775-687-5049

**DRAFT REGULATION OF THE
BOARD OF PAROLE COMMISSIONERS**

LCB File No. _____

EXPLANATION – Matter in *italics* is new.

AUTHORITY: NRS 213.632

A REGULATION relating to the reimbursement to the Department of Corrections and the Division from persons ordered to participate in and complete a correctional program to the extent of their ability; and providing other matters properly relating thereto.

REIMBURSEMENT FOR COST OF PARTICIPATION IN A PROGRAM

Section 1: Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:

NRS 213.632: Reimbursement for cost of participation in a program:

1. *The Board will require as a condition of parole that the parolee reimburse the Department of Corrections and the Division for the cost of his or her participation in a correctional program, to the extent of the parolee's ability to pay as determined by the Department of Corrections and the Division.*

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NEVADA BOARD OF PAROLE COMMISSIONERS

NRS 213.632, NAC 213 Small Business Impact Statement pursuant to NRS 233B.0608

February 24, 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 regulation codifies administrative functions related to requiring persons who are ordered to participate in and complete a correctional program pursuant NRS 213.632 to reimburse the Department of Corrections and the Division for the cost of their participation in the correctional program, to the extent of their ability to pay.

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 early discharge process; or whether a small business would be impacted in any way by the early discharge from parole procedures.

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.

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.



Christopher P. DeRicco, Chairman
Board of Parole Commissioners
775-687-5049

**DRAFT REGULATION OF THE
BOARD OF PAROLE COMMISSIONERS**

LCB File No. _____

EXPLANATION – Matter in *italics* is new.

AUTHORITY: NRS 233B.100

A REGULATION relating to the petition for adoption, filing amending or repealing regulations; and providing other matters properly relating thereto.

REQUESTS FOR BOARD TO ADOPT, FILE, AMEND OR REPEAL REGULATIONS

Section 1: Chapter 213 of NAC is hereby amended by adding thereto a new section to read as follows:

NRS 233B.100: Requests for Board to adopt, file, amend, or repeal regulations.:

Format; contents; action by Board. (NRS 233B.100)

- 1. Pursuant to NRS 233B.100, any interested person may petition the Board for the adoption, filing, amendment or repeal of any regulation.*
- 2. A petition for the adoption, filing, amendment or repeal of a regulation must be in writing on a form prescribed by the Board and include:*
 - (a) The name and address of the petitioner;*
 - (b) The reason for petitioning for the adoption, filing, amendment or repeal of the regulation;*
 - (c) The proposed language of the regulation to be adopted, filed or amended or the existing language of the regulation to be repealed, as applicable;*
 - (d) The statutory authority for the adoption, filing, amendment or repeal of the regulation; and*
 - (e) Any relevant data, views and arguments that support the petition for the adoption, filing, amendment or repeal of the regulation.*
- 3. The Board may refuse to act upon a petition for the adoption, filing, amendment or repeal of a regulation if the petition does not include the information required by subsection 2.*
- 4. The Board will notify the petitioner in writing of the Board's decision regarding the petition within 30 days after the date on which the petitioner filed the petition. If the Board approves the petition for the adoption, filing, amendment or repeal of the regulation, the Board will initiate regulation-making proceedings concerning that regulation within 90 days after the date on which the petitioner filed the petition.*

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NEVADA BOARD OF PAROLE COMMISSIONERS

NRS 233B.100, NAC 213
Small Business Impact Statement pursuant to NRS 233B.0608

February 25, 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 regulation codifies administrative functions related to persons who petition the Board requesting the adoption, filing, amendment or repeal of any regulation and the form for such petitions and the procedure for their submission, consideration and disposition.

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

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.

NRS 233B.100, NAC 213

Small Business Impact Statement pursuant to NRS 233B.0608

February 25, 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.



Christopher P. DeRicco, Chairman

Board of Parole Commissioners

775-687-5049