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NEVADA BOARD OF PAROLE COMMISSIONERS

MEETING OF THE BOARD OF PAROLE COMMISSIONERS NOTICE AND AGENDA

**Date and Time:** Friday, October 3, 2008 beginning at 10:00 AM

**Location:** Board of Parole Commissioners 1677 Old Hot Springs Rd #A Carson City, Nevada 89706  
**Video Conference to:** Parole Board Office 4000 S. Eastern Ave Suite 130 Las Vegas, Nevada 89119

\* Denotes items on which Board may take action.

AGENDA

10:00 AM	I	Open meeting
	II	Public Comment. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2) of NRS 241.020.
	III*	The Board will review suggested changes related to recently adopted regulations, forwarded from the Legislative Commission. The Board may take action to direct the staff to investigate these proposed changes but it will not adopt, revise or repeal any regulations at this meeting. Any such changes must go through the Administrative Rule-Making procedures.
	IV*	Adjournment

A period shall be devoted to public comment. Such comment may be restricted to content that is within the authority of the board. The board may limit such comment to three minutes per person. The board may take items in a different order to accomplish business in the most efficient manner.

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

**CARSON CITY:** Parole Board office, 1677 Old Hot Springs Road, Suite A; Attorney General’s office, 100 S. Carson Street; Carson City Library, 900 N. Roop Street. **LAS VEGAS:** Parole Board office, 4000 S. Eastern Ave, Suite 130; Attorney General’s office, 555 E. Washington Avenue; Parole & Probation, 628 Belrose Street; Clark County Court House, 200 S. Third Street; Clark County Main Library/reference section, 833 Las Vegas Blvd. This agenda is also posted on the Parole Board web site located at <http://parole.nv.gov/>.

Dated: Friday, September 26, 2008

Persons with disabilities who require special accommodations or assistance at the public hearing should notify Monica Howk, Board of Parole Commissioners, 1677 Old Hot Springs Road, Suite A, Carson City, NV 89706, or call (775) 687-5049, or fax (775) 687-6736.

Incompliance with NRS and legislative intent on 4/16/08 the Legislative Commission unanimously authorized Assemblyman David Parks to clarify LCB File #RO 18-08. The following proposed regulations are respectfully submitted for approval by the Legislative Commission at the 6/16/08 meeting.

PROPOSED REGULATION OF THE  
STATE BOARD OF PAROLE COMMISSIONERS

LCB File No. R018-08

**EFFECTIVE JUNE 16, 2008**

~~March 11, 2008~~

EXPLANATION - Matter in **RED** is additional material submitted by Assemblyman David Parks; matter in **BLUE** is material to be omitted from 3/11/08 parole board public workshop, matter in **PLUM** is material from 4/16/08 and **(PLUM omitted)** is material removed from 4/16/08 provisionally adopted regulations and matter in **GREEN** is a direct quote from certified minutes of NV Legislative Commission meeting of 4/16/08 and **BLUE** is material omitted from both documents.

AUTHORITY: §§1-16, 18, 19 and 20, NRS 213.10885, 213.110 and 213.140; §17, NRS 213.133.

A REGULATION relating to parole; establishing standards which the State Board of Parole Commissioners will use to determine whether to grant parole to a prisoner; providing the time within which a meeting to consider a prisoner for mandatory parole must be held; authorizing the Board to consider a prisoner for discretionary parole at a meeting to consider the prisoner for mandatory parole; adopting factors which the Board will consider to determine whether the mandatory parole of a prisoner should be denied because the prisoner will be a danger to public safety; providing for notice of parole hearings to prisoners; providing for the waiver of certain rights by prisoners; providing certain specific recommendations which the Board may provide to a prisoner upon the denial of parole to improve the possibility of granting parole; providing for the delay of the release of a prisoner in certain circumstances so that the Board may consider grounds for the rescission of parole; authorizing the Board to delegate its authority to certain panels; repealing existing regulations pertaining to the standards for determining whether to grant parole to a prisoner; and providing other matters properly relating thereto.

Section 1. Chapter 213 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to ~~17~~ **21**, inclusive, of this regulation.

Sec. 2. As used in NAC 213.500, 213.550 and 213.560 and sections 2 to ~~17~~ **21**, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in NAC 213.500 and sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.

Sec. 3. "Criminal gang" has the meaning ascribed to it in NRS 213.1263.

Sec. 4. "Division" means the Division of Parole and Probation of the Department of Public Safety.

Sec. 5. "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, 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. *Petty 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 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 diagnosis and treatment of cancer in violation of NRS 457.220;*** (Removed from adopted regulations of 4/16/08 without public hearing)
- \*The following numbers have been reduced by one on the aforementioned adopted regulations*
46. *The sale of a vehicle in violation of NRS 482.547;*
  47. *The failure to pay for farm products in violation of NRS 576.125;*
  48. *Meat or poultry in violation of NRS 583.495;*
  49. *A deceptive trade practice in violation of NRS 598.0999;*
  50. *An unfair trade practice in violation of NRS 598A.280;*
  51. *Telephone solicitation in violation of NRS 599B.255;*
  52. *Industrial insurance in violation of NRS 616D.300, 616D.310, 616D.370, 616D.390 or 616D.400 or a predecessor of these provisions;*
  53. *A fraudulent or excessive charge for drugs or medical supplies under a program of public assistance in violation of NRS 639.2815;*
  54. *An escrow or trust account in violation of NRS 645B.960 or a predecessor of that provision;*
  55. *Criminally receiving junk in violation of NRS 647.145;*
  56. *The failure to follow a written order of the Commissioner of Financial Institutions in violation of NRS 666.215;*
  57. *All insolvent bank in violation of NRS 668.045;*
  58. *A trust company in violation of NRS 669.290;*
  59. *A thrift company in violation of NRS 677.810 or 677.850;*
  60. *Insurance in violation of NRS 686A.290, 686A.291, 692B.040, 692C.480 or 693A.070;*
  61. *Public utilities in violation of NRS 704.800; or*
  62. *The conduct set forth in subsections 1 to 61, inclusive, which violated a law of any other jurisdiction that prohibits the same or similar conduct.*

Certified copy of transcribed auditory tape of April 16, 2008 meeting attached at end of document.

Attachment - Exhibit. "A"

**Sec. 6.** *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 section 7 of this regulation and the risk level assigned to the prisoner pursuant to section 8 of this regulation to establish an initial assessment regarding whether to grant parole.*

*The initial assessment will correspond to the following table **with changes for objectivity @ minutes:***

<i>Security Severity Level</i>	<i>Risk Level</i>		
	<i>High</i>	<i>Moderate-Medium</i>	<i>Low</i>
<i>Highest</i>	<i>Deny Parole</i>	<b>Follow guideline</b> <b>Consider</b> factors set forth in section 9 of this regulation	<b>Follow guideline</b> <b>Consider</b> factors set forth in section 9 of this regulation
<i>High</i>	<i>Deny Parole</i>	<b>Follow guideline</b> <b>Consider</b> factors set forth in section 9 of this regulation	<i>Grant parole at first or second meeting to consider prisoner for parole</i>
<i>Moderate</i>	<i>Deny Parole</i>	<i>Grant parole at first or second meeting to consider prisoner for parole</i>	<i>Grant parole at initial parole eligibility</i>
<i>Low Moderate</i>	<b>Follow guideline</b> <b>Consider</b> factors set forth in section 9 of this regulation	<i>Grant parole at first or second meeting to consider prisoner for parole</i>	<i>Grant parole at initial parole eligibility</i>
<i>Low</i>	<b>Follow guideline</b>  <b>Consider</b>  <i>Factors set forth in section 9 of this regulation</i>	<i>Grant Parole at initial parole hearing eligibility</i>	<i>Grant parole at initial parole eligibility</i>

**Sec. 7. 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.

The severity level will correspond to the Crime Severity Table referred to in the GOVERNOR'S STATEMENT OF THE EMERGENCY AND THE REASONS FOR THAT DETERMINATION of December 2007 pages 6 thru 21.

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 matter set forth in section 6 of this regulation.

3. If a person is convicted of more than one crime, the Board will consider the severity of his most serious crime.

**Sec. 8. 1.** *The Board will assign to each prisoner who is being considered for parole a risk level of "high," "medium" or "low" according to the level of risk that the prisoner will commit a felony if released on parole.*

*2. To establish the risk level, the Board will use the Nevada Parole Risk Assessment ~~using a combination of risk factors that predict recidivism.~~*

**EXHIBIT B INSERTED**

**EXHIBIT B**

**NEVADA PAROLE RISK ASSESSMENT**

\_\_\_\_\_  
 Name ID Number Location Date

**ADD: ALL RED INFORMATION**

Static Risk Factors	Pts	Dynamic Risk Factors	Pts
1. Age at First (Arrest) conviction (juvenile or adult)		8. Current Age	
25 years or older	0	41 and above	-1
20-24 years	1	31-40	0
19 years or younger	2	21-30	1
2. Prior Probation/Parole Revocation		Under 21	2
No parole or probation revocations	0	9. Active Gang Membership	
One or more	2	No	0
3. Employment History (prior to arrest)		Yes	2
Satisfactory full-time employment > 1 year	0	10. DOC certified edu/voc/treat program – during current sentence	
Employed less than full-time/full-time < 1 year	1	Existing/completion GED	-1
Unsatisfact. Employment/unemployed/unemployable	2	Existing/completion HS Dipl	-1
4. Offense for Current or Prior Convictions		Existing/completion Degree	-1
All others	0	Existing Voc/Treat Program for each one	-1
Property offense, Robbery, Forgery, etc.	2	None	0
5. History of Drug/Alcohol Abuse		11. Disciplinary Conduct – Past Year	
None	0	No Major Disc Violations or Single Minor/Gen	-1
Some use, no severe disruption of functioning	1	Multiple Minor/General Violations	0
Frequent abuse, serious disruption of functioning	2	Major Violation	1
6. Gender		Multiple Major Violations	2
Male	1	12. Current Custody Level	
Female	0	Minimum	-1
7. Prior Incarcerations with intervening releases		Medium	0
None	-1	Maximum or Disciplinary Segregation	2
1 or 2	0	Total Dynamic Risk Score	
3 or more	1		
Total Static Risk Score		Total Score (Static+Dynamic Score)	

\_\_\_ Low Risk = 0-4      \_\_\_ Medium Risk = 5-10      \_\_\_ High Risk = 11+ points or 8 points on Dynamic factors

The risk assessment is based on the static and dynamic factors that are applicable at the time of a parole hearing. A change in status following the hearing that may impact the risk factors shall not be the basis for an appeal for re-computation. A prisoner will only be granted a re-hearing if a factor is misapplied at the time of the hearing, and a correction would cause a deviation from the guideline recommendation.

3. *If a prisoner has ever been convicted of a sexual offense and has been evaluated using a currently accepted standard of assessment to determine the risk that the prisoner will commit another sexual offense if released on parole, the Board will assign a risk level to the prisoner which is the higher of the risk level assigned pursuant to this section and the risk level determined by such an evaluation.*

4. *The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding whether to grant parole in the manner set forth in section 6 of this regulation.*

5. *As used in this section, "sexual offense" means an offense listed in subsection 3 of NRS 176.133 or an offense committed in another jurisdiction that, if committed in this State, would be an offense listed in subsection 3 of NRS 176.133.*

**Sec. 9.** *1. After establishing an initial assessment regarding whether to grant parole pursuant to section 6 of this regulation, the Board ~~may~~ must (see minutes of 4/16/08 Legislative Commission transcripts) consider additional aggravating and mitigating factors to determine whether to grant parole to a prisoner according to the Parole Board "Discretionary Release Parole Guidelines.*

**(EXHIBIT C)**

**EXHIBIT C**

**DISCRETIONARY PAROLE RELEASE GUIDELINES**

Name: \_\_\_\_\_ ID#: \_\_\_\_\_ Location: \_\_\_\_\_ Date: \_\_\_\_\_

Offense Severity	Risk Level		
	High (11+ total, or 8 dynamic points)	Mod (5,6,7,8,9,10)	Low (0,1,2,3,4)
Highest	Deny Parole	<b>Follow Guideline</b> Factors	<b>Follow Guideline</b> Factors
High	Deny Parole	<b>Follow Guideline</b> Factors	Par at 1 <sup>st</sup> or 2 <sup>nd</sup> Hearing
Moderate	Deny Parole	Par at 1 <sup>st</sup> or 2 <sup>nd</sup> Hearing	Parole at initial Parole Eligibility
Low Moderate	<b>Follow Guideline</b> Factors	Par at 1 <sup>st</sup> or 2 <sup>nd</sup> Hearing	Parole at initial Parole Eligibility
Low	<b>Follow Guideline</b> Factors	Parole at initial Parole Eligibility	Parole at initial Parole Eligibility

Offense Severity (circle): Highest      High      Moderate      Low Moderate      Low

Risk Points:      Risk (circle): High      Moderate      Low

Guideline Rec (circle): Deny Par      **F.G.F.**      Parole at 1<sup>st</sup> or 2<sup>nd</sup> Hearing      Parole at initial PED

This is this inmate's (circle one): First      Second      Third+      **discretionary parole hearing on this sentence.**

(ADD) Value = 1 positive point for each mitigating factor and 1 negative point for each aggravating factor. Compare totals always if 0 or any + mitigating factors = recommend grant parole, Negative score = recommend denial. Pursuant to NRS 213.10885 subsection 7 the board shall report to the legislature any action taken contrary to this guideline recommendation.

**Aggravating Factors (check all that apply)**

- Prior prison term did not deter future criminal activity
- Prior sex and/or prior violent conviction
- Repetitive criminal conduct
- Significant prior criminal history ----**Explain:**
- Commission of a crime while incarcerated, on bail, eluding, on Escape status or during felony parole or probative supervision.
- Disruptive Institutional Behavior ---**Explain:**
- Refuse to participate in or terminated for cause from treatment **Explain** →
- Housed in Disciplinary Segregation w/in 24 months
- Removal from community supervision program (305/184/317) on Current period of incarceration
- Three or more parole/probation revocations
- Crime was targeted against a child or person at greater vulnerability because of age/disability
- Nature of criminal record is increasingly more serious --**Explain**
- Impact on victim(s) and/or community
- ~~The extreme or abnormal nature of the crime (@ minutes)~~
- Other \_\_\_\_\_

**Mitigating Factors (check all that apply)**

- No prior/minimal criminal conviction history
- Infraction free in two years or more to hearing month and not in disciplinary segregation during past two years.
- Lesser involvement in crime
- Positive adjustment to Halfway house/work release program
- Participation in programs specific to addressing behavior that led to their incarceration
- Prior successful completion of parole or probation supervision
- Community and/or family support
- Stable release plans
- Crime was situational without evidence of intent to harm as information derived from pre-sentence investigation
- Consistent in managing their mental illness as recommended by professionals (if applicable)
- Pending CS sentence or detainer lodged by other jurisdiction
- Other \_\_\_\_\_

Discretionary Parole Recommendation (circle action and indicate effective date or denial length):

Grant Parole: at PED or date \_\_\_\_\_ Deny Parole: to MP to EXP Next hearing date \_\_\_\_\_

Does this action deviate from the guideline recommendation (circle): YES NO

If the action deviates from the guideline recommendation, indicate any reasons other than those already indicated above:

(ADD) If parole is denied, parole Board must list specific recommendations for inmate to improve possibility of grant at next parole hearing.

**Sec. 10.** 1. Upon making a final decision concerning the parole of the prisoner, the Board shall provide written notice to the prisoner of its decision not later than 10 working days after the meeting and, if parole is denied, specific recommendations of the Board to improve the possibility of granting parole the next time the prisoner is considered for parole, if any. @2007 SB 471 section 10.5 (11) changes to NRS 213.130.

~~1.~~2. 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 section 7 of this regulation 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.~~ 3 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 section 6 of this regulation.

~~3.~~ 4. If the new initial assessment established pursuant to subsection ~~2~~ 3 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~~ within 60 (@ minutes) days from the receipt of the inmate's reassessment request, schedule a meeting to reconsider whether to grant parole to the prisoner.

**Sec. 11.** 1. A prisoner who wishes to request that the Board reassess the risk level assigned to the prisoner pursuant to section 8 of this regulation 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~~ Within 60 days (@minutes) 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, it did not consider a factor set forth in section 8 of this regulation 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~~ all the facts ~~which existed at the time of the original assignment~~. (@minutes)

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~~ 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 section 6 of this regulation within 60 days of date of inmate's written request. (@minutes)

5. If the new initial assessment established pursuant to subsection 3 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~~ within 60 days (@ minutes), schedule a meeting to reconsider whether to grant parole to the prisoner.

**Sec. 12.** 1. A prisoner who wishes to request that the Board reconsider a denial of parole, other than a request pursuant to section 10 or 11 of this regulation, 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

~~From workshop of 3/11/08 (b) Submit with the request a statement from an employee of the Department of Corrections or the Division who supervises the prisoner and has knowledge of the prisoner and his case, or a direct supervisor of that employee, which includes, without limitation, all explanation of the reasons that the Board should reconsider the denial of the request. (@ minutes)~~

**From 4/16/08 provisionally adopted: (b) Base the request on circumstances which indicate a significant change from the time of the meeting at which the Board considered whether to grant parole. "I think it would have been better if you really**

had said in Section 12 that they could get a hearing if there had been a significant change, not that it had to be based on what was brought to the Parole Board at the [original] hearing.” Assemblyman John Carpenter

~~2. From workshop of 3/11/08 If a prisoner submits a request for reconsideration that does not comply with the provisions of subsection 1, the Board will not consider the request.~~

**From 4/16/08 provisionally adopted:**

~~2. As soon as practicable~~ **Within 60 days**, 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 ~~of 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 ~~paragr~~ **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, within 60 days schedule a meeting to reconsider the denial of parole. (@ minutes),~~

~~(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 his designee 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.

Sec. 13. 1. A prisoner ~~must~~ may not be released on mandatory parole pursuant to NRS 213.1215. ~~unless the Board has approved the release~~ (“The concern that I had was that, when we passed Assembly Bill 510 that we had had in the wording for N.R.S. 213.1215 wording to the effect that the inmate must be released on parole 12 months before the end of the maximum term. When I reviewed the regulations on page 14, at the bottom of the page, Section 13, I read the words, “A prisoner may not be released...” And the word “may” versus the word “must” created a major amount of concern for me”, Assemblyman David Parks --- Assemblyman Harvey Munford , “I’m just going to speak in reference to the N.R.S. 213 on the economic factors aspect of it that, according to N.R.S. 213.1215, that prisoners . . . must be released . . . 12 months before expiration date of the end of the sentence. . . what I want to stress is that, it is not cost effective to keep the inmates for the additional 12 months. And what this leads to is an additional cost of housing an inmate in minimum custody for that additional 12 months is \$18,000 per year?”.)

and The Division ~~pursuant to NRS 213.140 has~~ shall assist or establish ~~(ed)~~ a program for the prisoner's activities during his parole. (@ minutes)

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. **“especially Section 13, by the Parole Commission, covers the intent of the legislation, in that, when they plan to have their hearings, this “no sooner than 150 days”, that that is 150 days prior to the mandatory 12**

**months is before the end of the maximum term for the prisoner”, Assemblyman David .**

3. Pursuant to NRS 213.1215, before ~~denying~~ ~~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) Whether the risk level assigned to the prisoner pursuant to section 8 of this regulation from **the inmates Nevada Risk Assessment** indicates that there is a high risk that prisoner will commit a felony if released on parole;

(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 and NRS 213.135 determines that it will recommend that the Board grant ~~mandatory~~ parole to a prisoner

~~who and that the prisoner has not been considered and~~ is eligible for discretionary parole pursuant to NRS 213.1099 “the board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.” MPR. The panel ~~shall~~ ~~may~~ recommend that the Board grant discretionary parole to the prisoner ~~rather than mandatory parole~~.

5. The Board may conduct a meeting to consider a prisoner for discretionary parole, pursuant to NRS 213.130 not sooner than 150 days before the date on which the prisoner may be released.

6. Prior to any hearing conducted pursuant to sub sections 2 and 5 above, the Board may determine that parole will be granted to a prisoner. If such a determination is made no hearing is required. The prisoner shall be notified of the parole grant and the date on which the prisoner is to be released on parole.

7. Pursuant to NRS 213.140 the Division (of Parole and Probation) shall authorize or establish a program for the prisoner’s activities during his parole. The program may include housing, employment, programs specific to addressing behaviors that led to the inmate’s incarceration and any other factor the “Division” of P & P deems necessary.

## **MANDATORY PAROLE RELEASE GUIDELINE – EXHIBIT D**

**EXHIBIT D**

**MANDATORY PAROLE RELEASE GUIDELINE WORKSHEET**

Name: \_\_\_\_\_ ID#: \_\_\_\_\_ Location: \_\_\_\_\_ Date: \_\_\_\_\_

NRS 213.1215 requires the Board to release eligible inmates under Mandatory Parole Release (MPR) unless the Board determines that the prisoner would be a danger to public safety while on parole. The risk level adopted by the board for the discretionary release of prisoners will be considered when considering the release of a prisoner under MPR.

Prisoners who have been convicted of an offense listed to NRS 213.1214 may not be released on MPR unless they are certified as not being a high risk to re-offend using a standard method of assessment. When considering whether to release a sex offender on Mandatory Parole, the board will review both the psychosexual risk evaluation and the parole risk assessments and apply the higher risk of the two.

**MPR may be granted, without a hearing, unless victim requests an opportunity to speak at the hearing pursuant to NRS 213.130 subsection 4.**

Statistical Risk Level (circle):	High	Moderate	Low
Sex Offender? Yes No	If yes, Psych Panel risk (circle): High Moderate Low		
Mandatory Parole Recommendation:			
Circle one:	Grant MPR	Deny MPR	
If parole is denied, the Board must provide a statement of the reasons why MPR is denied. Please indicate all reasons why MPR is denied			

After reviewing the record of the above referenced inmate, the Board finds that there is a reasonable probability that the prisoner would be a danger to public safety if released on parole. This determination is based on the following reasons (indicate the specific information relative to the selected reasons. The specific information provided will be included in the denial statement.

- \_\_\_ The prisoner is a high risk to commit a new felony if released (statistical risk assessment).
- \_\_\_ The prisoner is a not certified pursuant to NRS 213.1214 (high risk sex offender)
- \_\_\_ The prisoner has made substantive statements regarding their refusal to comply with the terms of parole, or made threats to others. \_\_\_\_\_
- \_\_\_ The prisoner has a history of violent conviction. \_\_\_\_\_
- \_\_\_ The prisoner has engaged in assaultive or combative behavior. \_\_\_\_\_
- \_\_\_ The prisoner has been convicted of multiple felony offenses of Driving Under The Influence. \_\_\_\_\_
- \_\_\_ The Prisoner has a history of supervision violations related to violence. \_\_\_\_\_
- \_\_\_ The prisoner has committed additional crimes while on community supervision. \_\_\_\_\_
- \_\_\_ The history of the prisoner’s criminal conduct has been increasing in severity. \_\_\_\_\_
- \_\_\_ The prisoner has demonstrated pro-criminal attitude and behaviors such as active gang involvement or planning escapes or other types of criminal activity. \_\_\_\_\_
- \_\_\_ Other \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Sec. 14.** 1. ~~Unless a prisoner has waived his right to receive notice pursuant to subsection 3-5,~~  
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 to the 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 deny parole to the prisoner.~~

~~2. 3 Notice to a prisoner pursuant to 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.~~

~~3-5 A prisoner may waive, in writing, the rights granted to him pursuant to subsections 9 and 10 of NRS 213.130. (@ ACLU )~~

~~4- 2. 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.~~

~~6- 3. If the Board finds that notice was not provided to a prisoner in accordance with this section and that the prisoner did not waive his right to receive notice pursuant to subsection 5, the Board may:~~

~~(a) Grant parole to the prisoner; or~~

~~(b) Reschedule the meeting within 60 days from the original hearing date.~~

~~Sec 15. Sec.15. CONDUCT OF INMATE PAROLE HEARINGS~~

~~1. The inmate may present evidence or documents if the Board feels it would assist them in making their decision.~~

~~2. The inmate and his representative may speak at the inmate's parole hearing. Pursuant to 2007 SB 471 section 10.5 (10b) changes to NRS. 213.130 (@parole board public hearing)~~

3. Only personal information about the victim including but not limited to a current or former address which pertains to a victim and which is received by the Board pursuant to this section is confidential. Pursuant to NRS 213.130 (8)

4. All testimony or evidence must be presented to the Board at a parole hearing which is open to the public pursuant to NRS 213.130 (3).

5. Pursuant to SB471 sec 10.5 (3), all prisoner parole board hearings are quasi-judicial and must be open to the public.

**Sec. 15-16.** 1. The recommendations which the Board may provide pursuant to NRS 213.130 to a prisoner to whom parole is denied to improve his 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 incarceration any program identified and listed must be provided and available at the institution where the inmate is housed. (@minutes)

(c) Participate in an educational, occupational or vocational program; programs listed on parole denials for improvement must be provided and available at the institution where the inmate is housed. (@ minutes)

(d) Participate in a program which encourages the development of empathy for victims of crime; any program listed on parole report must be provided for the inmate and available at the institution where he is housed. (@ minutes)

(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 213.130 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 in a subsequent hearing.

**Sec.16 17.** 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 2 working days after the Department or the Division becomes aware of the information, the Department or the Division may:

(a) Delay the release of the prisoner on parole for not more than 2 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 2 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.

**Sec. 1718.** 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.

**Sec. 1819.** NAC 213.500 is hereby amended to read as follows:

**NAC 213.500** [~~As used in NAC 213.500 to 213.560 inclusive, unless the context otherwise requires,~~] "Board" means the State Board of Parole Commissioners.



**Sec. 19 20.** NAC 213.560 is hereby amended to read as follows:

**NAC** 213.560 1. The standards contained in NAC [~~213.510 to 213.550 inclusive, may~~] 213.550 and sections 6 to 9, inclusive, of this regulation may be considered by the Board in determining whether to grant, deny, continue or revoke parole, but nothing contained in those sections shall be construed to restrict the authority of the Board to;

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

(b) Grant or continue parole in any case in which application of the standards indicates that parole should be denied or revoked, if the decision of the Board is otherwise authorized by the provisions of chapter 213 of NRS.

2. The Board may deviate from the standards contained in NAC [~~213.510 to 213.550~~] 213.550 and sections 6 to 9, inclusive, of this regulation based upon

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

~~(b) The prior record of criminal activity of the convicted person or the absence of such a record~~

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

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

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

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

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

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

~~-(i, j, k, l, m, n are also deleted.)~~

Any factor, or combinations of factors, set forth in section 9 of this regulation 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 section 6 of this regulation, the Board will state in its **written** 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 213.550 and sections 6 to 9, inclusive of this regulation and **report such deviations to the Legislature pursuant to NRS 213.10885.**

Sec. ~~20~~ **21** NAC 213.510, 213.520, 213.530 and 213.540 are hereby repealed.

**EXHIBIT A**

**NEVADA LEGISLATIVE COMMISSION  
MEETING OF APRIL 16, 2008**

The following is a transcript of a portion of the Nevada Legislative Commission meeting. The transcript addresses R01808, The State Board of Parole Commissioners is establishing standards which the State Board of Parole Commissioners will use to determine whether to grant parole to a prisoner, etc., etc.

**CHAIRMAN:** I believe we have a number of people who, either want to testify or who have questions under Public Comment.

Do we have, first of all, questions from the Legislative Commission members? Mr. Anderson.

**ANDERSON:** Thank you, Chairman Townsend. I'm concerned... I've had the opportunity to observe one of our interim committees on a regular basis that meets monthly with Justice Hardesty as the Chair, and in dealing with the prison overcrowding issue and probation. The Department is frequently the center of the discussion, and whether the Parole Board itself, how it will be impacted by what we had hoped, with the legislation that we had, a select committee in the Assembly that we met with, which was [phrase inaudible], and I'm trying to...

You know, in light of the audit that we heard earlier from Mr. Townsend, and some of the other issues that are on-going here, will this mean that you're going to do something, and actually get some folks out of prison before they zero their time out? And that is a real concern, I think, to all of us, since, in light of the last legislation that kind of changed the methodology by which you could earn "good time" credit and move forward. Will this mean that you're going to get off the dime and do something, to put it bluntly?

**DORLA SALLING:** To the Chair and Mr. Anderson, Dorla Salling. I'm the Chairman of the Nevada Board of Parole Commissioners. With me today also is David Smith.

Mr. Anderson, to answer your question, the Board – we haven't been sitting on the dime. Since the Statutes were changed, the Board has always been able to do about 700 hearings per month. As the result of the statutory changes immediately from the time – October 1 – those statutes became effective, from that day forward, I mean, we were

thousands of hearings behind, and so we've been trying to play catch up ever since. But, as I have explained, the problem is, we're doing the hearings as fast as we can.

The hearings, not only are thousands more people eligible than there were before, but we have statutory requirements that have lengthened the time that is required for the hearings, so the hearings are taking longer. So, we're doing all the hearings we can every day. We're doing as many as we can, but as fast as we are doing them, hundreds more [inmates] are becoming eligible, and it has dramatically speeded up the eligibility of hundreds of inmates. But before the statutes became effective, we were just getting [inaudible], and suddenly thousands more [inmates] became eligible, and then the length [of the hearings] became longer. So when you put all that together, there really are not enough hours in the day, but we're working as fast as we can.

And what these regulations – one of the provisions that we have looked at is the possibility of using a provision that would allow the Board to see some of the inmates in absentia, and if we granted them parole, then they would – we'd get through some of those faster.

So, what we're trying to do is certainly not to avoid the legislative intent, but to speed the process as best we could.

**ANDERSON:**

And then how will this aid in that – to get us moving right? Because, at least, according to the interim study by Dr. Austin we're all trying to pay attention to..., and very, very carefully, and he made note, I think last week, that [inaudible] fact that our local jail populations and arrests and down, and, as a consequence, the number of sentencings are down, but the parole hearing backup is over 1,300 cases. I'm trying to imagine how this regulation is going to change and get us going forward here. Can you give us some specifics as to how this is going to help us?

**DAVID SMITH:**

Thank you. My name is David Smith. I'm with the Parole Board. And just for a little bit more clarification, if AB510 had been the only Bill that affected the Parole Board that passed, we would not be in the situation we have. It was actually the last minute amendment SB471 which put in place provisions regarding hearings considering inmates for parole.

Now what happened was, it prohibited the Board from denying parole to inmates unless we afforded certain rights to them. And just to give you an example of what AB510 did, it didn't affect anybody with a life sentence, but it affected every inmate, certainly any other type of sentence. And it essentially cut sentences that a court imposes in half – that would expire in half or less than half the time the court imposes. That includes violent and sex offenders. That speeds up the mandatory parole date of those offenders. We pulled the list last week, and 42% were violent or sex offenders.

When the Board first began trying to conduct these hearings in absentia, basically 50% were denied, and we were just adding to the backlog. And so, what we've been doing is conducting hearings because we don't know who's getting granted or denied until after they've been considered.

These provisions put into place, is what the Legislature had intended, that we give them reasonable notice, that, if we don't give them notice, we can grant them parole. And, in light of the nature of the crimes that most of these offenders are serving time for, most of them will get their hearings, because, otherwise, we can't deny parole. We simply add more – have lengthened – increased the number of people we have to actually hold hearings on. But we do anticipate about 10% of the backlog will be reduced once these regulations go into effect, and that allows the Board to grant parole to, for example, inmates on house arrest in Casa Grande and our [inaudible] without actually bringing them in and conducting a hearing.

**ANDERSON:** I don't want to belabor this, and I have a tendency to do that. Your normal grant rate is about 10%, so this is not – you're going to be hitting the same stride as normal.

**DAVID SMITH:** Our grant rate is typically about 50%.

**ANDERSON:** Is it [inaudible] going to go to 10%?

**DAVID SMITH:** No, about 10% of the backlog will be cleared up without holding formal hearings. That will, in turn, allow more time to conduct hearings...

**ANDERSON:** Nobody's going to complain because they're going to get out. They're only going to complain if they're going to have to stay, so this is going to give you the opportunity to do paper screening?

**DAVID SMITH:** That's correct, on low-level offenders.

**ANDERSON:** On low-level offenders. And these are folks who might be first-time DUIs or second time DUIs, and statutory [inaudible], and certain kinds of other offenders, but not high-risk offenders?

**DAVID SMITH:** Not violent, not sex offenders. Unfortunately, some of the people that we see who might be in for a drug charge, may have prior sex or violent offenses. Until we start reviewing them we don't know the nature or the severity of the prior criminal history.

**ANDERSON:** Okay.

I'm concerned about this statute, Mr. Chairman, and whether it's going to accomplish the needs that we have in this state, and I'll leave the question to somebody else.

**CHAIRMAN:** Thank you, Mr. Anderson. Of course, we have a number of members of the Judiciary in both houses on this Committee that are very familiar with this.

We have questions in Southern Nevada. Speaker Buckley.

**SPEAKER BUCKLEY:** Thank you, Mr. Chairman.

Just a couple points of clarification. Probably a year and a half ago, the Nevada Supreme Court held that the parole hearings were subject to the Open Meeting law, at least, this is my understanding, and the Parole Board stopped doing parole hearings altogether. There was a motion for rehearing; it was still pending before the Supreme Court, so part of the reason the Legislature had to act was because of this situation.

What the Legislature tried to do was enact kind of the middle of the road, not the full requirements of the Open Meet Law, but to give notice and an opportunity to be heard. And so, I kind of take exception to the last minute nature of this because it really doesn't describe the full set of circumstances as to what was happening.

Second, I mean, I am very dissatisfied with the Parole Board's progress. All of these laws enacted were effective in June. We had a late June IFC meeting; there was no request for staff made there. We had a September IFC meeting, no request for staff was made there. We did grant staff in November; no staff had yet been hired.

**The ability to grant parole to individuals, without having them been present, has been available since June of last year.**

**It isn't until April that we finally have a solution for those cases. That could have been done a long time ago. And so, I just feel that there hasn't been enough problem solving done by the Parole Board. It seems... I mean, we obviously have a backlog; the backlog needs to be addressed, and, instead of problem solving, which is what we do every single day when there are issues, it's, "We can't do this; we can't do that", and I think that's resulted in a number of frustrations from families, from legislators, and has been quite unfortunate.**

**At this point, we've got to move on. The Interim Finance Committee has approved every request that you have submitted. I understand temporary hearing officers have been hired and will be on board within a week – two weeks, by the beginning of May or so. I'm very pleased at that progress, and think that that will help. And, with regard to this regulation, I believe, both the Parole Board has worked with the Attorney General's office, and with our legal counsel, Erdos, at least on portions of it, and those portions will clear up, at least a portion of the backlog. And, I am anxious to approve that today so that, again, more of the backlog can be cleared out allowing less of a backlog to accumulate, and to begin to get through these cases. And, I would hope that, at this point, we get routine progress reports, both at IFC and with the Interim Committee on the rest.**

**Assemblyman Parks is in the audience and has waited all afternoon... I don't know if he has any comments or anything that he feels he needs to get on the record, since he's been following this, and has chaired the Interim Committee, and taken a leadership role in this.**

**While he's coming up, I guess my last comment is, I want to make it really clear on the record that any "good time" credits allows folks to apply to the Parole Board, but if there are any threats to safety, you know, the expected response will be, of course, denial. So I just wanted to make that clear on the record that anyone that is deemed to be violent or not a good risk still would be denied.**

**So with that, Mr. Chairman, with your indulgence, I would like to hear from Assemblyman Parks, if it meets with your approval.**

**CHAIRMAN:** Absolutely. Mr. Parks, welcome.

**SPEAKER BUCKLEY:** And, thank you.

**CHAIRMAN:** Thank you.

**DAVID PARKS:** Thank you, Mr. Chair and Committee. David Parks, for the record, Assembly District 41.

I know I've talked to a number of Legislative Commission members, and I'm going to be very brief.

The concern that I had was that, when we passed Assembly Bill 510 that we had had in the wording for N.R.S. 213.1215 wording to the effect that the inmate must be released on parole 12 months before the end of the maximum term. When I reviewed the regulations on page 14, at the bottom of the page, Section 13, I read the words, "A prisoner may not be released..." And the word "may" versus the word "must" created a major amount of concern for me. And so, based on that, and then following the rest of the wording, I thought there was certainly some concern. I have since heard that this has had substantial review through our legal counsel and LCD, as well as some other outside counsel as well, and I certainly accept that.

I would, however, since there seems to be a little confusion – I would like to ask that the Commission, if it would, make sure that the interpretation of this regulation, especially Section 13, by the Parole Commission, covers the intent of the legislation, in that, when they plan to have their hearings, this "no sooner than 150 days", that that is 150 days prior to the mandatory 12 months is before the end of the maximum term for the prisoner.

Thank you, Mr. Chair, and thank you Committee members for hearing me.

**CHAIRMAN:** Thank you, Mr. Parks.

Ladies and gentlemen, please come up.

**DAVID SMITH:** David Smith, for the record.

Assemblyman Parks, the 150 days – the reason for putting this into statute is, in N.R.S. 213.1099, I believe it's Subsection 7, the Board is prohibited from considering an inmate for mandatory parole when they're considering him

for discretionary release. And the purpose of the 150 days is because of the credits. Mandatory parole dates are coming at the same time as the discretionary release. It could be a month or two after. And the purpose is that, if they're within 150 days of the mandatory parole release date, not the expiration of sentence, but the release date, the Board would consider that standard of danger to public safety first. And if they would grant parole, under mandatory parole, they can go do a second step and consider releasing them earlier in a discretionary parole without violating the provision in N.R.S. 213.1099.

**CHAIRMAN:** Mr. Parks, did that satisfactorily address your question?

**DAVID PARKS:** Thank you, Mr. Chair. I think that covers what's necessary for the record.

**CHAIRMAN:** Well, if you think of something else while the debate goes on, feel free to ask again, you're always welcome.

**DAVID PARKS:** Thank you, Mr. Chair.

**CHAIRMAN:** You bet.

I believe we have someone else in Southern Nevada.

**RON CUZZE:** Good afternoon, Mr. Chairman, members of the panel. My name is Ron Cuzze. I'm the President of the Nevada State Law Enforcement Officers Association. We have some concern with this regulation as it's written because of the effect that it could possibly have on parole and probation. At the beginning of this meeting you all heard about the audit of P&P. Since then, their answer down here in Southern Nevada was to start administrative case loads, which is virtually non-supervision. Currently there are 4,200 parolees and probationers in these administrative case loads. In their intake unit they have approximately 1,800, and this is as of this morning. As of last Friday, with Lieutenant Dixon's retirement, P&P is down 56 officers. I think Assemblyman Parks made a statement a little while ago out in the hallway -- "This is going to be a train wreck."

I know that this Commission itself can't do a lot to fix the situation at P&P. Perhaps some of it has to come out of IFC, but we need to take into consideration, in any decisions you make, concerning this.

Also, as this meeting is going on, the new Director of Public Safety, Jerry Hafen, is meeting with the new Chief of Parole and Probation, Bernie [name inaudible]. I've known both of these gentlemen for quite some time; they're both capable, and I believe they're going to take matters into hand and change some of this around. But still, right now, in Southern Nevada, we can't supervise the offenders that we have with the number of people and the system that they're using. So my concern with the regulations, if it goes the other way, and they start not watching who they're putting out, it's going to make our P&P officers lives down here even more disastrous.

And, again, we understand the intent of AB510. We may not agree with it, but we know it's law, we just don't want the system to be abused.

Thank you.

**CHAIRMAN:** Okay, thank you, Mr. Cuzze.

**CHAIRMAN:** Any questions for him in Southern Nevada?

**SPEAKER BUCKLEY:** Mr. Chairman, just a comment. I think we all realize the P&P is not where we need it to be; the audit shows that. We have some new leadership there; we're hoping that things are going to be better, and I think you already have the commitment of this commission, and the IFC that we're going to be monitoring this very closely and making sure that things improve there, that's our commitment.

Thank you.

**CHAIRMAN:** Are there any more questions? Anyone else in Southern Nevada who wishes to...?

**SENATOR CARE:** Thank you, Mr. Chairman.

I have a question for David Smith. In Section 9, Subsection 2, the regulation, there are some enumerated aggravating factors that we quoted – “Whether the prisoner has engaged in repetitive criminal conduct; whether the prisoner has committed increasingly serious crimes.” And my question is, does this contemplate consideration of crimes for which the defendant has been charged but not convicted, and even accused of, but never even charged? Or, is it only criminal history? Is the criminal history confined to those crimes for which he or she has been convicted?

**DAVID SMITH:** Senator Care, basically, the factors that are listed in Section 9, Subsection 2 are in addition to the risk assessment that the Board conducts prior to the hearing. The Board is focusing primarily on convictions. And, basically, in this revision, the language that referred to previous arrests is actually being repealed, and I believe... I'm not sure what section, but it is in the back section of the repeal portions of this NEC. So it's not contemplated that the Board is considering merely arrests, but mainly convictions – conviction history.

**SENATOR CARE:** Alright. Thank you.

**CHAIRMAN:** Any other questions in Southern Nevada? Anyone down there that...?

**SPEAKER BUCKLEY:** Mr. Chairman, we do have some additional persons who wish to testify.

**CHAIRMAN:** Absolutely.

**SPEAKER BUCKLEY:** We have Assemblyman, Harvey Munford, who is here, but I didn't realize they were here to testify as well, and it's a pleasure to have him, and if it meets with your approval, he'd like to provide some testimony.

**CHAIRMAN:** Absolutely. After Mr. Munford, we'll take Mr. Carpenter. Go ahead, please. Mr. Munford, good to see you, and welcome.

**HARVEY MUNFORD:** Thank you. It's good to see you, Chairman Townsend, and the Board of the Legislative Commission.

I'm just going to speak in reference to the N.R.S. 213 on the economic factors aspect of it that, according to N.R.S. 213.1215, that prisoners that are in house [custody?] that they must be released -- inmates 12 months before expiration date of the end of the sentence. All inmates in minimum custody with the NDOC must be transferred to the Parole and Probation Division for parole supervision and planned development, according to N.R.S. 213.140.

But what I want to present to you – what I want to stress is that, it is not cost effective to keep the inmates for the additional 12 months. And what this leads to is an additional cost of housing an inmate in minimum custody for that additional 12 months is \$18,000 per year. And, if they were to be released on mandatory probation, as is said in N.R.S. 213, they would, as I say, they would save

the State itself approximately \$1,800 per year, actually, in parole and probation. And I can see the tremendous savings to the State of Nevada if they were not required to stay the additional 12 month period.

And I think that we're very much concerned about budget at this time, and our costs. And I can see where having them stay the additional 12 months, I think would be a great expense to the State. You know, from what I see, that's not a basic position I take on that. If there are any questions, you feel free to ask me.

**CHAIRMAN:** Questions for Mr. Munford?

**SPEAKER BUCKLEY:** There does not appear to be any questions down south, Mr. Chairman. We do have an additional member from the public at the table who would also like to provide some comments.

**CHAIRMAN:** Absolutely.

**FLORENCE JONES:** Thank you. Chairman Townsend, and to the entire Legislative Commission, thank you for this opportunity to speak today. I am listening to the situation of money in our state, and I too feel a great concern. As Harvey Munford just said – Assemblyman Munford just said, \$18,000 per year to keep someone in prison versus...

**CHAIRMAN:** Excuse me, ma'am... Ma'am, could you identify yourself for the record, please?

**FLORENCE JONES:** I'm so sorry.

**CHAIRMAN:** No, no, no. Listen, I know how passionate these issues are; I just want to make sure... For our purposes we do need your name for the record. Thank you.

**FLORENCE JONES:** I did want to point out that the \$18,000 that Assemblyman Munford spoke about to keep an inmate in prison for this 12 month period of time while the Parole Board is doing whatever they're doing...

**CHAIRMAN:** Ma'am, you did it to me again. You still didn't give me your name.

**FLORENCE JONES:** Oh, I'm sorry. My name?

**CHAIRMAN:** Yes, that would be helpful. We have to have that on the record because not everybody knows who you are. And, for purposes of the record, we need to have that, okay?

**FLORENCE JONES:** I'm Florence Jones.

**CHAIRMAN:** Okay. Go ahead, please.

**FLORENCE JONES:** With regard to what Assemblyman Munford said, the \$18,000 per year to keep someone in minimum security versus the \$1,800 cost to have them on parole seems to me to be at this time that we are bleeding financially a very serious issue.

The other flipside of that is, we just don't want to open the doors and have folks out on the street without proper supervision. And I did put together a diagram, that I believe has been presented to you, showing the mandatory parole release coming direct to P&P, and that would just be for minimum security.

I know there's a talk about the threat to society, but the Department of Corrections that we rely on to keep us safe, when they identify someone as "minimum security" under their Administrative Regulation 521, they have determined that that inmate is not a threat to society. And those are the inmates who are out fighting fires, who are cleaning up the yards of the cemeteries, who are working throughout our communities, throughout the whole State, and they are at our minimum [camps?].

I know I'm hearing figures, but from what I know about the folks who are in prison, there are about 3,000 people who are minimum security inmates that this may very well affect. And my suggestion is that we would look to bypass a parole hearing for these individuals and take them direct to the 12 month "must release", based upon the DOC already having determined they're not a threat.

And there is a significant difference between the MPR minimum versus the MPR of those who are not minimum. We really do need a parole hearing on those individuals. That's where our violent and sex offenders start falling into place. And, certainly, on discretionary parole, I think we, not only need a hearing, we need a full-blown hearing. We need our parole board to have time to really take a close look at these people before they're returned to us in society.

Now what are we going to do with this group of minimum... that I'm suggesting would just have a direct shot to P&P, who would produce a plan? While we look at Casa Grande very carefully, and I know in the infinite wisdom of the Legislature under the direction of Jackie Crawford, when that facility was built, it was developed with a transitional thought in mind. And if full, and double-bunked, I believe it can handle 800 people.

Now I realize P&P would probably have to hire supervision and really move into that building with these folks, but, quite frankly, I think that's better than having individual neighborhood houses of folks of 8. I certainly don't want them living in my neighborhood, and I'm sorry to say that. I have family in prison, and I visit a lot of these folks, and know them, but to have people in transitional homes all through our neighborhoods is a little scary to me. I'd much rather see them in an organized operation like Casa Grande, that's in an industrial area, that could be supervised, where people could get a shower, get out to get a job, and possibly have their year there, and be on their way. I think we might have a chance to stop this recidivism swinging door that we are all looking at; talking about.

And I know it's probably a little off the wall to suggest that, and probably Director Skolnick would not be real pleased with having to move his offices back to one of the prisons, but I would encourage this group that is right now [inaudible] in leadership because we don't have our full legislature in place, to seriously take a look at working outside of the nine dots in making some hard decisions about what we can do if these people could move them out of prison into a facility where they can be educated, trained, back to work, and back into our community successfully.

Thank you, again, for your time. I'm sorry I was a little slow in getting my name out. Thank you.

**CHAIRMAN:** That's perfectly okay.

Questions for Ms. Jones? [None heard.]

Alright. Anyone else in Southern Nevada? Speaker Buckley?

**SPEAKER BUCKLEY:** No, Mr. Chairman.

**CHAIRMAN:** Okay. Committee, what's your pleasure on R01808.

Oh, Mr. Carpenter, I forgot. I dozed off on you, I apologize. I keep thinking you're listening to your iPod and you're just trying to...

**CARPENTER:** iPod? What's that?

Well, thank you, Mr. Chairman. As a member of the Committee on Administration of Justice, the former Chief of Parole and Probation was asked many times if he could take care of these people that were going to be let out of prison, and he reiterated to the Committee at each meeting that there was no problem, he was prepared to take care of them. And then, at the meeting before last, when the situation with the audit came up, he said, "Don't worry, I'll take care of that right away." And about three or four days later he resigned, so I guess that kind of puts us in a bind.

But I do think that the Parole Board could have moved a lot faster than they had on getting the people hired to improve the system, but, irregardless, that didn't happen and, hopefully, these regulations will help them. I don't know whether they will or not. I think it depends upon the attitude of the people on the Parole Board.

But there's one question that I want to ask, and it's in regard to Section 12. On your Informational Statement, you say that the Board changed this section entirely "to allow for an inmate to appeal directly to the Board without a recommendation from the Department of Corrections", and clarified that, "This Section does not prevent the Board from considering a previous denial of parole when a significant change in the status of a prisoner occurs." In reading Section 12, I don't see that in there. It says it "must face a request on circumstances which existed at the time of the meeting at which the Board considered whether to grant parole." And so it seems to me that they have to consider what was given them before, and not a significant change in the status of the prisoner if that occurs. I think it would have been better if you really had said in Section 12 that they could get a hearing if there had been a significant change, not that it had to be based on what was brought to the Parole Board at the hearing.

**DAVID SMITH:** Mr. Carpenter, David Smith, for the record.

On page 15, Subsection 5, because we can't contemplate every scenario or situation that may occur, we didn't want to limit the situation strictly to the hearing, and so Subsection 5 says, "The provisions of the section do not limit the power of the Director of the Department of Corrections or his designee to notify the Board of a significant change in the status of a prisoner, or to prevent the Board from reconsidering a denial of parole if they see a significant change in the status of a prisoner [inaudible]." And so, that is the outside option.

**CARPENTER:** I read that also, but in your statement here, where you say that was in Section 12, and it's not. And so, I think that you probably can't change it now, but I think you need to keep that in mind when you're having these people come back to you.

**DAVID SMITH:** I believe it is in Section 12. It's Subsection 5 of Section 12.  
**SPEAKER BUCKLEY:** Mr. Chairman, is there such a section?

**CHAIRMAN:** Mr. Anderson and Mr. Carpenter now – page 15?

**SPEAKER BUCKLEY:** So it's on page 15.

**CARPENTER:** Thank you. I think that might cover it, but... These things are kind of hard to read. They don't make for much bedtime reading.

But, anyway, I hope that the Board does take these things into consideration. And I think if we can keep these people out of prison so we can save some money, we'll all be a lot better off, and, hopefully Parole and Probation can now get their act together.

**CHAIRMAN:** There are two other individuals that joined us, or three or four of them. I don't know how many there are.

If you can state your name for the record, and make sure this is not an indictment of the State of Nevada or Parole and Probation. We're here to deal with this Regulation that's in front of us, so if you could [inaudible], we'd appreciate it.

**TOSH DAWSON:** Good afternoon, Mr. Chairman and members of the Commission. My name is Tosh Dawson. I'm the same

**Tosh Dawson who applied to the Ethics Committee, and I would like to disclose, first of all, that my telephone number remains 775-847-0202.**

**My questions and comments today are limited to these regulations, by section, and my concern is that we not speed up the process to the detriment of the parolee.**

**Specifically, in Section 7, regarding the severity level of a crime, what factors go into determining this level, and are the same factors used by both the Department of Corrections and the Parole Board?**

**Section 8.1 states that 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 that risk, that the prisoner will commit a felony if released on parole. I would like to know what is the source of this information; the statistics that were used to assign this risk, and what are the statistics? If the risk level is assigned to the prisoner, and not the crime, then it seems that the risk level should be based on the actions and improvements, or lack thereof, of each prisoner, up to the current date, rather than the severity level assessment of the crime itself.**

**Section 8.2 states that, “To establish the risk level, the Board will conduct an objective risk assessment using a combination of risk factors that predict recidivism.” What are these risk factors, and what constitutes a risk to public safety? What constitutes a threat to society? And how current is this information? What are the definitions of each of these? Is the image level of risk and threat based on an inmate’s current record, or on a crime that he committed “X” number of years ago?**

**Section 9 uses the word “severe”, “extreme” or “abnormal”. And I’d certainly like to hear a definition of those aggravating factors.**

**Section 9.1 – The inclusion of the wording, “which the Board may consider” as opposed to must consider makes this a subjective assessment which directly contradicts Section 8.2, calling it an “objective assessment”.**

**Section 15.1(b) – “Inmate is to participate in a program that addresses behavior which led to his incarceration.” If the inmate’s record reflects no participation in a said program, does the Board ever inquire as to whether or not such a program was ever made available to this inmate?**

And, lastly, Section 15.1(c), “The mitigating factor of participation of an inmate in an educational, occupational or vocational program.” Again, if this is absent from the inmate’s record, is investigation made as to whether the program was offered and/or whether that institution allowed that particular inmate to participate in these programs?

Is the Board made aware that most of our prisons do not have such programs available? Are they made aware that an inmate who desires to educate himself above high school level must somehow pay for that opportunity? And if an inmate desires to attend, but can’t afford college, is this accepted or rejected as a mitigating factor? Again, my name is Tosh Dawson. I thank you for letting me speak this afternoon.

**CHAIRMAN:** Questions for Ms. Dawson, Southern Nevada?

Go ahead, Mr. Anderson.

**ANDERSON:** Ms. Dawson, among the things that we ask of the Board of Parole Commissioners when they submit regulations is the number of public meetings that are held prior to their drafting in the workshops that [inaudible]. Did you have an opportunity to appear at any of the draftings or the workshops that sprang forth your concerns at any of these?

**TOSH DAWSON:** Tosh Dawson. Due to my work schedule, I was not able to attend those. However, I have regularly attended every single meeting of the Administration of Justice Commission – Commission meetings.

**ANDERSON:** Okay. Well, of course, these aren’t from that group; this is from the Parole Commission, so did you have an opportunity to submit written statements to them? Was that afforded to you, to take that into consideration when they would do the drafting?

**TOSH DAWSON:** Tosh Dawson. I’m attempting to do that now. Since I didn’t have the full information before today, I’m attempting to put it into the record today, the comments that I have.

**ANDERSON:** Thank you.

**CHAIRMAN:** Any other questions for Ms. Dawson? Otherwise, we’ll go to our next witness.

If you'll state your name, please?

**TONJA BROWN:**

**Tonja Brown, Advocate for the Innocent.**

**On the workshop, I have attended some of the workshops, and some of this that Ms. Dawson has mentioned has been brought up during the workshop. However, they do not consider our input, because none of our input has ever been put in any of this.**

**Okay, on Section 12...**

**Oh, first of all, I'd like to say that I concur with Assemblyman Parks and Munford, and Ms. Jones and Ms. Dawson – with everything they have said. And thank you very much for allowing us to speak here today.**

**Now Section 12..., and I actually have an example. Assemblyman Carpenter had mentioned just a moment ago with Section 12 and the appeals... Anyway, here it states, "Not later than 45 days after the meeting at which the Board considered whether to grant parole." I discussed this during the workshop last month and I suggested that they do this on an appeal.**

**If an inmate files an appeal, they are not given any notice whatsoever whether it's going to be granted tonight, or heard, or anything. And here's a good example. Here's an appeal that was filed on October 2, 2007. It has yet to be addressed by Ms. Salling. This appeal was... Mr. [name inaudible] had been brought before a parole hearing...**

**CHAIRMAN:**

**Ma'am, let you stop you there. We don't do personal things. We don't mention people by name, it's against the regulation. We just do everything here respectfully. I understand you're frustrated; I understand you have issues, but this is not the format for that. Okay.**

**TONJA BROWN:**

**Okay. Thank you.**

**Tonja Brown for the record. Yes, so I'm suggesting that there has to be a time limit of so many days, not what they have listed as "practical". What is that? Is that ten days; two months, six years?**

**Also, I haven't seen this, I've only been informed about this, but there's going to be a support staff that is going to be looking at these appeals. Is that correct? I'm not sure; I just heard a mention of it. I don't think there should be a "support staff". When there's an appeal that is filed from**

**an inmate, I think we should actually be looking at an oversight committee with regard to this, and not the Parole Board or the Department of Prisons because there are times when there are certain members who are vindictive, and who will retaliate against an inmate and totally deny them their appeal. And I think that's a major problem. So, actually, I would like to see Section 12 just taken out.**

**Also, I don't know if this has been tabled to another time, but under K Section 9, referring to K, "whether a prisoner has demonstrated remorse for the crime for which parole is being considered." That is kind of a Catch 22 situation because, if an inmate... Say, for example, an inmate doesn't feel remorseful for the crime. Now you do have innocent people in prison. Yes, they may feel remorseful because something happened, but that doesn't mean that they actually committed the crime. And the Parole Board has an unwritten policy that you must admit guilt in order to be paroled to the streets, okay.**

**And part of the AB510 on the appeals process, on whether or not to grant or deny parole on the appeal was my amendment to that bill, based on these reasons. And I think that an inmate, if, for example, his conviction is overturned and he's having a new trial, and because he's told the Parole Board, "Yes, I feel remorseful", not that he's admitting guilt, but he's remorseful because something terrible happened, that very well could be used against him in an upcoming trial or at a future parole proceeding. He felt remorseful, therefore, he's guilty, when, in fact, he is not. That has to be considered too, because I think you're violating one's due process here on that.**

**And I agree with a lot of things that the Assemblymen have said, and I'm going to let Ms. Hines ... Ms. Hines has got some things to say, and I would like to say that I concur with what she's about to tell you.**

**Thank you.**

**CHAIRMAN: Any questions? Alright, Ms. Hines.**

**PAT HINES: My name is Pat Hines and I'm from Yerington, Nevada.**

**I have three things today I'd like to present to you as concerns and solutions, both. And I do appreciate what other people have said, I agree with a lot of it.**

**So, I have index cards with 11 different issues and concerns as a result of this proposal, for a**

recommendation, but some of them have been spoken to, and some of them are maybe not as important as others. But my first concern is the fact that they're going to a severity rating scale. And Ms. Dawson alluded to the fact that she thinks that the risk factor scale should have more weight than the severity rating scale, and I do also. And I'm not going to go into any reasons at all, but I think that this part of this proposal has probably been rushed into too fast in trying to get things done.

The severity rating scale that they are suggesting to use is one that says levels for NDOC classification. This is very weird, the way it looks, if you look at it. There's no date on it, there's no NODC form, you don't know when it originated; you don't know when it was last reviewed. And my point of the concern for it is, it isn't complete in the number of crimes, and that's obvious because in the first section of the first few pages, they have 62 items listed under property offenses, and they listed all 62 items in this proposition, but they don't have any of the severity level inputted in this opposition. And my concern with it is what it doesn't show. All it shows on this particular severity rating scale, which is used by NDOC... And let me tell you, NDOC's purpose for having the severity rating scale is to be used at intake and on-going classifications. And I think the severity rating scale used by the Parole Board should be a little further along, considering things that are done in prison, and anything that relates to getting out of prison, instead of way back in the beginning when the crime existed.

What is in this rating scale that they're using divides crimes into highest, high, moderate, low moderate. I think that's the way it's divided. There's another crime level that I would like to see them use, or even look at, and it's called "Selective Nevada Revised Statutes Relating to Felonies". This was given out in February, yet the ACAJ Committee, the Advisory Commission for Administrative Justice... And I'm not going to go into it; I'd be happy to share it with people, show it, but what it contains, that is useful to anybody that's interested, or criminal justice people, it contains these categories that list the crime.

Then the big improvement in it, like on these 62 things that are listed in this whole thing, is the association to the N.R.S. The relationship to the N.R.S. is listed on here. That's very important and very handy for people that use these things. And another thing that's on here, it gives an explanation, it gives the category – A, B, C, D, E, and it gives the sentence.

If we're going to do something like a risk assessment, why don't we do it – pay a little bit of money to get it done, and have it so that it's something that everybody can use and find beneficial.

The concern I have over this section is something that is repealed. Section 510 to 540 is being repealed as a result of this proposition. In those sections, what is being repealed – one of the things being repealed is the alphabetical category listing. What is that going to do to other criminal justice agencies? Is the Parole Board going to be on a different wave length than the NDOC, because, apparently, the Parole Board and maybe the NDOC are the only ones that are going to be using this? Everybody that I've talked to seemed to think that the alphabetical category, with the exception of so many category B crimes; has been working pretty well, and it's been revised and revamped, and adjustments have been made to it.

So that's all I'm going to say on that severity rating and the risk factor scale, but it does need to be reconsidered, and for that reason, I'd like to see at least this portion of this proposition be sent back for revision and reconsideration.

**CHAIRMAN:** Okay. Questions?

**PAT HINES:** I have one other thing to promote and that is that, you're talking about sending all of these people out to be under supervision of probation and parole. That's absolutely what needs to be done, rather than having them released in the streets. But let me tell you about a group that is not being considered very much in this, or anywhere else, is your parole violators. They are being put back in at an increasing rate. I cannot find anybody that's keeping any statistics, so if someone knows of some, I'd appreciate knowing it. But these parole violators are being put back in. The highest percentage of them are for technical violations. There's no premeditation, there's no new crime, and there's no victim. And so, if you knew how many that was, and you wanted to get the bubble out of the Parole Board, this might be a place to consider looking.

Thank you.

**CHAIRMAN:** Any questions, Committee, Southern Nevada?

Alright. Thank you, ma'am.

Anyone else? I think we've exhausted the...

**SPEAKER BUCKLEY:** There's one more individual in Southern Nevada, Mr. Chairman.

**CHAIRMAN:** Okay, are we're going to keep this to the break, because we have a staff person who hasn't had a break in four hours, and that's not fair to her, and I just realized when I looked at her, but she was nice enough to smile at me instead of grimacing, so the next person will be the end of this. We'll deal with this, then break.

Go ahead, Southern Nevada. Please state your name.

**MICHELLE RAVELLE:** Michelle Ravelle, for the record.

I just have one comment, actually, so this will be very quick. On Section 12, Subsection 1b, part of the requirements for submitting an appeal to the Board to reconsider a denial of parole, No. b says, "Submit with the Request a statement from an employee of the Department of Corrections or the division that supervises the prisoner." Under the Department of Prisons and Department of Corrections, these are not allowed under their administrative regulations, so by submitting – by inserting this No. b, you have effectively taken away the right of every person to appeal.

Thank you.

**CHAIRMAN:** Thank you, Ms. Ravelle.

**CHAIRMAN:** Mr. Smith, you want to address that? That's a specific concern, so will you address that, please?

**DAVID SMITH:** Yes, sir. David Smith, for the record. Section 12 was entirely revised, and that particular provision was taken out and replaced with an appeal process directive that will work.

**CHAIRMAN:** So, maybe, Ms. Ravelle, you have a dated copy. Perhaps you don't have the latest copy. That might be helpful if you saw that.

**MICHELLE RAVELLE:** Excuse me, but when was Section 12 revised?

**DAVID SMITH:** David Smith for the record. At the April 1st meeting of the Board that was revised, and the document that you should have before you shows effective April 17. The one that was not revised was dated March 31st. If you have March the 31st version, you have the old version.

**MICHELLE RAVELLE:** Okay.

**CHAIRMAN:** Does that correspond...? Do you have the 31st date on yours?

**MICHELLE RAVEL:** Yes, it does.

**CHAIRMAN:** Okay. So, apparently, he did address your issue, and we appreciate your bringing it forward.

Alright, thank you, ma'am. Appreciate it.

Alright, the question to these Commission. Folks, what's your pleasure?

**SPEAKER BUCKLEY:** Mr. Chairman...

**CHAIRMAN:** Speaker Buckley.

**SPEAKER BUCKLEY:** Thank you, Mr. Chairman. I'm a little bit torn. I think that the regulation could be clearer, but I'm also afraid that if we send it back to the Parole Board, it could be a very long time before we get it back, and, in the meantime, the bubble will continue to grow, and...

I'd like to throw out a motion for consideration and then we could debate it. And my motion would be to approve the regulation and to have it read into the record as legislative intent the comments made by Assemblyman Parks and Assemblyman Munford to clarify what the intent is with regard to the mandatory parole issue. And to ask, either the Commission or Mr. Parks, or our legal counsel to work with the Parole Board on many of the excellent suggestions that were made today to make things clearer, and to have that be brought back at a future meeting.

And with that motion, I'd be trying to address all the issues brought here today, but to have the ability to have some action shortly fairly shortly.

**CHAIRMAN:** Okay, we heard the motion. We have a second from Mr. Anderson? I think we all know what the intent of the motion is, so...

Alright, any discussion? [None heard.]  
All in favor say, Aye. "Aye". Any opposed? [None heard.]

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TRANSCRIBER'S CERTIFICATE

STATE OF NEVADA     )  
                                  ) SS  
COUNTY OF CLARK    )

I, ROSEANN FARINA, do hereby certify that the foregoing is a true and accurate transcript of a portion of the Nevada Legislative Commission meeting of April 16, 2008, to the best of my ability to hear the audio recording of the meeting.

The transcript covers the time period of the meeting from approximately 4:30 p.m. to 5:30 p.m.

I FURTHER certify that I am not a relative or employee of any person, company or entity involved in this matter, nor a person with a financial interest in this matter.

I HEREBY set my hand in my office in the City of Las Vegas, County of Clark, State of Nevada, on this 22nd day of May, 2008.

  
ROSEANN FARINA