

**ADOPTED REGULATION OF THE  
STATE BOARD OF PAROLE COMMISSIONERS**

**LCB File No. R146-11**

Effective May 30, 2012

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

AUTHORITY: §1, NRS 213.10885.

A REGULATION relating to parole; amending provisions governing the determination of the risk that a prisoner will commit a felony if released on parole; and providing other matters properly relating thereto.

**Section 1.** NAC 213.514 is hereby amended to read as follows:

213.514 1. The Board will assign to each prisoner who is being considered for parole a risk level of “high,” “moderate” or “low” according to the level of risk that the prisoner will commit a felony if released on parole.

2. To establish the risk level, the Board will conduct an objective risk assessment using a combination of risk factors that predict recidivism.

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

4. The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding whether to grant parole in the manner set forth in NAC 213.516.

5. As used in this section, “sexual offense” ~~[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.]~~ *has the meaning ascribed to it in NRS 213.1214.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS  
AS REQUIRED BY NRS 233B.066  
Informational Statement Regarding Changes to NAC 213.514.  
LCB File R146-11**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 213.

**Requirement 1: A description of how comment from public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.**

- a) **How public comment was solicited:** Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulations were sent by U.S. mail and Interdepartmental mail to the a list that includes individuals who have requested notifications, public buildings, newspaper, the Capital Press Room, TV Stations, various witness assistance organizations, courthouses, libraries, police departments, county libraries. These documents were also made available at the web site of the Parole Board, <http://www.Parole.nv.gov>. Posting locations include the Parole Board's North and South offices as well as these locations:

BRADLEY BUILDING  
2501 E SAHARA AVE  
LAS VEGAS, NV 89104

CLARK COUNTY COURT HOUSE  
200 S THIRD STREET  
LAS VEGAS NV 89155

ATTORNEY GENERAL'S OFFICE  
100 NORTH CARSON STREET  
CARSON CITY, NV 89701

ATTORNEY GENERAL'S OFFICE  
555 E. WASHINGTON AVENUE, STE 3900  
LAS VEGAS, NV 89101

NEVADA STATE LIBRARY  
100 STEWART STREET  
CARSON CITY, NV 89701-4285

- b) **Summary of public response:** Most of the testimony was beyond the scope of the subject of the meeting, with individuals bringing up issues that are generally related to the Parole Board's treatment of sexual offenders, but not specifically to the adoption of the language that aligns the regulation to recent changes made by the Legislature to the

NRS. No concerns over economic, business of appropriateness of the alignment with a revised NRS section were voiced.

**c) Explanation of how other interested persons may obtain a copy of the summary.**

The summary of Public Response may be obtained by:

- Visiting one of our offices and asking for a copy
- Mailing a written request for a copy to either of our offices
- Requesting the information by calling either of our offices at (775) 687-5049 or (702) 486-4370
- Faxing a request to (775) 687-6736 or (702) 486-4376

**Requirement 2: A statement indicating the number of persons who attended each meeting, testified at each meeting, and submitted written statements regarding the proposed regulations.**

**(a) A public workshop was held on Monday, March 5, 2012** at the office of the Parole Board located at 1677 Old Hot Springs Rd, Ste. A, Carson City, Nevada and video teleconferenced to the office of the Parole Board located at 4000 S. Eastern Ave, Ste 130, Las Vegas Nevada.

Number of persons who attended the public workshop:

Las Vegas: 1  
Carson City: 1

Number of persons who testified at the public workshop:

Las Vegas: 1  
Carson City: 1

Number of persons who submitted written statements prior to the public workshop: 0

Number of persons who submitted written statements during the public workshop: 0

**(b) The meeting to adopt the regulations was held on Monday, March 12, 2012** at the office of the Parole Board located at 1677 Old Hot Springs Rd, Ste. A, Carson City, Nevada. The meeting was video teleconferenced to the office of the Parole Board located at 4000 S. Eastern Ave, Ste 130, Las Vegas Nevada. During the public workshop, written comments were both invited and submitted. The Board accepted written comments, which are attached.

Number of persons who attended the meeting to adopt the regulations:

Las Vegas: 1  
Carson City: 4

Number of persons who testified at the meeting to adopt regulations:

Las Vegas: 1  
Carson City: 3

Number of written statements (in addition to written statements submitted at the public workshop) regarding the proposed regulation: 1. (Please see Appendix B: Written Statement Submitted to the Board of Parole Commissioners, March 12, 2012)

**Requirement 3: A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

The Board distributed of informational materials to the media and awaited responses from businesses. Inasmuch as the proposed change in the regulations has no significant impact upon businesses, no responses were forthcoming. Since businesses did not respond, no summary was prepared.

**Requirement 4: If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.**

The regulation was adopted without change because no one attending either the workshop or the hearing voiced an objection to the specific wording of the regulation, which simply pointed to a revised NRS section for the definition of a sexual offender.

**Requirement 5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include: (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects;**

**Estimated economic effect on Regulated Businesses**

This regulation does not regulate any business. It has no significant impact upon businesses.

**(a) Both adverse and beneficial effects**

- Adverse effects: Not applicable
- Beneficial effects: Not applicable

**(b) Both immediate and long-term effects:**

**Immediate effects:** Not applicable.

**Long-term effects:** Not applicable

**Estimated economic impact on the public.**

**(a) Both adverse and beneficial effects**

**Adverse effects:** The proposed regulations do not appear to have any adverse economic effects.

**Beneficial effects:**

- Allows the Board to consistently apply the specific risk of a sexual offender to offend sexually in conjunction with evaluation performed by the Psych Panel.
- Alignment with revised statutory requirements may preclude or minimize lengthy legal challenges pertaining to parole hearings.

**(b) Both immediate and long-term effects:**

**Immediate effects:** No immediate effects are projected.

**Long-term effects:** No long term effects are projected.

**Requirement 6. The estimated cost to the agency for enforcement of the proposed regulation.**

The agency estimates that from an overall State perspective there will no additional costs associated with ordering additional Psych Panel evaluations.

**Requirement 7: A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

This regulation does not duplicate or overlap any other state or government agencies' regulations.

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

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

**Requirement 9. If the regulation establishes a new fee or increase an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.**

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

**Requirement 10. The Regulation was adopted on March 12, 2012.**

**Requirement 11. Statement, if any, to interested person explaining principal reasons for and against adopting regulation and reason(s) for overruling the consideration urged against its adoption.**

The Board received a written statement from Tonya Brown with the following points.

**Point 1:** Will any language in the current risk instrument be changed or expanded? If the language in the current risk instrument is being added to, how will it change?

**Response:** These items are not being changed. The only changes are being made to Section 5 of the regulation.

**Point 2:** What objective risk instruments will be used?

**Response:** These items are not being changed. The only changes are being made to Section 5 of the regulation. The Board explained that the instruments being used are known as Static-99 and the Minnesota Sex Offender Screening Tool-Revised. The Psych Panel uses these to create its risk assessment. The Board uses a separate risk instrument to predict General Recidivism.

**Point 3:** Questions referring to an article in the *Las Vegas Review*.

**Response:** These questions are beyond the scope of this regulation change, which has an extremely narrow focus.

**Point 3, continued:** A number of statements indicating dissatisfaction with the Parole Board in general.

**Response:** These questions are beyond the scope of this regulation change, which has an extremely narrow focus.

Please see Appendix B: Written Statement Submitted to the Board of Parole Commissioners, March 12, 2012 for Tonya Brown's comments.