

SENATE BILL NO. 4—COMMITTEE OF THE WHOLE

JUNE 27, 2008

Referred to Committee of the Whole

SUMMARY—Revises provisions governing parole hearings.
(BDR 16-28)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to parole; revising provisions governing meetings of the State Board of Parole Commissioners to consider prisoners for parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Parole Commissioners to provide
2 reasonable notice of a meeting of the Board and the opportunity to be present at the
3 meeting to a prisoner who will be considered for parole. Parole may not be denied
4 at a meeting unless the Board has complied with those requirements. Existing law
5 further provides that a prisoner or his representative must be allowed to speak
6 during a meeting to consider the prisoner for parole and requires the Board to
7 provide written notice of its decision and any recommendations it may have to the
8 prisoner not later than 10 working days after the meeting. (NRS 213.130) **Section 1**
9 of this bill repeals these requirements until June 30, 2009.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 213.130 is hereby amended to read as follows:
2 213.130 1. The Department of Corrections shall:
3 (a) Determine when a prisoner sentenced to imprisonment in the
4 state prison is eligible to be considered for parole;
5 (b) Notify the State Board of Parole Commissioners of the
6 eligibility of the prisoner to be considered for parole; and
7 (c) Before a meeting to consider the prisoner for parole, compile
8 and provide to the Board data that will assist the Board in
9 determining whether parole should be granted.



1 2. If a prisoner is being considered for parole from a sentence
2 imposed for conviction of a crime which involved the use of force
3 or violence against a victim and which resulted in bodily harm to a
4 victim and if original or duplicate photographs that depict the
5 injuries of the victim or the scene of the crime were admitted at the
6 trial of the prisoner or were part of the report of the presentence
7 investigation and are reasonably available, a representative sample
8 of such photographs must be included with the information
9 submitted to the Board at the meeting. A prisoner may not bring a
10 cause of action against the State of Nevada, its political
11 subdivisions, agencies, boards, commissions, departments, officers
12 or employees for any action that is taken pursuant to this subsection
13 or for failing to take any action pursuant to this subsection,
14 including, without limitation, failing to include photographs or
15 including only certain photographs. As used in this subsection,
16 "photograph" includes any video, digital or other photographic
17 image.

18 3. Meetings to consider prisoners for parole may be held
19 semiannually or more often, on such dates as may be fixed by the
20 Board. All meetings are quasi-judicial and must be open to the
21 public. No rights other than those conferred pursuant to this section
22 or pursuant to specific statute concerning meetings to consider
23 prisoners for parole are available to any person with respect to such
24 meetings.

25 4. Not later than 5 days after the date on which the Board fixes
26 the date of the meeting to consider a prisoner for parole, the Board
27 shall notify the victim of the prisoner who is being considered for
28 parole of the date of the meeting and of his rights pursuant to this
29 subsection, if the victim has requested notification in writing and
30 has provided his current address or if the victim's current address is
31 otherwise known by the Board. The victim of a prisoner being
32 considered for parole may submit documents to the Board and may
33 testify at the meeting held to consider the prisoner for parole. A
34 prisoner must not be considered for parole until the Board has
35 notified any victim of his rights pursuant to this subsection and he is
36 given the opportunity to exercise those rights. If a current address is
37 not provided to or otherwise known by the Board, the Board must
38 not be held responsible if such notification is not received by the
39 victim.

40 5. The Board may deliberate in private after a public meeting
41 held to consider a prisoner for parole.

42 6. The Board of State Prison Commissioners shall provide
43 suitable and convenient rooms or space for use of the Board.

44 7. If a victim is notified of a meeting to consider a prisoner for
45 parole pursuant to subsection 4, the Board shall, upon making a final



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1 decision concerning the parole of the prisoner, notify the victim of
2 its final decision.

3 8. All personal information, including, but not limited to, a
4 current or former address, which pertains to a victim and which is
5 received by the Board pursuant to this section is confidential.

6 ~~9. [The Board must not deny parole to a prisoner unless the~~
7 ~~prisoner has been given reasonable notice of the meeting and the~~
8 ~~opportunity to be present at the meeting. If the Board fails to~~
9 ~~provide notice of the meeting to the prisoner or to provide the~~
10 ~~prisoner with an opportunity to be present and determines that it~~
11 ~~may deny parole, the Board may reschedule the meeting.~~

12 ~~10. During a meeting to consider a prisoner for parole, the~~
13 ~~Board shall allow the prisoner:~~

14 ~~—(a) At his own expense, to have a representative present with~~
15 ~~whom he may confer; and~~

16 ~~—(b) To speak on his own behalf or to have his representative~~
17 ~~speak on his behalf.~~

18 ~~11. Upon making a final decision concerning the parole of the~~
19 ~~prisoner, the Board shall provide written notice to the prisoner of its~~
20 ~~decision not later than 10 working days after the meeting and, if~~
21 ~~parole is denied, specific recommendations of the Board to improve~~
22 ~~the possibility of granting parole the next time the prisoner is~~
23 ~~considered for parole, if any.~~

24 ~~12.]~~ For the purposes of this section, “victim” has the meaning
25 ascribed to it in NRS 213.005.

26 **Sec. 2.** 1. This act becomes effective upon passage and
27 approval.

28 2. The amendatory provisions of section 1 of this act expire by
29 limitation on June 30, 2009.

