

ASSEMBLY CONCURRENT RESOLUTION NO. 35—COMMITTEE
ON JUDICIARY

(ON BEHALF OF PEOPLE ORGANIZED FOR
PSYCH PANEL REFORM)

MARCH 22, 1999

Referred to Committee on Elections, Procedures, and Ethics

SUMMARY—Directs Legislative Commission to conduct interim study concerning evaluation of sex offenders by panels. (BDR R-1651)

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

ASSEMBLY CONCURRENT RESOLUTION—Directing the Legislative Commission to conduct an interim study concerning the evaluation of sex offenders by panels.

- 1 WHEREAS, The panel that certifies prisoners who are sex offenders for
- 2 release on parole has been given an enormous responsibility with few
- 3 guidelines or information on which to base its decisions; and
- 4 WHEREAS, The panel, consisting of the Administrator of the Mental
- 5 Hygiene and Mental Retardation Division of the Department of Human
- 6 Resources, the Director of the Department of Prisons and a psychologist or
- 7 psychiatrist licensed in the State of Nevada, does not interact with the
- 8 offenders in question before a hearing and does not require reports from
- 9 staff members who do have daily interaction with the offenders; and
- 10 WHEREAS, The members of the panel do not administer any
- 11 standardized or psychosexual tests to the sex offender before making a
- 12 decision; and
- 13 WHEREAS, The panel hearing is currently structured in an interview
- 14 format with most of the information given orally by the offender in
- 15 response to questions asked; and
- 16 WHEREAS, Although NRS 213.1214 requires that the panel certify that
- 17 the prisoner was “under observation while confined in an institution of the
- 18 department of prisons,” no guidelines are given regarding who makes such
- 19 observations; and
- 20 WHEREAS, The prison’s psychologist and the prisoner’s caseworker see
- 21 the prisoner on a frequent basis, and could better certify the sex offender’s

1 readiness for continuing rehabilitation in a community environment; now,
2 therefore, be it

3 RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE
4 CONCURRING, That the Legislative Commission is hereby directed to
5 conduct an interim study concerning the evaluation of sex offenders for
6 certification for release on parole pursuant to NRS 213.1214; and be it
7 further

8 RESOLVED, That the study must include, without limitation, an analysis
9 of:

10 1. The procedures followed by the panel in making its determinations
11 regarding the certification of sex offenders for release on parole;

12 2. The criteria used by the panel to arrive at decisions regarding the
13 certification of sex offenders for such release;

14 3. The qualifications that are necessary for panel members to possess
15 to determine fairly whether a sex offender is "a menace to the health, safety
16 or morals of others" pursuant to NRS 213.1214;

17 4. The advantages of hiring a specialist in the rehabilitation of sex
18 offenders to develop and carry out a treatment program for incarcerated sex
19 offenders that would include assessments in behavior which could be used
20 in deliberations by the panel;

21 5. The composition and effectiveness of similar panels in other states,
22 if any; and

23 6. Any other matters deemed pertinent to the evaluation of sex
24 offenders for certification for release on parole; and be it further

25 RESOLVED, That no action may be taken by the study committee on
26 recommended legislation unless it receives a majority vote of the Senators
27 on the committee and a majority vote of the Assemblymen on the
28 committee; and be it further

29 RESOLVED, That the Legislative Commission shall submit a report of the
30 results of the study and any recommendations for legislation to the 71st
31 session of the Nevada Legislature.