

ASSEMBLY BILL NO. 509—SELECT COMMITTEE ON
CORRECTIONS, PAROLE, AND PROBATION

MARCH 23, 2007

Referred to Select Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes to provisions concerning
parole. (BDR 16-1047)

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 certain provisions concerning
the granting or revoking of parole; making certain
changes concerning mandatory parole of certain
prisoners; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

- 1 **Section 1** of this bill revises certain provisions concerning determinations by
2 the State Board of Parole Commissioners concerning the granting or revoking of
3 parole. (NRS 213.10885)
4 **Section 2** of this bill requires the Board to release on parole certain prisoners
5 when they have served the minimum term of imprisonment imposed by a court in
6 certain circumstances. **Section 2** also requires the Board to release certain prisoners
7 on parole if the Department of Corrections determines that the population of the
8 corrections institutions in this State exceeds 97 percent of total capacity. **Section 2**
9 further provides that a prisoner sentenced to a term of imprisonment of 3 years or
10 more must be released on parole 18 months, rather than 12 months, before the end
11 of his maximum term in certain circumstances. (NRS 213.1215)

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

- 1 **Section 1.** NRS 213.10885 is hereby amended to read as
2 follows:
3 213.10885 1. The Board shall adopt by regulation specific
4 standards for each type of convicted person to assist the Board in
5 determining whether to grant or revoke parole. The regulations must



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1 include standards for determining whether to grant or revoke the
2 parole of a convicted person:

3 (a) Who committed a capital offense.

4 (b) Who was sentenced to serve a term of imprisonment for life.

5 (c) Who was convicted of a sexual offense involving the use or
6 threat of use of force or violence.

7 (d) Who was convicted as a habitual criminal.

8 (e) Who is a repeat offender.

9 (f) Who was convicted of any other type of offense.

10 ➔ The standards must be based upon objective criteria for
11 determining the person's probability of success on parole.

12 2. In establishing the standards, the Board shall consider the
13 information on decisions regarding parole that is compiled and
14 maintained pursuant to NRS 213.10887 and all other factors which
15 are relevant in determining the probability that a convicted person
16 will live and remain at liberty without violating the law if parole is
17 granted or continued. The other factors the Board considers must
18 include, but are not limited to:

19 (a) The severity of the crime committed;

20 (b) The criminal history of the person;

21 (c) Any disciplinary action taken against the person while
22 incarcerated;

23 (d) Any previous parole violations or failures;

24 (e) Any potential threat to society or himself; ~~and~~

25 (f) *Any potential family or community support available to the*
26 *person; and*

27 (g) The length of his incarceration.

28 3. The standards adopted by the Board must provide for a
29 greater punishment for a convicted person who has a history of
30 repetitive criminal conduct or who commits a serious crime, with a
31 violent crime considered the most serious, than for a convicted
32 person who does not have a history of repetitive crimes and did not
33 commit a serious crime.

34 4. The Board shall make available to the public a sample of the
35 form the Board uses in determining the probability that a convicted
36 person will live and remain at liberty without violating the law if
37 parole is granted or continued.

38 5. On or before January 1 of each even-numbered year, the
39 Board shall review comprehensively the standards adopted by
40 the Board. The review must include a determination of whether the
41 standards are effective in predicting the probability that a convicted
42 person will live and remain at liberty without violating the law if
43 parole is granted or continued. If a standard is found to be
44 ineffective, the Board shall not use that standard in its decisions



1 regarding parole and shall adopt revised standards as soon as
2 practicable after the review.

3 6. The Board shall report to each regular session of the
4 Legislature:

5 (a) The number and percentage of the Board's decisions that
6 conflicted with the standards;

7 (b) The results and conclusions from the Board's review
8 pursuant to subsection 5; and

9 (c) Any changes in the Board's standards, policies, procedures,
10 programs or forms that have been or will be made as a result of the
11 review.

12 **Sec. 2.** NRS 213.1215 is hereby amended to read as follows:

13 213.1215 1. Except as otherwise provided in subsections ~~13,~~
14 ~~4 and~~ 5, 6 and 7 and in cases where a consecutive sentence is still
15 to be served, if a prisoner *has served the minimum sentence of*
16 *imprisonment imposed, he must be released on parole. For the*
17 *purposes of determining the eligibility of a prisoner for parole*
18 *pursuant to this subsection, the minimum sentence of*
19 *imprisonment imposed must be calculated without consideration*
20 *of any credits the prisoner may have earned to reduce his sentence*
21 *pursuant to chapter 209 of NRS.*

22 2. *If the Department of Corrections determines that the*
23 *population of the institutions of this State exceeds 97 percent of*
24 *total capacity, the Board shall release on parole a sufficient*
25 *number of prisoners to reduce the population of the institutions of*
26 *this State to not more than 95 percent of total capacity as provided*
27 *in this subsection. Except as otherwise provided in this section,*
28 *and in cases where a consecutive sentence is still to be served, the*
29 *Board shall release a prisoner on parole 24 months before the end*
30 *of his maximum term, as reduced by any credits he has earned to*
31 *reduce his sentence pursuant to chapter 209 of NRS, if the*
32 *prisoner:*

33 (a) *Has not been released on parole previously for that*
34 *sentence; and*

35 (b) *Is not otherwise ineligible for parole.*

36 3. *Except as otherwise provided in this section, and in cases*
37 *where a consecutive sentence is still to be served, if a prisoner*
38 *sentenced to imprisonment for a term of 3 years or more:*

39 (a) *Has not been released on parole previously for that sentence;*
40 *and*

41 (b) *Is not otherwise ineligible for parole,*

42 *➔ he must be released on parole ~~12~~ 18 months before the end of*
43 *his maximum term, as reduced by any credits he has earned to*
44 *reduce his sentence pursuant to chapter 209 of NRS. ~~The Board~~*



~~shall prescribe any conditions necessary for the orderly conduct of the parolee upon his release.~~

~~2.]~~ 4. Each parolee ~~[so]~~ released *pursuant to this section* must be supervised closely by the Division, in accordance with the plan for supervision developed by the Chief pursuant to NRS 213.122.

~~[3.]~~ 5. If the Board finds, at least 2 months before a prisoner would otherwise be paroled pursuant to ~~[subsection 1.]~~ *this section*, that there is a reasonable probability that the prisoner will be a danger to public safety while on parole, the Board may require the prisoner to serve the balance of his sentence and not grant the parole provided for in ~~[subsection 1.]~~

~~—4.]~~ *this section.*

6. If the prisoner is the subject of a lawful request from another law enforcement agency that he be held or detained for release to that agency, the prisoner must not be released on parole, but released to that agency.

~~[5.]~~ 7. If the Division has not completed its establishment of a program for the prisoner's activities during his parole pursuant to this section, the prisoner must be released on parole as soon as practicable after the prisoner's program is established.

~~[6.]~~ 8. *The Board shall prescribe any conditions necessary for the orderly conduct of a parolee upon his release pursuant to this section.*

9. *For the purposes of releasing a prisoner on parole to reduce the population of the institutions of this State pursuant to subsection 2, the Board shall consider the severity of the crime for which each eligible prisoner has been sentenced to a term of imprisonment and give priority for release to those prisoners who have been sentenced to a term of imprisonment for the least severe crimes.*

10. For the purposes of this section, the determination of the ~~[12-month]~~ *18-month or 24-month* period before the end of a prisoner's term must be calculated without consideration of any credits he may have earned to reduce his sentence had he not been paroled.

11. *On or before January 1 of each even-numbered year, the Board shall review comprehensively the release on parole of prisoners pursuant to this section. The review must include a review of each decision in which the Board did not release a prisoner on parole pursuant to a finding pursuant to subsection 5.*

12. *The Board shall report to each regular session of the Legislature:*

(a) *The number and percentage of the Board's decisions in which the Board did not release a prisoner on parole pursuant to a finding pursuant to subsection 5; and*



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- 1 *(b) The results and conclusions from the Board's review*
- 2 *pursuant to subsection 11.*

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