
ASSEMBLY BILL NO. 61—SELECT COMMITTEE ON CORRECTIONS,
PAROLE, AND PROBATION

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
SUBCOMMITTEE TO STUDY SENTENCING AND
PARDONS, AND PAROLE AND PROBATION)

PREFILED FEBRUARY 2, 2007

Referred to Select Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes concerning meetings of
the State Board of Parole Commissioners.
(BDR 16-150)

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

~

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

AN ACT relating to parole; requiring the State Board of Parole
Commissioners to comply with the Open Meeting Law
under certain circumstances; making various other
changes concerning meetings of the Commissioners; and
providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 **Sections 1 and 2** of this bill require the State Board of Parole Commissioners
2 to comply with the Open Meeting Law except that the Board is authorized to hold a
3 closed meeting to consider a prisoner for parole if it determines that a closed
4 meeting is necessary to protect the identity of certain persons for safety reasons.
5 (NRS 213.130, 241.030) **Section 1** also requires the Board to: (1) provide notice of
6 a meeting to consider a prisoner for parole to both the prisoner being considered for
7 parole and the victim of that prisoner; and (2) allow the prisoner being considered
8 for parole, his representative and the victim of that prisoner to submit documents to
9 the Board and to testify at the meeting. (NRS 213.130)



* A B 6 1 *

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

Section 1. NRS 213.130 is hereby amended to read as follows:

213.130 1. The Department of Corrections shall:

(a) Determine when a prisoner sentenced to imprisonment in the state prison is eligible to be considered for parole;

(b) Notify the State Board of Parole Commissioners of the eligibility of the prisoner to be considered for parole; and

(c) Before a meeting to consider the prisoner for parole, compile and provide to the Board data that will assist the Board in determining whether parole should be granted.

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

3. Meetings to consider prisoners for parole may be held semiannually or more often, on such dates as may be fixed by the Board. ~~[All meetings must be open to the public.]~~

~~—4.— Not later than 5 days after the date on which the Board fixes the date of the~~ *Except as otherwise provided in subsection 6, the Board shall comply with the provisions of chapter 241 of NRS and all meetings of the Board must be conducted in accordance with that chapter.*

4. *In addition to satisfying the requirements set forth in NRS 241.020 and regardless of whether the Board holds a closed meeting pursuant to subsection 6, the Board shall:*

(a) *Cause notice of a meeting to consider a prisoner for parole ~~to be given in accordance with NRS 241.020 to:~~*

(1) The prisoner who is being considered for parole; and



(2) *The* victim of the prisoner who is being considered for parole, ~~[of the date of the meeting and of his rights pursuant to this subsection,]~~ if the victim has requested notification in writing and has provided his current address or if the victim's current address is otherwise known by the Board ~~[. The]~~ ; and

(b) Allow the prisoner who is being considered for parole, his representative and the victim of ~~[a]~~ *the* prisoner *who is* being considered for parole ~~[may]~~ *to* submit documents to the Board and ~~[may]~~ *to* testify at the meeting held to consider the prisoner for parole.

5. A prisoner must not be considered for parole until the Board has notified any victim of his rights pursuant to this subsection and he is given the opportunity to exercise those rights. If a current address is not provided to or otherwise known by the Board, the Board must not be held responsible if ~~[such]~~ *the* notification *described in subsection 4* is not received by the victim.

~~[5.]~~ 6. The Board may ~~[deliberate in private after a public meeting held]~~ *hold a closed meeting* to consider a prisoner for parole ~~[.]~~ *if the Board determines that a closed meeting is necessary to protect the identity of a minor, witness, victim or other person whose identity is in need of protection for safety reasons.*

~~[6.]~~ 7. The Board of State Prison Commissioners shall provide suitable and convenient rooms or space for use of the Board.

~~[7.]~~ 8. If a victim is notified of a meeting to consider a prisoner for parole pursuant to subsection 4, the Board shall, upon making a final decision concerning the parole of the prisoner, notify the victim of its final decision.

~~[8.]~~ 9. All personal information, 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.

~~[9.]~~ 10. For the purposes of this section, "victim" has the meaning ascribed to it in NRS 213.005.

Sec. 2. NRS 241.030 is hereby amended to read as follows:

241.030 1. Except as otherwise provided in this section and NRS **213.130**, 241.031 and 241.033, a public body may hold a closed meeting to:

(a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.

(b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.

(c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.



2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the meeting or relevant portion thereof be open to the public. A request described in this subsection:

(a) May be made at any time before or during the meeting; and

(b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.

3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:

(a) The nature of the business to be considered; and

(b) The statutory authority pursuant to which the public body is authorized to close the meeting.

4. This chapter does not:

(a) Apply to judicial proceedings.

(b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.

(c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.

(d) Require that any meeting be closed to the public.

(e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.

5. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

