

ASSEMBLY BILL NO. 385—ASSEMBLYMAN HORNE

MARCH 16, 2009

Referred to Committee on Corrections, Parole, and Probation

SUMMARY—Makes various changes concerning the supervision of convicted persons by correctional officers and parole and probation officers. (BDR 16-523)

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

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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 supervision of convicted persons; requiring the Board of State Prison Commissioners to establish guidelines setting forth the maximum number of prisoners who may be supervised by a correctional officer; making various changes concerning the maximum caseload of each parole and probation officer who supervises convicted persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of State Prison Commissioners to regulate the number of officers and employees of the Department of Corrections. (NRS 209.111) **Section 1** of this bill requires the Board to adopt a policy, in consultation with the Director of the Department and the State of Nevada Employees' Association, establishing guidelines for the maximum number of prisoners who may be supervised by a correctional officer at each facility and institution of the Department.

Under existing law, the Chief Parole and Probation Officer is appointed by the Director of the Department of Public Safety and is responsible, among other things, for supervising the fiscal affairs and responsibilities of the Division of Parole and Probation of the Department, for appointing personnel, assistants and employees for the Division, for formulating methods of investigation, supervision, recordkeeping and reporting, and for developing policies of parole and probation. (NRS 213.1092, 213.1095) **Section 2** of this bill requires the Chief Parole and Probation Officer to adopt a policy establishing guidelines for the maximum caseload for each parole and probation officer. **Section 2** further requires the Governor to establish the budget for the Division of Parole and Probation each biennium at an amount which anticipates staffing the Division to comply with those guidelines. The Chief Parole and Probation Officer is then required to report to the



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20 Interim Finance Committee at the end of each fiscal year setting forth the maximum
21 caseloads that were established for parole and probation officers and, if the
22 maximum caseload per officer was not achieved during the last fiscal year, setting
23 forth the amount of money needed to comply with that requirement.

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

1 **Section 1.** NRS 209.111 is hereby amended to read as follows:
2 209.111 **1.** The Board has full control of all grounds,
3 buildings, labor, and property of the Department, and shall:

4 ~~(1-1)~~ **(a)** Purchase, or cause to be purchased, all commissary
5 supplies, materials and tools necessary for any lawful purpose
6 carried on at any institution or facility of the Department.

7 ~~(1-2)~~ **(b)** Regulate the number of officers and employees of the
8 Department.

9 ~~(1-3)~~ **(c)** Prescribe regulations for carrying on the business of the
10 Board and the Department.

11 **2.** *The Board shall adopt a policy which establishes*
12 *guidelines for the maximum number of prisoners who may be*
13 *supervised by a correctional officer at each facility and institution*
14 *of the Department. The Board shall establish the guidelines in*
15 *consultation with the Director and the State of Nevada Employees'*
16 *Association, or its successor organization. The Director, the State*
17 *of Nevada Employees' Association or any other interested person*
18 *may request the Board to review and revise the guidelines*
19 *established pursuant to this subsection. The decision whether to*
20 *revise the guidelines pursuant to such a request is in the sole*
21 *discretion of the Board.*

22 **Sec. 2.** Chapter 213 of NRS is hereby amended by adding
23 thereto a new section to read as follows:

24 **1.** *The Chief shall adopt a policy which establishes guidelines*
25 *for a maximum caseload for each parole and probation officer of:*

26 **(a)** *Not more than 30 offenders who are subject to intensive*
27 *supervision or residential confinement or who are otherwise*
28 *deemed high risk to reoffend;*

29 **(b)** *Not more than 45 offenders who are required to register as*
30 *sex offenders if they are not subject to paragraph (a); or*

31 **(c)** *Not more than 70 offenders who are not subject to*
32 *paragraph (a) or (b).*

33 **2.** *The budget submitted to the Legislature by the Governor*
34 *for the Division for each biennium must be set at an amount*
35 *reasonably anticipated to allow the Division to achieve the*
36 *maximum caseloads for parole and probation officers set forth in*
37 *subsection 1.*



1 **3. The Chief shall submit a report to the Interim Finance**
2 **Committee at the end of each fiscal year setting forth the**
3 **maximum caseloads that were established for parole and**
4 **probation officers pursuant to subsection 1 and, if the maximum**
5 **caseloads set forth in that subsection were not achieved for that**
6 **fiscal year, setting forth the amount of money needed in order to**
7 **comply with the provisions of subsection 1.**

8 **Sec. 3.** NRS 213.107 is hereby amended to read as follows:

9 213.107 As used in NRS 213.107 to 213.157, inclusive, **and**
10 **section 2 of this act**, unless the context otherwise requires:

11 1. "Board" means the State Board of Parole Commissioners.

12 2. "Chief" means the Chief Parole and Probation Officer.

13 3. "Division" means the Division of Parole and Probation of
14 the Department of Public Safety.

15 4. "Residential confinement" means the confinement of a
16 person convicted of a crime to his place of residence under the terms
17 and conditions established by the Board.

18 5. "Sex offender" means any person who has been or is
19 convicted of a sexual offense.

20 6. "Sexual offense" means:

21 (a) A violation of NRS 200.366, subsection 4 of NRS 200.400,
22 NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS
23 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of
24 subsection 1 of NRS 201.195, NRS 201.230 or 201.450, or
25 paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of
26 subsection 5 of NRS 201.560;

27 (b) An attempt to commit any offense listed in paragraph (a); or

28 (c) An act of murder in the first or second degree, kidnapping in
29 the first or second degree, false imprisonment, burglary or invasion
30 of the home if the act is determined to be sexually motivated at a
31 hearing conducted pursuant to NRS 175.547.

32 7. "Standards" means the objective standards for granting or
33 revoking parole or probation which are adopted by the Board or the
34 Chief.

35 **Sec. 4.** This act becomes effective on July 1, 2009.

