

ASSEMBLY BILL NO. 342—COMMITTEE ON JUDICIARY

(ON BEHALF OF THE SUNSET SUBCOMMITTEE
OF THE LEGISLATIVE COMMISSION)

MARCH 19, 2021

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to parole. (BDR 16-511)

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 the frequency of the review of standards adopted by the State Board of Parole Commissioners relating to the granting and revocation of parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Parole Commissioners: (1) to adopt by regulation standards to assist the Board in determining whether to grant or revoke parole; and (2) to review the effectiveness of those standards on or before January 1 of each odd-numbered year. (NRS 213.10885) **Section 1** of this bill revises the frequency of the review of the standards adopted by the Board by providing that the standards must be reviewed at least once every 5 years.

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

Section 1. NRS 213.10885 is hereby amended to read as follows:

213.10885 1. The Board shall adopt by regulation specific standards for each type of convicted person to assist the Board in determining whether to grant or revoke parole. The regulations must include standards for determining whether to grant or revoke the parole of a convicted person:

(a) Who committed a capital offense.



- (b) Who was sentenced to serve a term of imprisonment for life.
- (c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.
- (d) Who was convicted as a habitual criminal.
- (e) Who is a repeat offender.
- (f) Who was convicted of any other type of offense.

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

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

- (a) The severity of the crime committed;
 - (b) The criminal history of the person;
 - (c) Any disciplinary action taken against the person while incarcerated;
 - (d) Any previous parole violations or failures;
 - (e) Any potential threat to society or to the convicted person;
- and
- (f) The length of his or her incarceration.

3. In determining whether to grant parole to a convicted person, the Board shall not consider whether the person has appealed the judgment of imprisonment for which the person is being considered for parole.

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

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

6. ~~[On or before January 1 of each odd-numbered year,]~~ **At least once every 5 years,** the Board shall review comprehensively the standards adopted by the Board. The review must include a determination of whether the standards are effective in predicting the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. If a standard is found to be ineffective, the Board shall not use that



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

3 7. 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 6; 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.** (Deleted by amendment.)

13 **Sec. 3.** (Deleted by amendment.)

14 **Sec. 4.** This act becomes effective on July 1, 2021.

