

ASSEMBLY BILL NO. 462—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

APRIL 3, 2023

Referred to Committee on Ways and Means

SUMMARY—Revises provisions governing the State Board of
Parole Commissioners. (BDR 16-1073)FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Executive Budget.

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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 the State Board of Parole Commissioners;
requiring the Chair of the Board to appoint an Executive
Director of the Board; requiring the Chair to delegate
certain powers and duties to the Executive Director;
revising provisions relating to the Executive Secretary of
the Board; and providing other matters properly relating
thereto.

Legislative Counsel's Digest:

Existing law creates the State Board of Parole Commissioners within the Department of Public Safety. Existing law requires the Governor to appoint a Chair of the Board, who serves as the Executive Officer of the Board. With certain exceptions, existing law requires the Chair to administer the activities and services of the Board and to manage the Board. (NRS 213.108) **Section 3** of this bill removes provisions which make the Chair the Executive Officer of the Board. **Section 1** of this bill instead requires the Chair to appoint an Executive Director of the Board. **Section 3** requires the Chair to delegate to the Executive Director such authorities and responsibilities as the Chair deems necessary, and **section 1** requires the Executive Director to exercise and perform any powers or duties so delegated. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires the Board to appoint an Executive Secretary of the Board and requires the Board to supervise the activities of the Executive Secretary. Under existing law, the Executive Secretary is required to perform such duties as the Board may require. (NRS 213.1085) **Section 4** of this bill instead requires: (1) the Executive Director appointed pursuant to **section 1** to supervise the activities of



the Executive Secretary; and (2) the Executive Secretary to perform such duties as the Executive Director may require.

Existing law requires that the compensation, salaries and expenses of the Executive Secretary and employees of the Board be paid in the same manner as those of other state officers and employees. (NRS 213.1086) **Section 5** of this bill requires that the compensation, salary and expenses of the Executive Director appointed pursuant to **section 1** be paid in the same manner.

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

Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chair of the Board shall appoint an Executive Director who:

(a) Reports to the Chair;

(b) Serves at the pleasure of the Chair; and

(c) Is in the unclassified service of the State.

2. The Executive Director must be selected on the basis of his or her training, experience, capacity and interest in:

(a) Administration, the parole process and advocacy on behalf of victims of crimes;

(b) Fiscal management;

(c) Grants management;

(d) The legislative process; and

(e) Laws and regulations concerning parole in this State.

3. The Executive Director shall exercise and perform any powers or duties delegated to the Executive Director by the Chair pursuant to NRS 213.108.

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, *and section 1 of this act*, unless the context otherwise requires:

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

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

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

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

5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when



properly addressed, can reduce the likelihood of a person reoffending.

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

8. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560;

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

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

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 3. NRS 213.108 is hereby amended to read as follows:

213.108 1. The State Board of Parole Commissioners is hereby created within the Department of Public Safety.

2. The Board consists of seven members appointed by the Governor.

3. A Chair of the Board must be appointed by the Governor. The Chair ~~is~~ *shall delegate* to the Executive ~~Officer of the Board and shall administer its activities and services and is responsible for its management except as otherwise provided in NRS 213.1085.]~~ *Director such authorities and responsibilities as the Chair deems necessary for the efficient conduct of the business of the Board.*

4. Each member of the Board must have at least:

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields; or

(b) Four years of experience in one or several of the fields specified in paragraph (a).

5. Except as otherwise provided in subsection 6, when making an appointment to the Board, the Governor shall, to the extent practicable:

(a) Appoint a person who has experience in the field of:

(1) Prisons;

(2) Parole and probation;

(3) Law enforcement, including investigation;



(4) Criminal law as the Attorney General, a deputy attorney general, a district attorney or a deputy district attorney;

(5) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems; or

(6) The advocacy of victims' rights; and

(b) Ensure that each of the fields listed in paragraph (a) is represented by at least one member of the Board who has experience in the field.

6. No more than two members of the Board may represent one of the fields listed in paragraph (a) of subsection 5.

7. Except as otherwise provided in NRS 213.133, a decision on any issue before the Board, concurred in by four or more members, is the decision of the Board.

Sec. 4. NRS 213.1085 is hereby amended to read as follows:

213.1085 1. The Board shall appoint an Executive Secretary, who is in the unclassified service of the State.

2. The Executive Secretary must be selected on the basis of his or her training, experience, capacity and interest in correctional services.

3. The ~~Board~~ *Executive Director* shall supervise the activities of the Executive Secretary.

4. The Executive Secretary is the Secretary of the Board and shall perform such duties in connection therewith as the ~~Board~~ *Executive Director* may require, including, ~~but not limited to,~~ *without limitation*, preparing the agenda for board meetings and answering correspondence from prisoners in the state prison.

5. The Executive Secretary shall send copies of the list received from the Department of Corrections pursuant to NRS 209.254 to all law enforcement agencies in this state and to other persons whom the Executive Secretary deems appropriate, at least 30 days before any scheduled action by the Board. Each law enforcement agency that receives the list shall make the list available for public inspection during normal business hours.

Sec. 5. NRS 213.1086 is hereby amended to read as follows:

213.1086 The compensation, salaries and expenses of the *Executive Director*, Executive Secretary and employees of the Board must be paid, upon certification by the Secretary of the Board, in the same manner as those of other state officers and employees.

