

IN THE SUPREME COURT OF THE STATE OF NEVADA

GODERICK VILADELGADO,

Petitioner,

v.

BOARD OF PAROLE COMMISSIONERS; DONNA VERCHIO; ERIC
CHRISTIANSEN; LAMICIA BAILEY; AND SCOTT WEISENTHAL,

Respondents.

RESPONDENTS' APPENDIX – VOLUME 1

AARON D. FORD
Attorney General
KATHLEEN BRADY
Senior Deputy Attorney General
Nevada Bar No. 11525
Office of the Nevada Attorney General
555 Wright Way
Carson City, NV 89711
(775) 684-4605
kmbrady@ag.nv.gov

*Attorneys for BOARD OF PAROLE COMMISSIONERS; DONNA VERCHIO;
ERIC CHRISTIANSEN; LAMICIA BAILEY; AND SCOTT WEISENTHAL*

VOLUME 1

| DATE | DOCUMENT | PAGE RANGE |
|------------|--|------------|
| 09/16/2020 | Judgment of Conviction (Plea of Guilty) | RA 001-002 |
| 02/10/2022 | Static – 99R – Tally Sheet | RA 003-004 |
| 04/21/2022 | Order Denying Parole - Certification of Board of Parole Commissioners Action including: Parole Risk Assessment & Guideline | RA 005-006 |
| 06/15/2022 | Appeal Letter from Villadelgado letter to Verchio regarding appeal decision | RA 007 |
| 07/14/2022 | Response Letter from Board of Parole Commissioners to Villadelgado | RA 008-010 |
| 09/28/2022 | NAC 213.514 – LCB File R116-21 | RA 011-015 |
| 09/28/2022 | NAC 213.516 – LCB File R114-21 | RA 016-021 |

RESPECTIVELY SUBMITTED this 7th day of March 2023.

AARON FORD
Attorney General

By: /s/ Kathleen Brady
Kathleen Brady
Senior Deputy Attorney General
Office of the Nevada Attorney General
555 Wright Way
Carson City, NV 89711
(775) 684-4605
kmbrady@ag.nv.gov
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing in accordance with this Court's electronic filing system and consistent with NEFCR 9 on March 7, 2023.

Participants in the case who are registered with this Court's electronic filing system will receive notice that the document has been filed and is available on the court's electronic filing system.

I further certify that any of the participants in the case that are not registered as electronic users will be mailed the foregoing document by First-Class Mail, postage prepaid.

Goderick Villadelgado #1237799
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070

/s/ M. Neumann
An employee of the Office of the Attorney General

1 JOCP

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 THE STATE OF NEVADA,

7 Plaintiff,

CASE NO. C-20-347446-1

8 -vs-

DEPT. NO. XVII

9 GODERICK VILADELGADO
10 #2751512

11 Defendant.
12

13
14 JUDGMENT OF CONVICTION
15 (PLEA OF GUILTY)
16

17 The Defendant previously appeared before the Court with counsel and entered a
18 plea of guilty to the crime of CHILD ABUSE, NEGLECT OR ENDANGERMENT
19 RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony) in violation
20 of NRS 200.508.2; thereafter, on the 15th day of September, 2020, the Defendant was
21 present in court for sentencing with counsel DAVID LOPEZ-NEGRETE, Deputy
22 Public Defender, and good cause appearing,
23


24 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in
25 addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil
26 Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic
27
28

Statistically closed: A. USJR - CR - Guilty Plea With Sentence (Before trial) (USGPB)

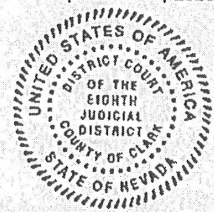
1 markers plus \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: a
2 MAXIMUM of EIGHT (8) YEARS with a MINIMUM parole eligibility of TWO (2)
3 YEARS in the Nevada Department of Corrections (NDC); with FIFTY-ONE (51)
4 DAYS credit for time served.
5

6 DATED this _____ day of September, 2020

Dated this 16th day of September, 2020

7
8 
9 MICHAEL VILLANI
10 DISTRICT COURT JUDGE
11 368-281-8410 8252
12 Michael Villani
13 District Court Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

September 17, 2020



CERTIFIED COPY
ELECTRONIC SEAL (NRS 1.190(3))

Inmate Name: VILADELGADO, GODERICK Inmate Number: 1237799 Institution: HDSP

Static-99R - TALLY SHEET

Assessment date: 02/10/2022

Date of release from index sex offence: 07/25/2022

| Item # | Risk Factor | Codes | | Score | |
|--------|---|---|-------------|----------|----|
| 1 | Age at release from index sex offence | Aged 18 to 34.9 | | 1 | |
| | | Aged 35 to 39.9 | | 0 | |
| | | Aged 40 to 59.9 | | -1 | -1 |
| | | Aged 60 or older | | -3 | |
| 2 | Ever lived with a lover | Ever lived with a lover for at least two years? | | 0 | 0 |
| | | Yes | | 1 | |
| | | No | | | |
| 3 | Index non-sexual violence- Any convictions | No | | 0 | |
| | | Yes | | 1 | 1 |
| 4 | Prior non-sexual violence- Any convictions | No | | 0 | |
| | | Yes | | 1 | 1 |
| 5 | Prior sex offences | Charges | Convictions | | |
| | | 0 | 0 | 0 | 0 |
| | | 1,2 | 1 | 1 | |
| | | 3-5 | 2,3 | 2 | |
| | | 6+ | 4+ | 3 | |
| 6 | Four or more prior sentencing dates (excluding index) | 3 or less | | 0 | 0 |
| | | 4 or more | | 1 | |
| 7 | Any convictions for non-contact sex offences | No | | 0 | 0 |
| | | Yes | | 1 | |
| 8 | Any unrelated victims | No | | 0 | 0 |
| | | Yes | | 1 | |
| 9 | Any stranger victims | No | | 0 | 0 |
| | | Yes | | 1 | |
| 10 | Any male victims | No | | 0 | 0 |
| | | Yes | | 1 | |
| | Total Score | Add up scores from individual risk factors | | 1 | |

| Nominal Risk Levels (2016 version) | Total | Risk Level |
|---------------------------------------|--------------|-------------------------------|
| | -3, -2 | I - Very Low Risk |
| | -1, 0 | II - Below Average Risk |
| | 1, 2, 3 | III - Average Risk |
| | 4, 5 | IVa - Above Average Risk |
| | 6 and higher | IVb - Well Above Average Risk |

There was sufficient information available to complete the Static-99R score following the coding manual (2016 version). I believe that this score fairly represents the risk presented by Inmate VILADELGADO #1237799 at the time of release from index offense. Comments/Explanation: It should be noted that the Static-99R is not a stand-alone-risk assessment. Therefore, decisions regarding

Inmate Name: VILADELGADO, GODERICK Inmate Number: 1237799 Institution: HDSP
the release of offenders from correctional institutions should not be made based on the results of this
assessment alone.

G. DAVIS, PsyD
(Evaluator name)

G. Davis PsyD
(Evaluator signature)

02/10/2022
(Date)

**STATE OF NEVADA
CERTIFICATION OF
BOARD OF PAROLE COMMISSIONERS ACTION
ORDER DENYING PAROLE**

| | | | | |
|------------------------|-------------|-------------|---------------|------------|
| VILLADELGADO, GODERICK | 1237799 | 2020-102398 | HDSP-U9-A-2-B | 04/21/2022 |
| Inmate Name | NDOC Number | Booking # | Location | Date |

It is the Order of the Board that further consideration of parole is **denied** to the earlier of until eligible under MPR or the expiration date on the sentence(s).

THIS ACTION APPLIES TO THE FOLLOWING SENTENCE(S):

*Controlling sentence denoted by *, Case #: Count: Offense Description:*

C-20-347446-1;1;CHILD ABUSE WSBH

Reason(s) for action:

Denial Reason: Crime was targeted against a child or person at greater vulnerability because of age/disability.

Denial Reason: Nature of criminal record is increasingly more serious.

Denial Reason: Prior conviction for a violent offense.

Denial Reason: Impact on victim(s) and/or community.

Specific Recommendation: Participate or continue to participate in programs that address the behaviors that led to your incarceration.

Specific Recommendation: Do not engage in disciplinary misconduct during denial period.

Recommendation of the panel who conducted the hearing: Deny Parole

Commissioner Donna Verchio; Deny Parole

Hearing Representative Joni Billich; Deny Parole

The final action was ratified by the following Members of the Board of Parole Commissioners:

Commissioner Donna Verchio; Deny Parole

Commissioner Eric Christiansen; Deny Parole

Commissioner Lancia Bailey; Deny Parole

Commissioner Scott Weisenthal; Deny Parole


FOR THE NEVADA BOARD OF PAROLE COMMISSIONERS

This document was prepared by ATHURSTON at 5/4/2022 12:03 PM

Z_ord_dny rev 8/4/2021

RA 005

STATE OF NEVADA CERTIFICATION OF BOARD OF PAROLE COMMISSIONERS ACTION

PAROLE RISK ASSESSMENT & GUIDELINE

| | | | | |
|------------------------|---------|-------------|---------------|------------|
| VILLADELGADO, GODERICK | 1237799 | 2020-102398 | HDSP-U9-A-2-B | 04/21/2022 |
| INMATE NAME | NDOCH | BOOKING# | LOCATION | DATE |

Parole Risk Assessment:

| Questions | Responses / Scores |
|--------------------------------|---|
| 1. Age at 1st Arrest | (0) 24 years or older: 0 |
| 2. Prior Revocations | (0) No parole or probation revocations: 0 |
| 3. Employment History | (1) Less than one year F/T employment: 1 |
| 4. Property Conviction | (0) No history of property offenses: 0 |
| 5. Drug/Alcohol Use/Abuse | (0) None: 0 |
| 6. Gender | (0) Male: 0 |
| 7. Prior Felonies | (0) Less than 2 prior felony convictions: 0 |
| Static Risk Score | 1 |
| 8. Current Age | (-1) 40 - 58 years of age: -1 |
| 9. Gang Membership | (0) No (none or suspect): 0 |
| 10. Programming (current term) | (0) No: 0 |
| 11. Disciplinary Conduct | (0) No Offenses in Custody: 0 |
| 12. Approved Custody Level | (0) CT, Minimum or Medium Custody: 0 |
| Dynamic Risk Score | -1 |
| Total Score (Static+Dynamic) | 0 |

| Offense (used to determine crime severity for risk assessment) | Offense Category | Offense Severity |
|--|------------------|------------------|
| CHILD ABUSE W/SBH | CAT B | High |

| Total Risk Score: | Guideline Risk | Guideline Recommendation |
|-------------------|----------------|--------------------------|
| 0 | Mod Risk | Consider Factors |

The Board determined the following Aggravating Factors are applicable in your case:
 Crime was targeted against a child or person at greater vulnerability because of age/disability.
 Nature of criminal record is increasingly more serious.
 Prior violent conviction or delinquency adjudication.
 Impact on victim(s) and/or community.

The Board determined the following Mitigating Factors are applicable in your case:
 Stable release plans.
 Community and/or family support.

The Board determined the following Other Factors are applicable in your case:
 No Factors

This document was prepared by ATHURSTON at 5/4/2022 12:03 PM

Zard, dny rev 8/4/2021

RA 006

GODERICK VILADELGADO #1237799
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS, NV 89070
JUNE 8, 2022

RECIEVED

JUN 15 2022

PAROLE BOARD

MRS/MS. DONNA VERCHIO,

BEFORE I ACCEPT THE DECISION, I WOULD LIKE TO TRY TO APPEAL IN REGARDS TO MULTIPLE REASONS. FIRST, THE REASONS GIVEN FOR THE DENIAL ARE THINGS BASED ON CHARGES THAT CAN'T BE CHANGED OR FIXED. SECOND, THE SPECIFIC RECOMMENDATIONS ARE IRRELEVANT TO THE REASONS. THIRD, IF PAROLE CAN BE BASED ON CHARGES THEN IT IS NOT A PAROLE HEARING BUT A SENTENCE HEARING. FOURTH, MY GOOD BEHAVIOR, NO DISCIPLINARY MISCONDUCT, LOW RISK ASSESSMENT, MY HEALTH CONDITION, MY STABLE RELEASE PLANS, MY FAMILY SUPPORT, THE FACT THAT I WAS COERCED BY THE PUBLIC DEFENDER USING MY FEAR OF LIFE SENTENCE, & OTHER THINGS WERE ALL IGNORED JUST BECAUSE THE USUAL ADMITTANCE WAS NOT RECEIVED BY THE BOARD. FIFTH, THIS IS AN EXPLICIT SHOW OF OPPRESSION THAT GOES AGAINST MY AMERICAN RIGHTS.

THE ACTION I DESIRE ^{IS} APPROVAL OF MY PAROLE OR AT LEAST BE TRANSFERRED TO BETTER PRISON WITH MEDICAL THAT WON'T DELAY MY MEDICATIONS & OTHER HEALTHCARE NEEDS LIKE THE CAMP, NCC, LOVE LOCK, OR THE PHOENIX PROGRAM.

RA 007

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
MARY K. BAKER, *Member*
SCOTT WEISENTHAL, *Member*
KATIE FRAKER, *Executive Secretary*

STATE OF NEVADA
STEVE SIJOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

July 14, 2022

Goderick Villadelgado, NDOC #1237799
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

Re: Your letter received July 11, 2022.

Mr. Villadelgado,

I have reviewed your second letter requesting a reconsideration of your April 21, 2022, Parole Board hearing in accordance with NAC 213.526. Your request does not meet the criteria of an appeal and will not be considered by the Board.

Per NRS 213.1099(2)(c), the Board considers the seriousness of the offense and the history of the criminal conduct of the prisoner when determining whether to grant or deny parole. I have attached a copy of this statute for your reference.

Per NRS 213.131(11), the Board shall provide specific recommendations to improve the possibility of granting parole the next time the prisoner is considered for parole.

The Board was aware of your disciplinary history, risk assessment, family support, and stable release plans. The Board considered all factors when determining whether to grant or deny your parole. Parole is an act of grace of the State. The Parole Board has no authority to your classification level or the institution in which you are housed. This is a function of the Nevada Department of Corrections.

You did not provide any additional information or address any factors that the Board was unaware of at the time of your hearing or would consider in determining whether to reconsider a denial of parole.

There will be no change to the Order Denying Parole.

Signed,

Katie Fraker
Executive Secretary

RA 008

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
MARY K. BAKER, *Member*
SCOTT WEISENTHAL, *Member*
KATIE FRAKER, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste. 130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

NRS 213.1099 Limitations on Board's power to release prisoners on parole.

1. Except as otherwise provided in this section and NRS 213.1215, the Board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.157, inclusive.
2. In determining whether to release a prisoner on parole, the Board shall consider:
 - (a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;
 - (b) Whether the release is incompatible with the welfare of society;
 - (c) The seriousness of the offense and the history of criminal conduct of the prisoner;
 - (d) The standards adopted pursuant to NRS 213.10885 and the recommendation, if any, of the Chief; and
 - (e) Any documents or testimony submitted by a victim notified pursuant to NRS 213.131 or 213.10915.

CENTRAL OFFICE

1677 Old Hot Springs Rd., Ste. A
Carson City, Nevada 89706
<http://parole.nv.gov>
(775) 687-5049
Fax (775) 687-6736

CHRISTOPHER P. DERICCO, *Chairman*
SUSAN JACKSON, *Member*
MARY K. BAKER, *Member*
SCOTT WEISENTHAL, *Member*
KATIE FRAKER, *Executive Secretary*

STATE OF NEVADA
STEVE SISOLAK
Governor



LAS VEGAS OFFICE

4000 S. Eastern Ave., Ste.130
Las Vegas, Nevada 89119
<http://parole.nv.gov>
(702) 486-4370
Fax (702) 486-4376

CHRISTOPHER P. DERICCO, *Chairman*
ERIC CHRISTIANSEN, *Member*
DONNA VERCHIO, *Member*
LAMICIA BAILEY, *Member*

NEVADA BOARD OF PAROLE COMMISSIONERS

June 28, 2022

Goderick Villadelgado, NDOC #1237799
High Desert State Prison
P.O. Box 650
Indian Springs, NV 89070-0650

COPY

Re: Your letter received June 15, 2022.

Mr. Villadelgado,

I have reviewed your letter requesting a reconsideration of your April 21, 2022, Parole Board hearing in accordance with NAC 213.526. Your request does not meet the criteria of an appeal and will not be considered by the Board.

You did not provide any additional information or address any factors that the Board was unaware of at the time of your hearing or would consider in determining whether to reconsider a denial of parole.

There will be no change to the Order Denying Parole.

Signed,

Katie Fraker
Executive Secretary

RA 010

**APPROVED REGULATION OF THE
STATE BOARD OF PAROLE COMMISSIONERS**

LCB File No. R116-21

Filed September 28, 2022

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

AUTHORITY: § 1, NRS 213.10885.

A REGULATION relating to parole; revising provisions relating to risk levels assigned to convicted persons being considered for parole; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Parole Commissioners to adopt regulations setting forth specific standards to assist the Board in determining whether to grant or revoke the parole of a convicted person. The standards are required to be based upon objective criteria for determining the convicted person's probability of success on parole. (NRS 213.10885)

Existing law requires the Department of Corrections to conduct, before a scheduled parole hearing of a prisoner who has been convicted of a sexual offense, an assessment of the prisoner to determine his or her risk to reoffend in a sexual manner using a currently accepted standard of assessment. (NRS 213.1214) Existing regulations provide that the Board will assign a certain risk level to each prisoner being considered for parole according to the level of risk that he or she will commit a felony if released on parole. If the prisoner has been convicted of a sexual offense and has been evaluated using a currently accepted standard of assessment to determine his or her risk to reoffend in a sexual manner, the Board will assign a risk level which is the higher of the risk level initially assigned by the Board and the risk level determined by such an evaluation. (NAC 213.514) This regulation instead provides that the Board will consider the risk assessment conducted by the Department when determining whether to grant parole.

Section 1. NAC 213.514 is hereby amended to read as follows:

--1--

Approved Regulation R116-21

RA 011

213.514 1. The Board will assign to each prisoner who is being considered for parole a risk level of “high,” “moderate” or “low” according to the level of risk that the prisoner will commit a felony if released on parole.

2. To establish the risk level, the Board will conduct an objective risk assessment using a combination of risk factors that predict recidivism.

3. *The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding whether to grant parole in the manner set forth in NAC 213.516.*

4. If a prisoner has ever been convicted of a sexual offense and has been evaluated using a currently accepted standard of assessment to determine the risk that the prisoner will commit another sexual offense if released on parole ~~to~~ *in accordance with NRS 213.1214*, the Board will ~~assign a~~ *consider the* risk ~~level to the prisoner which is the higher of the risk level assigned~~ *assessment conducted by the Department of Corrections* pursuant to ~~this section and the risk level determined by such an evaluation.~~

~~4.~~ ~~The Board will apply the risk level assigned to a prisoner who is being considered for parole to establish an initial assessment regarding~~ *NRS 213.1214 when determining* whether to grant parole. ~~in the manner set forth in NAC 213.516.~~

~~5.~~ As used in this ~~section,~~ *subsection*, “sexual offense” has the meaning ascribed to it in NRS 213.1214.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY NRS 233B.066
LCB FILE R116-21P**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 213.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to revise language to how the Board uses the NRS 213.1214 risk assessment for sexual offenders; and providing other matters properly related thereto.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail to persons who were known to have an interest in the subject as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Parole Commissioners, <https://parole.nv.gov/> and posted at the following locations:

Board of Parole Commissioners
1677 Old Hot Springs Road, Ste. A
Carson City, Nevada

Board of Parole Commissioners
4000 S. Eastern Avenue
Las Vegas, Nevada

Attorney General's office
100 S. Carson Street
Carson City, Nevada

Attorney General's office
555 E. Washington Avenue
Las Vegas, Nevada

A workshop was held on November 29, 2021, and the minutes of that meeting, attached as [Exhibit B](#) hereto, contain a summary of the discussion held regarding the proposed amendment.

Thereafter, on or about February 24, 2022, the Board of Parole Commissioners issued a Notice of Intent to Act Upon a Regulation, for public comment and for possible action on March 31, 2022. The minutes of that meeting, attached as [Exhibit C](#) hereto, contain a summary addressing all public comments and of the discussion held regarding the proposed amendment.

A copy of this summary of the public response to the proposed regulation may be obtained from the Board of Parole Commissioners, 1677 Old Hot Springs Rd., Ste. A, Carson City, Nevada 89706, 775-687-6505, or email to kmellinger@parole.nv.gov.

3. The number persons who:

- (a) Attended each hearing:** November 29, 2021 – 2; March 31, 2022 – 2
- (b) Testified at each hearing:** November 29, 2021 – 0; March 31, 2022 – 0
- (c) Submitted to the agency written comment:** November 29, 2021 – 3; March 31, 2022 – 3.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency, is attached as [Exhibit A](#).

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the proposed regulation. The summary may be obtained as instructed in the response to question #2

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was issued on December 21, 2021, and on March 31, 2022, the Parole Board held a public meeting and unanimously voted to adopt the December 21, 2021 version of LCB File No. R116-21 as written. The minutes of the March 31, 2022 meeting, attached hereto as [Exhibit C](#), contain a summary of the reasons for adopting the regulation without change.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

- (a) Both adverse and beneficial effects**

Adverse effects: There are no known adverse economic effects on businesses or on the public based on the proposed regulation.

Beneficial effects: There are no known beneficial economic effects on businesses or on the public based on the proposed regulation.

(b) Both immediate and long-term effects.

Immediate economic effects: There are no known immediate economic effects on businesses or on the public based on the proposed regulation.

Long-term economic effects: There are no known long-term economic effects on businesses or on the public based on the proposed regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee or increase an existing fee.

**APPROVED REGULATION OF THE
STATE BOARD OF PAROLE COMMISSIONERS**

LCB File No. R114-21

Filed September 28, 2022

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

AUTHORITY: § 1, NRS 213.10885.

A REGULATION relating to parole; revising provisions concerning initial assessments regarding whether to grant parole to eligible prisoners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Parole Commissioners to adopt regulations setting forth specific standards to assist the Board in determining whether to grant or revoke the parole of a convicted person. The standards are required to be based upon objective criteria for determining the convicted person's probability of success on parole. (NRS 213.10885)

Existing regulations provide that the Board will establish an initial assessment regarding whether to grant parole to a prisoner by applying the severity level of the crime for which parole is being considered and the risk level assigned to the prisoner concerning his or her risk to reoffend. (NAC 213.516) This regulation: (1) makes technical changes to the description of certain possible outcomes of an initial assessment; and (2) provides that after an initial assessment is established, the Board will consider the initial assessment when determining whether to grant parole to a prisoner.

Section 1. NAC 213.516 is hereby amended to read as follows:

213.516 *1.* In determining whether to grant parole to a prisoner, the Board will apply the severity level of the crime for which parole is being considered as assigned pursuant to NAC 213.512 and the risk level assigned to the prisoner pursuant to NAC 213.514 to establish an

initial assessment regarding whether to grant parole. The initial assessment will correspond to the following table:

| Severity Level | Risk Level | | |
|----------------|--|---|---|
| | High | Moderate | Low |
| Highest | Deny parole | Consider factors {set forth in NAC 213.518} | Consider factors {set forth in NAC 213.518} |
| High | Deny parole | Consider factors {set forth in NAC 213.518} | Grant parole at first or second meeting to consider prisoner for parole |
| Moderate | Deny parole | Grant parole at first or second meeting to consider prisoner for parole | Grant parole at initial parole eligibility |
| Low Moderate | Consider factors {set forth in NAC 213.518} | Grant parole at first or second meeting to consider prisoner for parole | Grant parole at initial parole eligibility |

| | | | |
|-----|--|--|--|
| Low | Consider factors set forth in NAC 213.518 | Grant parole at initial parole eligibility | Grant parole at initial parole eligibility |
|-----|--|--|--|

2. After an initial assessment is established pursuant to subsection 1, the Board will consider the initial assessment in accordance with NAC 213.518.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY NRS 233B.066
LCB FILE R114-21P**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 213.

1. A clear and concise explanation of the need for the adopted regulation.

This regulation is necessary to revise language in the initial assessment table and adds a subsection (2); and providing other matters properly related thereto.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail to persons who were known to have an interest in the subject as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Board of Parole Commissioners, <https://parole.nv.gov/> and posted at the following locations:

Board of Parole Commissioners
1677 Old Hot Springs Road, Ste. A
Carson City, Nevada

Board of Parole Commissioners
4000 S. Eastern Avenue
Las Vegas, Nevada

Attorney General's office
100 S. Carson Street
Carson City, Nevada

Attorney General's office
555 E. Washington Avenue
Las Vegas, Nevada

A workshop was held on November 29, 2021, and the minutes of that meeting, attached as [Exhibit B](#) hereto, contain a summary of the discussion held regarding the proposed amendment.

Thereafter, on or about February 24, 2022, the Board of Parole Commissioners issued a Notice of Intent to Act Upon a Regulation, for public comment and for possible action on March 31, 2022. The minutes of that meeting, attached as [Exhibit C](#) hereto, contain a summary addressing all public comments and of the discussion held regarding the proposed amendment.

A copy of this summary of the public response to the proposed regulation may be obtained from the Board of Parole Commissioners, 1677 Old Hot Springs Rd., Ste. A, Carson City, Nevada 89706, 775-687-6505, or email to kmellinger@parole.nv.gov.

3. The number persons who:

- (a) **Attended each hearing:** November 29, 2021 – 2; March 31, 2022 – 2
- (b) **Testified at each hearing:** November 29, 2021 – 0; March 31, 2022 – 0
- (c) **Submitted to the agency written comment:** November 29, 2021 – 3; March 31, 2022 – 3.

4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses in the same manner as they were solicited from the public. The Board used informed, reasonable judgment in determining that there will not be an impact on small businesses due to the nature of the proposed regulation. The summary may be obtained as instructed in the response to question #2.

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The permanent regulation was issued on December 21, 2021, and on March 31, 2022, the Parole Board held a public meeting and unanimously voted to adopt the December 21, 2021 version of LCB File No. R114-21 as written. The minutes of the March 31, 2022 meeting, attached hereto as Exhibit C, contain a summary of the reasons for adopting the regulation without change.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

(a) Both adverse and beneficial effects

Adverse effects: There are no known adverse economic effects on businesses or on the public based on the proposed regulation.

Beneficial effects: There are no known beneficial economic effects on businesses or on the public based on the proposed regulation.

(b) Both immediate and long-term effects.

Immediate economic effects: There are no known immediate economic effects on businesses or on the public based on the proposed regulation.

Long-term economic effects: There are no known long-term economic effects on businesses or on the public based on the proposed regulation.

8. The estimated cost to the agency for enforcement of the adopted regulation.

There is no additional cost to the agency for enforcement of this regulation.

9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed regulation duplicates.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

There are no federal regulations that apply.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not provide a new fee or increase an existing fee.