



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

**SUMMARY OF CHANGES**  
**AR 523 – RESIDENTIAL CONFINEMENT PROGRAMS**  
**AND RE-ENTRY COURT**  
Effective PENDING

Description	Page Number
523.01.2.B – Updated wording to reflect parole eligibility rather than probable parole to meet statute.	2
523.03 – Updated Re-Entry Court 184 Program to match the NRS associated with this program.	4
523.04 – Updated Compassionate Release 298 Program to match the NRS associated with this program.	5
Other minor changes have been made in verbiage and formatting for improved clarity and consistency.	

\_\_\_\_\_  
James E. Dzurenda, Director

\_\_\_\_\_  
Date

This summary of changes is for training record purposes only. You must also consult the Administrative Regulation and/or Manual for proper instructions.

I, \_\_\_\_\_, acknowledge receipt of this Summary of Changes and understand it is my responsibility to implement into the course of my duties.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



NEVADA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REGULATION

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**RESIDENTIAL CONFINEMENT PROGRAMS  
AND RE-ENTRY COURT  
ADMINISTRATIVE REGULATION – 523**

**SUPERSEDES:** AR 523 (01/05/12), AR523 (Temporary, 12/03/12), AR 523 (12/17/12)

**EFFECTIVE DATE:** PENDING

**AUTHORITY:** NRS 209.131, NRS 209.392, NRS 209.3923, NRS 209.3925, NRS 209.425,  
NRS 209.427, NRS 209.429, NRS 209.432, NRS 209.481, NRS 209.4886

**RESPONSIBILITY**

The Director of the Nevada Department of Corrections (NDOC and Department), is responsible for the implementation of this Administrative Regulation (AR).

The Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

The Associate Wardens will ensure that their appropriate assigned subordinate supervisors have read and understand this regulation.

Supervisors will ensure that their appropriate subordinate staff members have read and understand this regulation.

Designated staff members will know, comply with, and enforce this regulation.

If, and where applicable, offenders will know and comply with this regulation.

The Director/Deputy Director of Programs has overall responsibility for this Administrative Regulation.

The Offender Management Administrator (OMA) is responsible for implementation of this Administrative Regulation.

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### **523.01 DUI PROGRAM (305 Program)**

1. Offenders incarcerated for the crimes of Driving Under the Influence (DUI) pursuant to NRS 484C.110 and NRS 484C.120, Vehicular Homicide pursuant to NRS 484C.130, and DUI Resulting in Death or Substantial Bodily Harm pursuant to NRS 484C.430 may be assigned to serve a term of residential confinement under the custody of the Division of Parole and Probation (P&P) as part of the Department's DUI Program (305 Program).
  - A. Offenders do not have a right to be assigned to serve a term of residential confinement under the custody of P&P as part of the 305 Program, or to remain in that custody after any such an assignment.
2. Candidates for residential confinement under the 305 Program must meet the following criteria:
  - A. Must have a residence in an area approved by P&P.
  - B. Must be within one (1) year of parole eligibility or discharge on their last sentence.
  - C. Demonstrated a willingness and ability to establish a position of employment in the community.
  - D. Demonstrated a willingness and ability to enroll in a program for education or rehabilitation.
  - E. Demonstrated an ability to pay for all or part of the costs of his or her confinement and to meet any existing obligation for restitution to any victim of his or her crime.
  - F. Must sign an agreement with Nevada Parole and Probation (P&P) to comply with all terms and conditions of residential confinement and waive extradition if he/she fails to comply and is taken into custody out-of-state.
  - G. Must not be convicted of a crime of violence as the instant offense.
  - H. Must have no felony conviction involving the use or threat of force within the preceding three (3) years.
  - I. Must be otherwise eligible for Minimum Custody per AR 521 Custody Categories and Criteria and NRS 209.481.
  - J. The Director/Designee must approve, in a case note, candidates serving a sentence for committing a battery which constitutes domestic violence pursuant to NRS 33.018 as not likely to pose a threat to the victim of the battery.
3. Completion of a substance abuse treatment program is not a requirement for residential confinement under the 305 Program.

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4. All disputes between the Department and P&P regarding the eligibility of an offender for the 305 Program will be resolved by consensus between the Director of the Department of Corrections and the Chief of P&P.
  5. If an offender is approved for the program, the Victim Services Officer will notify the victims of the Department's intent to place the offender in the 305 Program.

#### **523.02 RESIDENTIAL CONFINEMENT (317 Program)**

1. Non-violent offenders, who are not DUI offenders, may be assigned to serve a term of residential confinement under the custody of P&P as part of the Department's Residential Confinement (317 Program).
  - A. Offenders do not have a right to be assigned to serve a term of residential confinement under the custody of P&P as part of the 317 Program, or to remain in that custody after any such assignment.
2. Candidates for residential confinement under the 317 Program must meet the following criteria:
  - A. No felony conviction involving the use or threatened use of violence within the preceding three (3) years.
  - B. No violence in instant offense.
  - C. No current or prior conviction for a category "A" or violent "B" felony.
  - D. Must not have more than one prior conviction for any felony in this State or any offense in another state that would be a felony if committed in this State, not including a violation of NRS 484C.110, NRS 484C.120, NRS 484C.130 or NRS 484C.430.
    - 1) Concurrent sentences are considered to be separate felonies if they arise out of separate criminal incidents.
  - E. No conviction for a sexual offense that is punishable as a felony.
  - F. Must be on last sentence.
  - G. Demonstrated a willingness and ability to establish a position of employment in the community.
  - H. Demonstrated a willingness and ability to enroll in a program for education or rehabilitation.

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- I. Demonstrated an ability to pay for all or part of the costs of the offender's confinement and to meet any existing obligation for restitution to any victim of his or her crime.
  - J. Must be otherwise eligible for Community Trusty per Administrative Regulation 521 Custody Categories and Criteria and NRS 209.481.
  - K. Must be within two (2) years of possible release on parole or discharge.
  - L. The Director/Designee must approve non-violent Category B candidates as not likely to pose a threat to the safety of the public and case note this approval in NOTIS.
3. Candidates for residential confinement under the 317 Program will be approved by P&P.
    - A. Disagreements regarding the suitability of a candidate will be settled by consensus between the Director and the Chief of P&P.
  4. If an offender is approved for the program, the Victim Services Officer will notify the victims of the Department's intent to place the offender in the 317 Program.

### **523.03 RE-ENTRY COURT (184 Program)**

1. Re-Entry Court (184 Program) is a judicial program operated by District Courts in the state to address the substance use disorder treatment needs of the offender.
  - A. Offenders do not have a right to be assigned to the custody of P&P to participate in Re-Entry Court, or to remain in that custody after any such assignment.
2. Candidates for Re-Entry Court must meet the following criteria:
  - A. Must have demonstrated a willingness to engage in employment or participate in vocational rehabilitation or job skills training.
  - B. Must have demonstrated a willingness to meet any existing obligation for restitution to any victim of his or her crime.
  - C. Must be within two (2) years or possible release on parole or discharge.
  - D. Must not have committed a serious infraction of the rules of the Department.
  - E. Must not have a felony conviction involving the use or threatened use of violence within the immediately preceding year.
  - F. Must never have been convicted of a sexual offense that is punishable as a felony.
  - G. Must not have escaped or attempted to escape from any jail or correctional institution for adults.

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- H. Must be otherwise eligible for Minimum Custody per Administrative Regulation 521 Custody Categories and Criteria and NRS 209.481.
3. Candidates for Re-Entry Court will not be eligible based on the following criteria until the candidate has completed required programming within the Department that is evidence-based. This programming must meet the prescribed treatment based on their individual criminogenic needs as outlined in a validated risk-needs assessment.
    - A. Violence in instant offense.
    - B. Felony conviction involving the use or threatened use of violence within the preceding three (3) years.
  4. The offender may be released to P&P for the Re-Entry Court when that agency has approved the work and residence plan of the offender.
  5. If an offender is approved for the program, the Victim Services Officer will notify the victims of the Department's intent to place the offender in the Re-Entry Court Program.

#### **523.04 COMPASSIONATE RELEASE (298 Program)**

1. Offenders who have become physically incapacitated or in ill health to such a degree that he or she does not pose a threat to the safety of the public, or who are in ill health and are expected to die within eighteen (18) months may be assigned to serve a term of residential confinement under the custody of P&P as part of the Department's Compassionate Release (298 Program). See NRS 209.3925.
  - A. Offenders do not have a right to be assigned to serve a term of residential confinement under the custody of P&P as part of the 298 Program, or to remain in that custody after any such an assignment.
2. The criteria for consideration for the 298 Program are as follows:
  - A. The offender is physically incapacitated or in ill health to such a degree that he or she does not presently, and likely will not in the future, pose a threat to public safety, and written verification that the offender is physically incapacitated or in ill health has been provided by at least two (2) licensed physicians as required under NRS 209.3925(1)(b)(1).
  - B. The offender is in such ill health that he or she is expected to die within eighteen (18) months, and does not presently, and likely will not in the future, pose a threat to public safety, and written verification that the offender is in ill health and expected to die within eighteen (18) months has been provided by at least two (2) licensed physicians as required under NRS 209.3925(1)(b)(2).
  - C. The offender is not serving a sentence of life without the possibility of parole.

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- D. The offender is not sentenced to death or has not previously served a sentence of death.
  3. Those offenders who meet the criteria in section 523.04.2 and are receiving chronic care shall be identified by medical staff. Medical staff shall contact the Associate Warden of Programs (AWP) to begin the process for reviewing an offender for compassionate release.
  4. The following may submit a request for an offender to be reviewed for the compassionate release program:
    - A. Any prison official or employee;
    - B. An offender;
    - C. An attorney or representative of an offender;
    - D. A family member of an offender; or
    - E. A medical or mental health professional.
  5. All requests must be in writing and must articulate the grounds supporting the appropriateness of the medical release of the offender.
  6. The AWP, or designee, of the facility where the offender is housed shall be the liaison between medical staff and Offender Management Division (OMD). The AWP shall ensure all proper paperwork is completed prior to submitting an offender for compassionate release to the OMA.
  7. The OMA will review the medical recommendation and certified letters and prepare a recommendation for the Director.
  8. If approved by the Director:
    - A. The offender must authorize the release of his medical information to the victims of his crime.
    - B. The Victim Services Officer will notify the victims of the Department's intent to place the offender on the 298 Program.
    - C. The OMA will notify the county commissioners per the requirements of NRS 209.3925.
    - D. The OMA will notify P&P of the decision and the release plan of the offender.
  6. The OMA may coordinate the release of the offender to P&P effective 45 days after notice has been provided to the county commissioners. Delivery to the commission is assumed to have occurred three (3) days after mailing.

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- A. If approved for participation by the advisory board, the offender will be released to P&P when that agency has completed residential reviews and approvals.
  7. The Department is not responsible for the medical care or costs of offender placed on the 298 Program.

### **523.05 GENERAL PROVISIONS FOR RESIDENTIAL CONFINEMENT**

1. Any offender who escapes from a program of residential confinement or Re-Entry Court is deemed an escapee from the Department.
2. P&P shall supervise offenders on programs of residential confinement and Re-Entry Court.
3. P&P shall notify the Department and make a referral to the Attorney General for the prosecution of escaped offenders from programs of residential confinement and Re-Entry Court.
4. P&P shall use electronic monitoring to assist in supervising offenders in the 305 Program and 317 Program and may use electronic monitoring for offenders in the 298 Program.
5. Offenders who violate any law, or any rule or regulation of the Department or P&P, may be returned to the Department for disciplinary action and classification review.
6. Residents for the purposes of all residential confinement programs and Re-Entry Court must be within the state, in areas approved by P&P for the appropriate supervision.

### **APPLICABILITY**

1. This regulation requires an operational procedure within OMD and the Victim Services Unit.
2. This regulation requires an audit.

### **REFERENCES**

ACA Standards 5<sup>th</sup> Edition 5-ACI-4B-31; 5-ACI-5F-06; 5-ACI-5E-11

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James E. Dzurenda, Director

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Date