

AMENDMENTS TO LB 1130

(Amendments to Standing Committee amendments, AM2330)

Introduced by Ashford, 20.

1 1. Strike amendment 1 and all amendments thereto and
2 insert the following new amendment:

3 "1. Strike the original sections and all amendments
4 thereto and insert the following new sections:

5 Section 1. Sections 1 to 11 of this act shall be known
6 and may be cited as the Probation and Parole Merger Act.

7 Sec. 2. For purposes of the Probation and Parole Merger
8 Act:

9 (1) Chief probation and parole officer means the
10 probation and parole officer in charge of a community corrections
11 district;

12 (2) Committed offender has the definition found in
13 section 83-170;

14 (3) Court means a district court, county court, or
15 juvenile court as defined in section 43-245;

16 (4) Court services officer includes a chief court
17 services officer, deputy court services officer, juvenile
18 court officer, juvenile intake officer, presentence officer, or
19 problem-solving court officer;

20 (5) Department means the Department of Correctional
21 Services;

22 (6) Director means the Director of Correctional Services;

1 (7) Division means the Division of Community Corrections
2 of the department;

3 (8) Juvenile probation means the release by a court,
4 subject to conditions imposed by the court and subject to
5 supervision, of a juvenile adjudicated delinquent or in need
6 of special supervision;

7 (9) Office means the Office of Court Services;

8 (10) Parole means release by decision of the Board of
9 Parole from incarceration in an adult correctional facility;

10 (11) Parolee means a person on parole;

11 (12) Probation has the definition found in section
12 29-2246;

13 (13) Probation administrator means the probation
14 administrator appointed pursuant to section 29-2251;

15 (14) Probation and parole officer means an employee of
16 the division who supervises probationers and parolees; and

17 (15) Probationer has the definition found in section
18 29-2246.

19 Sec. 3. The Legislature finds that:

20 (1) The separate and distinct supervision of adult
21 offenders in the community by the executive branch of government
22 and the judicial branch of government present significant barriers
23 to the efficient supervision of adult offenders in the community
24 and to statewide coordination of community-based programs promoting
25 the rehabilitation of offenders; and

26 (2) The interests of society and the protection of
27 the public are best served by placing the supervision of

1 adult offenders in the community under the executive branch of
2 government.

3 Sec. 4. (1) On or before September 15, 2008, the director
4 and the probation administrator shall submit a plan to the
5 chairperson of the Judiciary Committee of the Legislature, the
6 Governor, and the Chief Justice of the Supreme Court to implement
7 the provisions of the Probation and Parole Merger Act. The plan
8 shall include suggested legislation and a budget proposal that
9 address the division of personnel, the assignment of duties,
10 the allocation of fees, funds, furniture, equipment, books, and
11 files, and all other matters related to creation of the Division
12 of Community Corrections and the Office of Court Services. The
13 director and the probation administrator shall work cooperatively with
14 the Probation and Parole Advisory Board and all other interested
15 governmental entities in developing the plan.

16 (2) The chairperson of the Judiciary Committee of the
17 Legislature shall prepare and introduce legislation, based upon the
18 plan submitted by the director and the probation administrator,
19 during the One Hundred First Legislature, First Session.

20 Sec. 5. (1) On July 1, 2009 the Division of Community
21 Corrections is created within the department. Administrative
22 support for the division shall be provided by employees of the
23 department. On and after July 1, 2009, the division shall consist
24 of the community corrections administrator and the field community
25 corrections service described in section 7 of this act who are
26 responsible for adult parolees. Beginning July 1, 2009, the
27 division shall also consist of the personnel of the field community

1 corrections service who are responsible for the supervision of
2 adult probationers.

3 (2) Beginning July 1, 2009, the division shall
4 be responsible for supervision of adult parolees and adult
5 probationers.

6 Sec. 6. Beginning July 1, 2009, the chief administrative
7 officer of the division shall be known as the community corrections
8 administrator. The Governor shall appoint the community corrections
9 administrator, with the approval of a majority of the Legislature,
10 and set the salary of the administrator on the operative date
11 of this section. The community corrections administrator shall be
12 qualified for the position by appropriate training and experience
13 in the fields of probation, parole, criminal law, and criminal
14 justice. The community corrections administrator shall serve at the
15 pleasure of the Governor.

16 Sec. 7. Section 83-1,103, Revised Statutes Cumulative
17 Supplement, 2006, is amended to read:

18 ~~83-1,103~~ The field parole community corrections service,
19 consisting of ~~district parole~~ chief probation and parole officers
20 and deputy ~~parole~~ probation and parole officers working under
21 the direction of the ~~Parole Administrator or district judge,~~
22 community corrections administrator shall be responsible for the
23 investigation of parolees, and supervision, and assistance of adult
24 parolees, adult probationers, or individuals subject to community
25 supervision under section 83-174.03. The field parole community
26 corrections service shall be sufficient in size to assure that
27 no district parole probation and parole officer carries a ease

1 ~~load caseload larger than is compatible with adequate parole~~
2 ~~investigation or supervision.~~

3 Sec. 8. (1) The Probation and Parole Advisory Board is
4 created. The Chief Justice of the Supreme Court or his or her
5 designee shall be the chairperson of the advisory board. The
6 advisory board shall have the following members:

7 (a) One county court judge, appointed by the Chief
8 Justice;

9 (b) One district court judge, appointed by the Chief
10 Justice;

11 (c) On July 1, 2009, the court services administrator;

12 (d) The chairperson of the Board of Parole;

13 (e) Until July 1, 2009, the probation administrator, and
14 on and after such date, the community corrections administrator;
15 and

16 (f) The Director of Correctional Services.

17 (2) Until July 1, 2009, the advisory board shall meet
18 monthly at the call of the Chief Justice. The advisory board
19 shall work cooperatively with the director and the probation
20 administrator in developing and implementing the plan described in
21 section 4 of this act.

22 (3) On and after July 1, 2009:

23 (a) The advisory board shall meet at least twice each
24 year and may meet more often on the call of the Chief Justice,
25 except that the advisory board shall meet at least once each month
26 prior to the appointment of the community corrections administrator
27 under section 6 of this act. The advisory board shall monitor

1 the operation, professionalism, and success of the division and
2 its employees and ensure open lines of communication between the
3 division and the judiciary;

4 (b) All decisions regarding the budget and allocation
5 of resources of the division shall remain with the Director of
6 Correctional Services; and

7 (c) The chairperson of the Judiciary Committee of the
8 Legislature shall consult with the advisory board to determine
9 if further legislation is necessary to provide for a seamless
10 transition from the organization of probation and parole services
11 existing on the effective date of this act to the provisions of
12 the Probation and Parole Merger Act. If legislation is necessary,
13 the chairperson of the Judiciary Committee shall prepare such
14 legislation for introduction in the One Hundred First Legislature.

15 Sec. 9. On July 1, 2009, the Office of Court Services
16 is created within the judicial branch of government and directly
17 responsible to the Supreme Court. The office shall consist of the
18 court services administrator, court services officers, and such
19 other employees as may be necessary to carry out the functions of
20 the office.

21 Sec. 10. The office shall be responsible for juvenile
22 intake services, for adult presentence investigations, for
23 juvenile predisposition investigations, for the direct supervision
24 of juveniles placed on probation, and for adult and juvenile
25 non-probation-based programs and services authorized by an
26 interlocal agreement.

27 Sec. 11. On July 1, 2009, the Supreme Court shall

1 appoint a court services administrator who shall be a person with
2 appropriate experience and training in relevant disciplines at
3 a recognized college or university and who shall serve at the
4 pleasure of the Supreme Court.

5 Sec. 12. Original section 83-1,103, Revised Statutes
6 Cumulative Supplement, 2006, is repealed.