



**Hundredth Legislature - First Session - 2007
Committee Statement
LB 540**

Hearing Date: March 15, 2007

Committee On: Judiciary

Introducer(s): (Synowiecki)

Title: Adopt the Probation and Parole Services Merger Act

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Sen. Ashford, Sen. Lathrop, Sen. Chambers, Sen. McDonald, Sen. McGill, Sen. Pedersen, Sen. Pirsch
	No	
	Present, not voting	
1	Absent	Sen. Schimek

Proponents:
Sen. Synowiecki

Representing:
Introducer

Opponents:
Chief Justice Heavican

Representing:
Nebraska Supreme Court

Neutral:

Representing:

Summary of purpose and/or changes:

Legislative Bill 540 proposed to adopt the Probation and Parole Services Merger Act (Act), which is intended to study and provide a plan for the state to achieve probation and parole service delivery model that ensures administrative efficiency, promotes offender services that cohesively interfaces with executive branch rehabilitative resources and services, and provides enhanced public safety and victim services. The study established by the Act shall be performed jointly by the legislature and the executive branch. The Governor and the chairperson of the Judiciary Committee shall each designate an individual to be responsible for the development of the merger plan, which shall be developed in consultation with the policy cabinet of the Department of Health and Human Services.

The parole and probation merger study established by the bill shall consider and address the following issues:

- The absence of a seamless continuum of offender services in the current system;
- The lack of coordination with executive branch agencies which provide state-sponsored services and resources that substantively assist in offender rehabilitation;
- Comparative analysis of other state's probation and parole service delivery infrastructures, including a comparison of probation and parole officer salary structure; and
- Transition issues, including, but not limited to, resource integration, employment classifications, employee collective bargaining rights, and service delivery during transition.

During the course of the study, monthly reports are to be provided to the Governor and the Committee. The monthly reports shall also be provided to the Probation and Parole Merger Commission and made available to the public. The completed merger plan is to be submitted to the Governor no later than December 1, 2007 and shall include draft legislation to implement the plan recommendations. The Judiciary Committee is also required to hold a public hearing on the plan prior to December 15, 2007 to receive public input on the proposed plan.

LB 540 also creates the Probation and Parole Merger Commission, which consists of the following ten members:

- Three members of the legislature appointed by the chairperson of the Judiciary Committee;
- The probation administrator;
- The parole administrator;
- One probation officer appointed by the chairperson of the Judiciary Committee;
- One parole officer appointed by the chairperson of the Judiciary Committee;
- The Chief Justice of the Nebraska Supreme Court;
- The Director of Corrections; and
- One member of the HHS policy cabinet appointed by the Governor.

The commission shall meet monthly during the course of the study to review the monthly reports and consult with the individuals conducting the study. The commission shall also review the final plan and make recommendations to the Governor and the Legislature on or before December 14th, 2007.

Legislative Bill 540 terminates on January 1, 2008.

Explanation of amendments, if any:

COMMITTEE AMENDMENT

The committee amendment to LB 540, AM 737, replaces the green copy and makes the following changes to the bill as introduced:

- Changes the name of the act to the Probation and Parole Services Study Act;
- Strikes unnecessary intent language in the bill;
- Strikes language found in sections 5 and 6 of the green copy relating to creation of a specific plan for merging probation and parole and language directing the Governor and Chairperson of the judiciary committee to designate individuals to develop the proposed merger plan.
- Creates the Probation and Parole Services Study Commission (Commission), comprised of the following members:
 1. 2 members of the Judiciary Committee, selected by the chairperson;
 2. Chief Justice of the Nebraska Supreme Court;
 3. Governor;
 4. Probation administrator;
 5. Parole administrator;
 6. One district court judge, appointed by the Chief Justice;
 7. One county court judge, appointed by the Chief Justice;
 8. One juvenile court judge, appointed by the Chief Justice;
 9. Administrator of the Office of Juvenile Services;
 10. Director of Correctional Services;
 11. Director of Health and Human Services;
 12. Executive director of the Community Corrections Council;
 13. State Court administrator (ex-officio member)
 14. Executive Director of the Nebraska Commission on Law Enforcement and Criminal Justice;
 15. One probation officer, appointed by the chairperson of the judiciary committee;
 16. One parole officer, appointed by the chairperson of the judiciary committee;
 17. A representative of the Chief Probation Officers Association; and
 18. Chairperson of the Parole Board.
- Requires the Probation and Parole Services Study Commission to perform a study of the following issues and issue a report to the Speaker of the Legislature, Governor and Chief Justice on or before December 31, 2007:
 1. Identify areas of overlap in services provided by probation and parole and assess the potential for coordination of services and resources;

2. Evaluate the optimum delivery methods for offender services and analyze whether a single system would be beneficial to the state and offenders;
 3. Undertake a comparative analysis of other state's probation and parole administrative systems, including personnel salary and benefits, hiring standards, caseloads and training curriculum; and
 4. Assess the service needs of juvenile probationers and the appropriate level of services which should be available to juveniles statewide.
- Authorizes the Commission to hire consultants with expertise in this field of study to conduct necessary research and to analyze the results of the study.

Senator Brad Ashford, Chairperson