

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 540**

FINAL READING

Introduced by Synowiecki, 7; Cornett, 45; Howard, 9; Kopplin,  
3; Kruse, 13; Mines, 18; Pahls, 31; Pedersen, 39;  
Preister, 5; Rogert, 16; Stuthman, 22

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to probation and parole; to adopt the  
2 Probation and Parole Services Study Act; and to declare  
3 an emergency.

4 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 5 of this act shall be known and  
2 may be cited as the Probation and Parole Services Study Act.

3           Sec. 2. The Legislature finds that an indepth analysis of  
4 the state's adult and juvenile probation systems and services and  
5 the parole system and services is needed to assess the efficacy of  
6 coordination of such services and administration of the systems for  
7 the benefit of the public and the offenders served by the systems.

8           Sec. 3. The Legislature finds that:

9           (1) Nebraska's probation and parole services function  
10 administratively under different branches of state government.  
11 Probation services are currently under the judicial branch while  
12 parole is a function of the Department of Correctional Services in  
13 the executive branch;

14           (2) Probation and parole offender-based services share  
15 many characteristics relative to: Community supervision of  
16 offenders; risk assessment; enforcement of probation and parole  
17 terms and conditions; offender accountability; initiation of  
18 filings relating to probation and parole violations; providing  
19 offender assistance; and appropriate referral for community-based  
20 services, including, but not limited to, substance abuse and mental  
21 health evaluation and treatment, housing assistance, and workforce  
22 development;

23           (3) Laws 1971, LB 680, which statutorily established  
24 probation service delivery in the judicial branch, provided the  
25 authority for parole officers to supervise probationers;

1           (4) Laws 2003, LB 46, provided for the establishment  
2 of community-based programs, services, and facilities for both  
3 probationers and parolees. Access to and participation in program  
4 services and facilities are shared by probationers and parolees.  
5 Probation officers and parole officers are assigned supervision of  
6 probationers and parolees that concurrently access and participate  
7 in community-based programs and services; and

8           (5) It is appropriate for the Legislature to commission  
9 a study of the effectiveness, efficiency, and responsiveness of  
10 Nebraska's current administrative assignment of probation and  
11 parole service delivery.

12           Sec. 4. (1) The Community Corrections Council shall  
13 contract with an organization with expertise in the field of  
14 corrections policy and administration to conduct a study of  
15 Nebraska's probation and parole service delivery system. The study  
16 shall:

17           (a) Identify areas of overlap in offender services  
18 provided by probation and parole administration and assess  
19 the potential for coordination of state-sponsored services and  
20 resources which assist in offender rehabilitation;

21           (b) Assess the optimum methods for delivery of a seamless  
22 continuum of offender services within the current probation and  
23 parole systems and analyze whether a single system would be to the  
24 advantage of state government and offenders;

25           (c) Undertake a comparative analysis of other states'

1 probation and parole administrative systems to include, but not  
2 be limited to, issues relating to personnel salary and benefits  
3 structures, hiring standards, officer caseloads, and officer  
4 training curriculum; and

5 (d) Assess service needs of juveniles on probation, their  
6 access to services, and the appropriate minimum array of services  
7 to be available for juveniles on probation throughout the state.

8 (2) The study shall be completed on or before December  
9 31, 2007, and a copy of the completed study shall be submitted  
10 to the Chief Justice, the Governor, and the Speaker of the  
11 Legislature.

12 Sec. 5. The Legislature shall appropriate funds to the  
13 Community Corrections Council for purposes of conducting the study  
14 required by section 4 of this act.

15 Sec. 6. Since an emergency exists, this act takes effect  
16 when passed and approved according to law.