

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 83

FINAL READING

Introduced by Synowiecki, 7; Pedersen, 39

Read first time January 5, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to incarceration work camps; to amend sections
2 83-4,144 and 83-4,145, Reissue Revised Statutes of
3 Nebraska, and sections 83-4,142, 83-4,143, and 83-4,146,
4 Revised Statutes Cumulative Supplement, 2006; to provide
5 for recommendations for placement of felony offenders at
6 an incarceration work camp by the Board of Parole; to
7 harmonize provisions; to repeal the original sections;
8 and to declare an emergency.

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

1 Section 1. Section 83-4,142, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 83-4,142 The Department of Correctional Services shall
4 develop and implement an incarceration work camp, to be completed
5 no later than January 1, 2005, for placement of felony offenders to
6 be placed in as a condition of a sentence of intensive supervision
7 probation or as a transitional phase prior to release on parole.
8 As part of the incarceration work camp, an intensive residential
9 drug treatment program may be developed and implemented for felony
10 offenders.

11 It is the intent of the Legislature that the
12 incarceration work camp serve to reduce prison overcrowding and to
13 make prison bed space available for violent offenders. It is the
14 further intent of the Legislature that the incarceration work camp
15 serve the interests of society by addressing the criminogenic needs
16 of certain designated offenders ~~on intensive supervision probation~~
17 and by deterring such offenders from engaging in further criminal
18 activity. To accomplish these goals, the incarceration work camp
19 shall provide regimented, structured, disciplined programming,
20 including all of the following: Work programs; vocational training;
21 behavior management and modification; money management; substance
22 abuse awareness, counseling, and treatment; and education,
23 programming needs, and aftercare planning, which will increase
24 the offender's abilities to lead a law-abiding, productive, and
25 fulfilling life as a contributing member of a free society.

1 Sec. 2. Section 83-4,143, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 83-4,143 (1) It is the intent of the Legislature that
4 the court target the felony offender (a) who is eligible and
5 by virtue of his or her criminogenic needs is suitable to be
6 sentenced to intensive supervision probation with placement at the
7 incarceration work camp, (b) for whom the court finds that other
8 conditions of a sentence of intensive supervision probation, in
9 and of themselves, are not suitable, and (c) who, without the
10 existence of an incarceration work camp, would, in all likelihood,
11 be sentenced to prison.

12 (2) When the court is of the opinion that imprisonment is
13 appropriate, but that a brief and intensive period of regimented,
14 structured, and disciplined programming within a secure facility
15 may better serve the interests of society, the court may place an
16 offender in an incarceration work camp for a period not to exceed
17 one hundred eighty days as a condition of a sentence of intensive
18 supervision probation. The court may consider such placement if the
19 offender (a) is a male or female offender convicted of a felony
20 offense in a district court, (b) is medically and mentally fit
21 to participate, with allowances given for reasonable accommodation
22 as determined by medical and mental health professionals, and (c)
23 has not previously been incarcerated for a violent felony crime.
24 Offenders convicted of a crime under sections 28-319 to 28-321
25 or of any capital crime are not eligible to be placed in an

1 incarceration work camp.

2 (3) It is also the intent of the Legislature that the
3 Board of Parole may recommend placement of felony offenders at
4 the incarceration work camp. The offenders recommended by the
5 board shall be offenders currently housed at other Department
6 of Correctional Services adult correctional facilities and shall
7 complete the incarceration work camp programming prior to release
8 on parole.

9 (4) When the Board of Parole is of the opinion that
10 a felony offender currently incarcerated in a Department of
11 Correctional Services adult correctional facility may benefit
12 from a brief and intensive period of regimented, structured, and
13 disciplined programming immediately prior to release on parole, the
14 board may direct placement of such an offender in an incarceration
15 work camp for a period not to exceed one hundred eighty days as
16 a condition of release on parole. The board may consider such
17 placement if the felony offender (a) is medically and mentally fit
18 to participate, with allowances given for reasonable accommodation
19 as determined by medical and mental health professionals, and (b)
20 has not previously been incarcerated for a violent felony crime.
21 Offenders convicted of a crime under sections 28-319 to 28-321
22 or of any capital crime are not eligible to be placed in an
23 incarceration work camp.

24 Sec. 3. Section 83-4,144, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 83-4,144 Upon successful completion of the incarceration
 2 work camp program, as determined by the Department of Correctional
 3 Services, the sentencing court may modify the offender's conditions
 4 of his or her sentence of probation, place the offender in an
 5 aftercare program, or discharge the offender. An offender placed
 6 in an incarceration work camp pursuant to a recommendation of
 7 the Board of Parole shall be released on parole upon successful
 8 completion, as determined by the board, of the incarceration work
 9 camp program.

10 Sec. 4. Section 83-4,145, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 83-4,145 If the offender for any reason fails to
 13 successfully complete the incarceration work camp program, the
 14 sentencing court may impose any other sentence that the court may
 15 have originally imposed. An offender placed at the incarceration
 16 work camp pursuant to a recommendation of the Board of Parole who
 17 fails to successfully complete the incarceration work camp program
 18 shall be returned to the board for a rescission hearing. Credit
 19 shall be given for time actually served in the incarceration work
 20 camp program.

21 Sec. 5. Section 83-4,146, Revised Statutes Cumulative
 22 Supplement, 2006, is amended to read:

23 83-4,146 All costs incurred during the period the
 24 offender is committed to an incarceration work camp shall be
 25 the responsibility of the state. Counties ~~7~~ and the eounties

1 shall be liable for the cost of transporting the offender to
2 the incarceration work camp and for returning the offender to
3 the appropriate court for reimposition of sentence or such other
4 disposition as the court may then deem appropriate only if
5 the offender is ~~unsatisfactorily~~ discharged for unsatisfactory
6 performance from the incarceration work camp, except that the state
7 shall be liable for the cost of transporting the offender to the
8 incarceration work camp when such placement was made pursuant to
9 a recommendation by the Board of Parole and for returning the
10 offender to the appropriate Department of Correctional Services
11 adult correctional facility if the offender is discharged for
12 unsatisfactory performance from the incarceration work camp.

13 Sec. 6. Original sections 83-4,144 and 83-4,145, Reissue
14 Revised Statutes of Nebraska, and sections 83-4,142, 83-4,143,
15 and 83-4,146, Revised Statutes Cumulative Supplement, 2006, are
16 repealed.

17 Sec. 7. Since an emergency exists, this act takes effect
18 when passed and approved according to law.