

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 83

Introduced By: Synowiecki, 7
Read first time: January 5, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to incarceration work camps; to amend
2 sections 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 for
5 recommendations by the Board of Parole; to harmonize
6 provisions; and to repeal the original sections.
7 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 no
5 later than January 1, 2005, for placement of felony offenders ~~to be~~
6 ~~placed in~~ as a condition of a sentence of intensive supervision
7 probation or as a transitional phase prior to release on parole. As
8 part of the incarceration work camp, an intensive residential drug
9 treatment program may be developed and implemented for felony
10 offenders.

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

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

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

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

23 (3) It is also the intent of the Legislature that the Board
24 of Parole may recommend placement of felony offenders at the
25 incarceration work camp. The offenders recommended by the board shall
26 be offenders currently housed at other Department of Correctional
27 Services adult correctional facilities and shall complete the

1 incarceration work camp programming prior to release on parole.

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

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

18 83-4,144. Upon successful completion of the incarceration
19 work camp program, as determined by the Department of Correctional
20 Services, the sentencing court may modify the offender's conditions of
21 his or her sentence of probation, place the offender in an aftercare
22 program, or discharge the offender. An offender placed in an
23 incarceration work camp pursuant to a recommendation of the Board of
24 Parole shall be released on parole upon successful completion, as
25 determined by the board, of the incarceration work camp program.

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

1 83-4,145. If the offender for any reason fails to
2 successfully complete the incarceration work camp program, the
3 sentencing court may impose any other sentence that the court may have
4 originally imposed. An offender placed at the incarceration work camp
5 pursuant to recommendation of the Board of Parole who fails to
6 successfully complete the incarceration work camp program shall be
7 returned to the board for a recission hearing. Credit shall be given
8 for time actually served in the incarceration work camp program.

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

11 83-4,146. All costs incurred during the period the offender
12 is committed to an incarceration work camp shall be the responsibility
13 of the state. Counties ~~, and the counties~~ shall be liable for the
14 cost of transporting the offender to the incarceration work camp and
15 for returning the offender to the appropriate court for reimposition
16 of sentence or such other disposition as the court may then deem
17 appropriate only if the offender is unsatisfactorily discharged from
18 the incarceration work camp, except that the state shall be liable
19 for the cost of transporting the offender to the incarceration work
20 camp when such placement was made pursuant to a recommendation by the
21 Board of Parole and for returning the offender to the appropriate
22 Department of Correctional Services adult correctional facility if
23 the offender is unsatisfactorily discharged from the incarceration
24 work camp.

25 Sec. 6. Original sections 83-4,144 and 83-4,145, Reissue
26 Revised Statutes of Nebraska, and sections 83-4,142, 83-4,143, and
27 83-4,146, Revised Statutes Cumulative Supplement, 2006, are repealed.

