

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 864

FINAL READING

Introduced by Pirsch, 4; Ashford, 20; Carlson, 38; Council, 11;
Fulton, 29; Giese, 17; Nelson, 6.

Read first time January 11, 2010

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Community Corrections Act; to amend
2 sections 47-619 and 47-624, Revised Statutes Cumulative
3 Supplement, 2008; to provide, change, and eliminate
4 duties for the Community Corrections Council regarding
5 reporting centers; to harmonize provisions; and to repeal
6 the original sections.

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

1 Section 1. Section 47-619, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 47-619 Sections 47-619 to 47-634 and section 3 of this
4 act shall be known and may be cited as the Community Corrections
5 Act.

6 Sec. 2. Section 47-624, Revised Statutes Cumulative
7 Supplement, 2008, is amended to read:

8 47-624 The council shall:

9 (1) Develop standards for eligible community correctional
10 facilities and programs in which offenders can participate, taking
11 into consideration the following factors:

12 (a) Qualifications of staff;

13 (b) Suitability of programs;

14 (c) Offender needs;

15 (d) Probation population;

16 (e) Parole population; and

17 (f) Other applicable criminal justice data;

18 (2) Develop and implement a plan to establish statewide
19 operation and use of a continuum of community correctional
20 facilities and programs;

21 (3) Develop, in consultation with the probation
22 administrator and the Parole Administrator, standards for the use
23 of community correctional facilities and programs by the Nebraska
24 Probation System and the parole system;

25 ~~(4) Develop, recommend, and review sentencing guidelines~~

1 ~~for adoption by the Supreme Court as set forth in section 47-630;~~

2 (4) Collaborate with the Office of Probation
3 Administration, the Office of Parole Administration, and the
4 Department of Correctional Services on the development of
5 additional reporting centers as set forth in section 3 of this act;

6 (5) Analyze and mandate the consistent use of offender
7 risk assessment tools;

8 ~~(6) Develop standards for eligibility of probationers and~~
9 ~~parolees in certain community correctional facilities and programs;~~

10 ~~(7) (6) Educate the courts, and the Board of Parole,~~
11 criminal justice system stakeholders, and the general public about
12 the availability and use of community correctional facilities and
13 programs;

14 ~~(8) (7) Enter into contracts, if necessary, for carrying~~
15 out the purposes of the Community Corrections Act;

16 ~~(9) (8) In order to ensure adequate funding for substance~~
17 abuse treatment programs for probationers, consult with the
18 probation administrator as provided in section 29-2262.07 and
19 develop or assist with the development of programs as provided in
20 subdivision (14) of section 29-2252;

21 ~~(10) (9) In order to ensure adequate funding for~~
22 substance abuse treatment programs for parolees, consult with the
23 Office of Parole Administration as provided in section 83-1,107.02
24 and develop or assist with the development of programs as provided
25 in subdivision (8) of section 83-1,102;

1 ~~(11)~~ (10) If necessary to perform the duties of the
2 council, hire, contract for, or otherwise obtain the services of
3 consultants, researchers, aides, and other necessary support staff;

4 ~~(12)~~ (11) Study substance abuse and mental health
5 treatment services in and related to the criminal justice
6 system, recommend improvements, and evaluate the implementation of
7 improvements;

8 ~~(13)~~ Study, develop, and implement minimum standards for
9 the development and use of community correctional facilities and
10 programs;

11 ~~(14)~~ Develop and implement a plan for statewide use of
12 community correctional facilities and programs;

13 (12) Research and evaluate existing community corrections
14 facilities and programs, within the limits of available funding;

15 (13) Develop standardized definitions of outcome measures
16 for community corrections facilities and programs, including, but
17 not limited to, recidivism, employment, and substance abuse;

18 (14) Report annually to the Legislature and the Governor
19 on the development and performance of community corrections
20 facilities and programs. The report shall include the following:

21 (a) A description of community corrections facilities and
22 programs, endorsed by the council, currently serving offenders in
23 Nebraska, which includes the following information:

24 (i) The target population and geographic area served by
25 each facility or program, eligibility requirements, and the total

1 number of offenders utilizing the facility or program over the past
2 year;

3 (ii) Services provided to offenders at the facility or in
4 the program;

5 (iii) The costs of operating the facility or program and
6 the cost per offender; and

7 (iv) The funding sources for the facility or program;

8 (b) The progress made in expanding community corrections
9 facilities and programs statewide and an analysis of the need for
10 additional community corrections services;

11 (c) An analysis of the impact community corrections
12 facilities and programs have on the number of offenders
13 incarcerated within the Department of Correctional Services; and

14 (d) The recidivism rates and outcome data for
15 probationers, parolees, and problem-solving-court clients
16 participating in community corrections programs;

17 (15) Grant funds to entities including local governmental
18 agencies, nonprofit organizations, and behavioral health services
19 which will support the intent of the act; and

20 (16) Perform such other duties as may be necessary to
21 carry out the policy of the state established in the act.

22 Sec. 3. (1) (a) The council shall collaborate with
23 the Office of Probation Administration, the Office of Parole
24 Administration, and the Department of Correctional Services in
25 developing a plan for the implementation and funding of reporting

1 centers in Nebraska.

2 (b) The plan shall include recommended locations for
3 at least one reporting center in each district court judicial
4 district that currently lacks such a center and shall prioritize
5 the recommendations for additional reporting centers based upon
6 need.

7 (c) The plan shall also identify and prioritize the need
8 for expansion of reporting centers in those district court judicial
9 districts which currently have a reporting center but have an unmet
10 need for additional reporting center services due to capacity,
11 distance, or demographic factors.

12 (2) The council shall submit the reporting center
13 expansion plan to the chairperson of the Sentencing and Recidivism
14 Task Force, as created in Legislative Resolution 171, One Hundred
15 First Legislature, First Session, 2009, by December 1, 2010. The
16 plan shall be implemented as state funding allows until each
17 district court judicial district has at least one reporting center.

18 Sec. 4. Original sections 47-619 and 47-624, Revised
19 Statutes Cumulative Supplement, 2008, are repealed.