

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 429**

Introduced by Christensen, 44.

Read first time January 20, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Treatment and Corrections  
2 Act; to amend section 83-183, Reissue Revised Statutes  
3 of Nebraska; to change provisions relating to employment  
4 of persons committed to the Department of Correctional  
5 Services; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 83-183, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           83-183 (1) To establish good habits of work and  
4 responsibility, to foster vocational training, and to reduce  
5 the cost of operating the facilities, persons committed to  
6 the department shall be employed, eight hours per day, so far  
7 as possible in constructive and diversified activities in the  
8 production of goods, services, and foodstuffs to maintain the  
9 facilities, for state use, and for other purposes authorized by  
10 law. To accomplish these purposes, the director may establish and  
11 maintain industries and farms in appropriate facilities and may  
12 enter into arrangements with any other board or agency of the  
13 state, any natural resources district, or any other political  
14 subdivision, ~~except for~~ that any arrangements entered into with  
15 school districts, educational service units, community colleges,  
16 state colleges, or universities shall include supervision provided  
17 by the department, for the employment of persons committed to the  
18 department for state or governmental purposes. Nothing in this  
19 subsection shall be construed to effect a reduction in the number  
20 of work release positions.

21           (2) The director shall make rules and regulations  
22 governing the hours, conditions of labor, and the rates of  
23 compensation of persons committed to the department. In determining  
24 the rates of compensation, such regulations may take into  
25 consideration the quantity and quality of the work performed by

1 such person, whether or not such work was performed during regular  
2 working hours, the skill required for its performance, and the  
3 economic value of similar work outside of correctional facilities.

4 (3) Except as provided in section 83-183.01, wage  
5 payments to a person committed to the department shall be set aside  
6 by the chief executive officer of the facility in a separate fund.  
7 The fund shall enable such person committed to the department to  
8 contribute to the support of his or her dependents, if any, to make  
9 necessary purchases from the commissary, and to set aside sums to  
10 be paid to him or her at the time of his or her release from the  
11 facility.

12 (4) The director may authorize the chief executive  
13 officer to invest the earnings of a person committed to the  
14 department. Any accrued interest thereon shall be credited to such  
15 person's fund.

16 (5) The director may authorize the chief executive  
17 officer to reimburse the state from the wage fund of a person  
18 committed to the department for:

19 (a) The actual value of property belonging to the state  
20 or any other person intentionally or recklessly destroyed by such  
21 person committed to the department during his or her commitment;

22 (b) The actual value of the damage or loss incurred as a  
23 result of unauthorized use of property belonging to the state or  
24 any other person by such person committed to the department;

25 (c) The actual cost to the state for injuries or other

1 damages caused by intentional acts of such person committed to the  
2 department; and

3 (d) The reasonable costs incurred in returning such  
4 person committed to the department to the facility to which he or  
5 she is committed in the event of his or her escape.

6 (6) No person committed to the department shall be  
7 required to engage in excessive labor, and no such person shall be  
8 required to perform any work for which he or she is declared unfit  
9 by a physician designated by the director. No person who performs  
10 labor or work pursuant to this section shall be required to wear  
11 manacles, shackles, or other restraints.

12 (7) The director may authorize that a portion of the  
13 earnings of a person committed to the department be retained by  
14 that person for personal use.

15 Sec. 2. Original section 83-183, Reissue Revised Statutes  
16 of Nebraska, is repealed.