

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 78

Introduced by Gay, 14.

Read first time January 8, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Victim's Compensation Fund; to amend
2 sections 81-1835 and 83-183, Reissue Revised Statutes of
3 Nebraska; to provide for a percentage of wages earned
4 by inmates in a work release program to be deposited in
5 the fund as prescribed; to harmonize provisions; and to
6 repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1835, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 81-1835 There is hereby established in the state treasury
4 a Victim's Compensation Fund from which all awards or judgments
5 under the Nebraska Crime Victim's Reparations Act shall be paid.
6 This fund shall include deposits pursuant to sections 29-2286,
7 81-1836, 83-183, and 83-183.01 and shall be in such amount as
8 the Legislature shall determine to be reasonably sufficient to
9 meet anticipated claims. When the amount of money in the fund
10 is not sufficient to pay any awards or judgments under the act,
11 the Director of Administrative Services shall immediately advise
12 the Legislature and request an emergency appropriation to satisfy
13 such awards and judgments. Any money in the fund available for
14 investment shall be invested by the state investment officer
15 pursuant to the Nebraska Capital Expansion Act and the Nebraska
16 State Funds Investment Act.

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

19 83-183 (1) To establish good habits of work and
20 responsibility, to foster vocational training, and to reduce
21 the cost of operating the facilities, persons committed to
22 the department shall be employed, eight hours per day, so far
23 as possible in constructive and diversified activities in the
24 production of goods, services, and foodstuffs to maintain the
25 facilities, for state use, and for other purposes authorized by

1 law. To accomplish these purposes, the director may establish and
2 maintain industries and farms in appropriate facilities and may
3 enter into arrangements with any other board or agency of the
4 state, any natural resources district, or any other political
5 subdivision, except for school districts, educational service
6 units, community colleges, state colleges, or universities, for
7 the employment of persons committed to the department for state
8 or governmental purposes. Nothing in this subsection shall be
9 construed to effect a reduction in the number of work release
10 positions.

11 (2) The director shall make rules and regulations
12 governing the hours, conditions of labor, and the rates of
13 compensation of persons committed to the department. In determining
14 the rates of compensation, such regulations may take into
15 consideration the quantity and quality of the work performed by
16 such person, whether or not such work was performed during regular
17 working hours, the skill required for its performance, and the
18 economic value of similar work outside of correctional facilities.

19 (3) Except as provided in section 83-183.01, wage
20 payments to a person committed to the department shall be set aside
21 by the chief executive officer of the facility in a separate fund.
22 The fund shall enable such person committed to the department to
23 contribute to the support of his or her dependents, if any, to
24 make necessary purchases from the commissary, and to set aside
25 sums to be paid to him or her at the time of his or her release

1 from the facility. The director may authorize the chief executive
2 officer to deposit up to five percent of the fund into the Victim's
3 Compensation Fund.

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

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

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

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

17 (c) The actual cost to the state for injuries or other
18 damages caused by intentional acts of such person committed to the
19 department; and

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

23 (6) No person committed to the department shall be
24 required to engage in excessive labor, and no such person shall be
25 required to perform any work for which he or she is declared unfit

1 by a physician designated by the director. No person who performs
2 labor or work pursuant to this section shall be required to wear
3 manacles, shackles, or other restraints.

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

7 Sec. 3. Original sections 81-1835 and 83-183, Reissue
8 Revised Statutes of Nebraska, are repealed.