

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 999

Introduced by Ashford, 20; Avery, 28; Campbell, 25; Coash, 27;
Conrad, 46; Cook, 13; Davis, 43; Harms, 48; Krist, 10;
McGill, 26; Mello, 5; Nordquist, 7; Wallman, 30.

Read first time January 21, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal law; to amend sections 29-2709,
2 47-633, 81-1426, 83-173, 83-178, 83-192, and 83-1,100,
3 Reissue Revised Statutes of Nebraska, and sections
4 29-2252, 29-2262, 47-624.01, 47-627, 47-632, 81-1425,
5 83-1,102, and 83-1,107, Revised Statutes Cumulative
6 Supplement, 2012; to provide duties for the Department of
7 Correctional Services, Office of Probation
8 Administration, and Office of Parole Administration; to
9 adopt the Criminal Justice Reentry and Data Act; to
10 create the Reentry Programming Board; to create, rename,
11 and eliminate funds; to repeal the Community Corrections
12 Act; to eliminate obsolete provisions; to harmonize
13 provisions; to repeal the original sections; and to
14 outright repeal sections 29-2208 and 29-2405, Reissue
15 Revised Statutes of Nebraska, and sections 47-619,
16 47-620, 47-621, 47-622, 47-624, 47-628, 47-629, and

1 47-634, Revised Statutes Cumulative Supplement, 2012.

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

1 Section 1. Section 29-2252, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 29-2252 The administrator shall:

4 (1) Supervise and administer the office;

5 (2) Establish and maintain policies, standards, and
6 procedures for the system, with the concurrence of the Supreme Court;

7 (3) Prescribe and furnish such forms for records and
8 reports for the system as shall be deemed necessary for uniformity,
9 efficiency, and statistical accuracy;

10 (4) Establish minimum qualifications for employment as a
11 probation officer in this state and establish and maintain such
12 additional qualifications as he or she deems appropriate for
13 appointment to the system. Qualifications for probation officers
14 shall be established in accordance with subsection (4) of section
15 29-2253. An ex-offender released from a penal complex or a county
16 jail may be appointed to a position of deputy probation or parole
17 officer. Such ex-offender shall maintain a record free of arrests,
18 except for minor traffic violations, for one year immediately
19 preceding his or her appointment;

20 (5) Establish and maintain advanced periodic inservice
21 training requirements for the system;

22 (6) Cooperate with all agencies, public or private, which
23 are concerned with treatment or welfare of persons on probation;

24 (7) Organize and conduct training programs for probation
25 officers;

1 (8) Collect, develop, and maintain statistical
2 information concerning probationers, probation practices, and the
3 operation of the system;

4 (9) Interpret the probation program to the public with a
5 view toward developing a broad base of public support;

6 (10) Conduct research for the purpose of evaluating and
7 improving the effectiveness of the system;

8 (11) Adopt and promulgate such rules and regulations as
9 may be necessary or proper for the operation of the office or system;

10 (12) Transmit a report during each even-numbered year to
11 the Supreme Court on the operation of the office for the preceding
12 two calendar years which shall include a historical analysis of
13 probation officer workload, including participation in non-probation-
14 based programs and services. The report shall be transmitted by the
15 Supreme Court to the Governor and the Clerk of the Legislature. The
16 report submitted to the Clerk of the Legislature shall be submitted
17 electronically. The administrator shall also provide other reports as
18 required by law;

19 (13) Administer the payment by the state of all salaries,
20 travel, and actual and necessary expenses incident to the conduct and
21 maintenance of the office;

22 (14) Use the funds provided under section 29-2262.07 to
23 augment operational or personnel costs associated with the
24 development, implementation, and evaluation of enhanced probation-
25 based programs and non-probation-based programs and services in which

1 probation personnel or probation resources are utilized pursuant to
2 an interlocal agreement authorized by subdivision (16) of this
3 section and to purchase services to provide such programs aimed at
4 enhancing adult probationer or non-probation-based program
5 participant supervision in the community and treatment needs of
6 probationers and non-probation-based program participants. Enhanced
7 probation-based programs include, but are not limited to, specialized
8 units of supervision, related equipment purchases and training, and
9 programs that address a probationer's vocational, educational, mental
10 health, behavioral health, or substance abuse treatment needs;

11 (15) Ensure that any risk ~~or~~ and needs assessment
12 instrument utilized by the system be periodically validated;

13 (16) Have the authority to enter into interlocal
14 agreements in which probation resources or probation personnel may be
15 utilized in conjunction with or as part of non-probation-based
16 programs and services. Any such interlocal agreement shall comply
17 with section 29-2255;

18 (17) Collaborate with the ~~Community Corrections Division~~
19 ~~of the Nebraska Commission on Law Enforcement and Criminal Justice~~
20 Reentry Programming Board and the Office of Parole Administration to
21 develop rules governing the participation of parolees in community
22 corrections facilities and programs operated by the Office of
23 Probation Administration; ~~and~~

24 (18) Utilize community correctional facilities or
25 programs as appropriate; and

1 ~~(18)~~(19) Exercise all powers and perform all duties
2 necessary and proper to carry out his or her responsibilities.

3 Each member of the Legislature shall receive an
4 electronic copy of the report required by subdivision (12) of this
5 section by making a request for it to the administrator.

6 Sec. 2. Section 29-2262, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 29-2262 (1) When a court sentences an offender to
9 probation, it shall attach such reasonable conditions as it deems
10 necessary or likely to insure that the offender will lead a law-
11 abiding life. No offender shall be sentenced to probation if he or
12 she is deemed to be a habitual criminal pursuant to section 29-2221.

13 (2) The court may, as a condition of a sentence of
14 probation, require the offender:

15 (a) To refrain from unlawful conduct;

16 (b) To be confined periodically in the county jail or to
17 return to custody after specified hours but not to exceed (i) for
18 misdemeanors, the lesser of ninety days or the maximum jail term
19 provided by law for the offense and (ii) for felonies, one hundred
20 eighty days;

21 (c) To meet his or her family responsibilities;

22 (d) To devote himself or herself to a specific employment
23 or occupation;

24 (e) To undergo medical or psychiatric treatment and to
25 enter and remain in a specified institution for such purpose;

1 (f) To pursue a prescribed secular course of study or
2 vocational training;

3 (g) To attend or reside in a facility established for the
4 instruction, recreation, or residence of persons on probation;

5 (h) To refrain from frequenting unlawful or disreputable
6 places or consorting with disreputable persons;

7 (i) To possess no firearm or other dangerous weapon if
8 convicted of a felony, or if convicted of any other offense, to
9 possess no firearm or other dangerous weapon unless granted written
10 permission by the court;

11 (j) To remain within the jurisdiction of the court and to
12 notify the court or the probation officer of any change in his or her
13 address or his or her employment and to agree to waive extradition if
14 found in another jurisdiction;

15 (k) To report as directed to the court or a probation
16 officer and to permit the officer to visit his or her home;

17 (l) To pay a fine in one or more payments as ordered;

18 (m) To pay for tests to determine the presence of drugs
19 or alcohol, psychological evaluations, offender assessment screens,
20 and rehabilitative services required in the identification,
21 evaluation, and treatment of offenders if such offender has the
22 financial ability to pay for such services;

23 (n) To perform community service as outlined in sections
24 29-2277 to 29-2279 under the direction of his or her probation
25 officer;

1 (o) To be monitored by an electronic surveillance device
2 or system and to pay the cost of such device or system if the
3 offender has the financial ability;

4 (p) To participate in a community correctional facility
5 or program. The court shall utilize community correctional facilities
6 or programs whenever appropriate; as provided in the Community
7 Corrections Act;

8 (q) To successfully complete an incarceration work camp
9 program as determined by the Department of Correctional Services;

10 (r) To satisfy any other conditions reasonably related to
11 the rehabilitation of the offender;

12 (s) To make restitution as described in sections 29-2280
13 and 29-2281; or

14 (t) To pay for all costs imposed by the court, including
15 court costs and the fees imposed pursuant to section 29-2262.06.

16 (3) In all cases in which the offender is guilty of
17 violating section 28-416, a condition of probation shall be mandatory
18 treatment and counseling as provided by such section.

19 (4) In all cases in which the offender is guilty of a
20 crime covered by the DNA Identification Information Act, a condition
21 of probation shall be the collecting of a DNA sample pursuant to the
22 act and the paying of all costs associated with the collection of the
23 DNA sample prior to release from probation.

24 Sec. 3. Section 29-2709, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 29-2709 When any costs in misdemeanor, traffic, felony
2 preliminary, or juvenile cases in county court, except for those
3 costs provided for in subsection (3) of section 24-703, two dollars
4 of the fee provided in section 33-107.01, and the court automation
5 fee provided in section 33-107.03, and the uniform data analysis fee
6 provided in section ~~47-633, 4~~ of this act are found by a county judge
7 to be uncollectible for any reason, including the dismissal of the
8 case, such costs shall be deemed waived unless the judge, in his or
9 her discretion, enters an order assessing such portion of the costs
10 as by law would be paid over by the court to the State Treasurer as
11 follows:

12 (1) In all cases brought by or with the consent of the
13 county attorney, all such uncollectible costs shall be certified by
14 the clerk of the court to the county clerk who shall present the
15 bills therefor to the county board. The county board shall pay from
16 the county general fund all such bills found by the board to be
17 lawful; and

18 (2) In all cases brought under city or village ordinance,
19 all such uncollectible costs shall be certified to the appropriate
20 city or village officer authorized to receive claims who shall
21 present the bills therefor to the governing body of the city or
22 village in the same manner as other claims. Such governing body shall
23 pay from the general fund of the city or village all such bills as
24 are found to be lawful.

25 Sec. 4. Section 47-633, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 ~~47-633~~ In addition to all other court costs assessed
3 according to law, a uniform data analysis fee of one dollar shall be
4 taxed as costs for each case filed in each county court, separate
5 juvenile court, and district court, including appeals to such courts,
6 and for each appeal and original action filed in the Court of Appeals
7 and the Supreme Court. The fees shall be remitted to the State
8 Treasurer on forms prescribed by the State Treasurer within ten days
9 after the end of each month. The State Treasurer shall credit the
10 fees to the ~~Community Corrections~~ Offender Reentry Uniform Data
11 Analysis Cash Fund.

12 Sec. 5. Section 81-1425, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 81-1425 The executive director of the commission shall:

15 (1) Supervise and be responsible for the administration
16 of the policies established by the commission;

17 (2) Establish a Jail Standards subdivision ~~and a~~
18 ~~Community Corrections Division~~ within the commission and establish,
19 consolidate, or abolish any administrative subdivision within the
20 commission and appoint and remove for cause the heads thereof, and
21 delegate appropriate powers and duties to them;

22 (3) Establish and administer projects and programs for
23 the operation of the commission;

24 (4) Appoint and remove employees of the commission and
25 delegate appropriate powers and duties to them;

1 (5) Make rules and regulations for the management and the
2 administration of policies of the commission and the conduct of
3 employees under his or her jurisdiction;

4 (6) Collect, develop, maintain, and analyze statistical
5 information, records, and reports as the commission may determine
6 relevant to its functions, including, but not limited to, the
7 statistical information set forth in section ~~47-627~~; 23 of this act;

8 (7) Transmit monthly to the commission a report of the
9 operations of the commission for the preceding calendar month;

10 (8) Execute and carry out the provisions of all
11 contracts, leases, and agreements authorized by the commission with
12 agencies of federal, state, or local government, corporations, or
13 persons;

14 (9) Perform such additional duties as may be assigned to
15 him or her by the commission, by the chairperson of the commission,
16 or by law;

17 (10) Appoint and remove for cause the director of the
18 Nebraska Law Enforcement Training Center;

19 (11) Appoint and remove for cause the director of the
20 Office of Violence Prevention; ~~and~~

21 (12) Cooperate with the Reentry Programming Board; and

22 ~~(12)~~—(13) Exercise all powers and perform all duties
23 necessary and proper in carrying out his or her responsibilities.

24 Sec. 6. Section 81-1426, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 81-1426 (1) The commission, in consultation with the
2 Reentry Programming Board, shall adopt and promulgate rules and
3 regulations for the standardized collection, development, and
4 maintenance of statistical information, records, and reports,
5 including, but not limited to, the Uniform Crime Report, and shall
6 develop the prescribed form for the collection of data.

7 (2) The commission shall obtain from all public officers
8 or agencies, the functions of which include the control,
9 apprehension, trial, or correction of criminal offenders in this
10 state, such information, records, and reports, including, but not
11 limited to, the Uniform Crime Report, as the commission determines
12 relevant to its functions.

13 (3) It shall be the duty of all public officers and
14 agencies, the functions of which include the control, apprehension,
15 trial, or correction of criminal offenders in the state, to provide
16 such information, records, and reports, including, but not limited
17 to, the Uniform Crime Report, as the commission determines relevant
18 to its functions.

19 (4) Willful or repeated failure by any public officers
20 and agencies, the functions of which include the control,
21 apprehension, trial, or correction of criminal offenders in this
22 state, to submit the prescribed information, records, or reports,
23 including the Uniform Crime Report, prescribed in this section shall
24 subject the agency or the administrator of the agency to a civil
25 penalty of up to one hundred dollars per day for each day of

1 violation. Such penalty shall be recoverable by way of a civil suit
2 brought against such agency or individually against the
3 administrator.

4 Sec. 7. Section 83-173, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 83-173 The Director of Correctional Services shall:

7 (1) Supervise and be responsible for the administration
8 of the Department of Correctional Services;

9 (2) Establish, consolidate, or abolish any administrative
10 subdivision within the department and appoint and remove for cause
11 the heads thereof and delegate appropriate powers and duties to them;

12 (3) Establish and administer policies and programs for
13 the operation of the facilities in the department and for the
14 custody, control, safety, correction, and rehabilitation of persons
15 committed to the department;

16 (4) Appoint and remove the chief executive officer of
17 each facility and delegate appropriate powers and duties to him or
18 her;

19 (5) Appoint and remove employees of the department and
20 delegate appropriate powers and duties to them;

21 (6) Adopt and promulgate rules and regulations for the
22 management, correctional treatment, and rehabilitation of persons
23 committed to the department, the administration of facilities, and
24 the conduct of officers and employees under his or her jurisdiction;

25 (7) Designate the place of confinement of persons

1 committed to the department subject to section 83-176;

2 (8) Collect, develop, and maintain statistical
3 information concerning persons committed to the department,
4 sentencing practices, and correctional treatment as may be useful in
5 penological research or in the development of treatment programs.
6 Such information shall be submitted to the Reentry Programming Board
7 as a statistical report and de-identified data extract as provided in
8 section 25 of this act;

9 (9) Provide training programs designed to equip employees
10 for duty in the facilities and related services of the department and
11 to raise and maintain the educational standards and the level of
12 performance of such employees;

13 (10) Notify law enforcement agencies of upcoming
14 furloughs as required by section 83-173.01;

15 (11) Issue or authorize the issuance of a warrant for the
16 arrest of any person committed to the department who has escaped from
17 the custody of the department; and

18 (12) Exercise all powers and perform all duties necessary
19 and proper in carrying out his or her responsibilities.

20 Sec. 8. Section 83-178, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 83-178 (1) The director shall establish and maintain, in
23 accordance with the regulations of the department, an individual file
24 for each person committed to the department. The Reentry Programming
25 Board shall have access to such files. Each individual file shall

1 include, when available and appropriate, the following information on
2 such person:

- 3 (a) His or her admission summary;
- 4 (b) His or her presentence investigation report;
- 5 (c) His or her classification report and recommendation;
- 6 (d) Official records of his or her conviction and
7 commitment as well as any earlier criminal records;
- 8 (e) Progress reports and admission-orientation reports;
- 9 (f) Reports of any disciplinary infractions and of their
10 disposition;
- 11 (g) His or her parole plan; and
- 12 (h) Other pertinent data concerning his or her
13 background, conduct, associations, and family relationships.

14 (2) Any decision concerning the classification,
15 reclassification, transfer to another facility, preparole
16 preparation, or parole release of a person committed to the
17 department shall be made only after his or her file has been
18 reviewed. The content of the file shall be confidential and shall not
19 be subject to public inspection except by court order for good cause
20 shown and shall not be accessible to any person committed to the
21 department. An inmate may obtain access to his or her medical records
22 by request to the provider pursuant to sections 71-8401 to 71-8407
23 notwithstanding the fact that such medical records may be a part of
24 his or her individual department file. The department retains the
25 authority to withhold mental health and psychological records of the

1 inmate when appropriate.

2 (3) The program of each person committed to the
3 department shall be reviewed at regular intervals and recommendations
4 shall be made to the chief executive officer concerning changes in
5 such person's program of treatment, training, employment, care, and
6 custody as are considered necessary or desirable.

7 (4) The chief executive officer of the facility shall
8 have final authority to determine matters of treatment classification
9 within his or her facility and to recommend to the director the
10 transfer of any person committed to the department who is in his or
11 her custody.

12 (5) The director may at any time order a person committed
13 to the department to undergo further examination and study for
14 additional recommendations concerning his or her classification,
15 custodial control, and rehabilitative treatment.

16 (6) Nothing in this section shall be construed to limit
17 in any manner the authority of the Public Counsel to inspect and
18 examine the records and documents of the department pursuant to
19 sections 81-8,240 to 81-8,254, except that the Public Counsel's
20 access to an inmate's medical or mental health records shall be
21 subject to the inmate's consent. The office of Public Counsel shall
22 not disclose an inmate's medical or mental health records to anyone
23 else, including any person committed to the department, except as
24 authorized by law.

25 Sec. 9. Section 83-192, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 83-192 (1) The Board of Parole shall:

3 (a) Determine the time of release on parole of committed
4 offenders eligible for such release;

5 (b) Fix the conditions of parole, revoke parole, issue or
6 authorize the issuance of warrants for the arrest of parole
7 violators, and impose other sanctions short of revocation for
8 violation of conditions of parole. The Board of Parole may parole an
9 offender to a community corrections facility or program as defined in
10 section 15 of this act pursuant to guidelines developed by the
11 Reentry Programming Board and shall utilize such community
12 correctional facilities and programs whenever appropriate;

13 (c) Determine the time of discharge from parole;

14 (d) Visit and inspect any facility, state or local, for
15 the detention of persons charged with or convicted of an offense and
16 for the safekeeping of such other persons as may be remanded to such
17 facility in accordance with law;

18 (e) Within two years after July 1, 2006, implement the
19 utilization of a validated risk and needs assessment in coordination
20 with the Department of Correctional Services and the Office of Parole
21 Administration. The assessment shall be prepared and completed by the
22 department or the office for use by the board in determining release
23 on parole;

24 (f) Review the record of every committed offender as
25 follows:

1 (i) If a committed offender has a parole eligibility date
2 within five years of his or her date of incarceration, his or her
3 record shall be reviewed annually;

4 (ii) If a committed offender has a parole eligibility
5 date which is more than five but not more than ten years from his or
6 her date of incarceration, his or her record shall be reviewed during
7 the first year of incarceration, and when he or she is within three
8 years of his or her earliest parole eligibility date, his or her
9 record shall be reviewed annually;

10 (iii) If a committed offender has a parole eligibility
11 date which is more than ten but not more than thirty years from his
12 or her date of incarceration, his or her record shall be reviewed
13 during the first year of incarceration, every five years thereafter
14 until he or she is within five years of his or her earliest parole
15 eligibility date, and annually thereafter;

16 (iv) If a committed offender has a parole eligibility
17 date which is more than thirty years from his or her date of
18 incarceration, his or her record shall be reviewed during his or her
19 first, tenth, and twentieth year of incarceration, and when he or she
20 is within five years of his or her earliest parole eligibility date,
21 his or her record shall be reviewed annually; and

22 (v) If a committed offender is serving a minimum life
23 sentence, his or her record shall be reviewed during the first year
24 of incarceration and every ten years thereafter until such time as
25 the sentence is commuted. If such sentence is commuted, the committed

1 offender's record shall be reviewed annually when he or she is within
2 five years of his or her earliest parole eligibility date.

3 Such review shall include the circumstances of the
4 offense, the presentence investigation report, the committed
5 offender's previous social history and criminal record, his or her
6 conduct, employment, and attitude during commitment, and the reports
7 of such physical and mental examinations as have been made. The board
8 shall meet with such committed offender and counsel him or her
9 concerning his or her progress and prospects for future parole.

10 The review schedule shall be based on court-imposed
11 sentences or statutory minimum sentences, whichever are greater.
12 Nothing in such schedule shall prohibit the board from reviewing a
13 committed offender's case at any time;

14 (g) Appoint and remove all employees of the board as
15 prescribed by the State Personnel System and delegate appropriate
16 powers and duties to them; and

17 (h) Exercise all powers and perform all duties necessary
18 and proper in carrying out its responsibilities of the board under
19 the Nebraska Treatment and Corrections Act.

20 (2) The chairperson of the board shall:

21 (a) Supervise the administration and operation of the
22 board;

23 (b) Serve in an advisory capacity to the director in
24 administering parole services within any facility and in the
25 community;

1 (c) Interpret the parole program to the public with a
2 view toward developing a broad base of public support;

3 (d) Conduct research for the purpose of evaluating and
4 improving the effectiveness of the parole system;

5 (e) Recommend parole legislation to the Governor;

6 (f) Adopt and promulgate rules and regulations for the
7 administration and operation of the board; and

8 (g) Exercise all other powers and perform all other
9 duties necessary and proper in carrying out his or her
10 responsibilities as chairperson.

11 (3) The provisions of this section shall not prohibit a
12 committed offender from requesting that the board review his or her
13 record, except that the board shall not be required to review a
14 committed offender's record more than once a year.

15 Sec. 10. Section 83-1,100, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 83-1,100 There is hereby created within the department
18 the Office of Parole Administration. The office shall consist of the
19 Parole Administrator, the field parole service, and all other office
20 staff. The office shall be responsible for the following:

21 (1) The administration of parole services in the
22 community;

23 (2) The maintenance of all records and files associated
24 with the Board of Parole;

25 (3) The daily supervision and training of staff members

1 of the office; and

2 (4) Submitting a statistical report and de-identified
3 data extract as provided in section 25 of this act of information
4 concerning parolees to the Reentry Programming Board; and

5 ~~(4)~~(5) The assessment, evaluation, and supervision of
6 individuals who are subject to lifetime community supervision
7 pursuant to section 83-174.03.

8 Nothing in this section shall be construed to prohibit
9 the office from maintaining daily records and files associated with
10 the Board of Pardons.

11 Sec. 11. Section 83-1,102, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 83-1,102 The Parole Administrator shall:

14 (1) Supervise and administer the Office of Parole
15 Administration;

16 (2) Establish and maintain policies, standards, and
17 procedures for the field parole service and the community supervision
18 of sex offenders pursuant to section 83-174.03;

19 (3) Divide the state into parole districts and appoint
20 district parole officers, deputy parole officers, if required, and
21 such other employees as may be required to carry out adequate parole
22 supervision of all parolees, adequate probation supervision of
23 probationers as ordered by district judges, prescribe their powers
24 and duties, and obtain office quarters for staff in each district as
25 may be necessary;

1 (4) Cooperate with the Board of Parole, the courts, the
2 ~~Community Corrections Division of the Nebraska Commission on Law~~
3 ~~Enforcement and Criminal Justice, Reentry Programming Board, and all~~
4 other agencies, public and private, which are concerned with the
5 treatment or welfare of persons on parole;

6 (5) Provide the Board of Parole and district judges with
7 any record of a parolee or probationer which it may require;

8 (6) Make recommendations to the Board of Parole or
9 district judge in cases of violation of the conditions of parole or
10 probation, issue warrants for the arrest of parole or probation
11 violators when so instructed by the board or district judge, notify
12 the Director of Correctional Services of determinations made by the
13 board, and upon instruction of the board, issue certificates of
14 parole and of parole revocation to the facilities and certificates of
15 discharge from parole to parolees;

16 (7) Organize and conduct training programs for the
17 district parole officers and other employees;

18 (8) Use the funds provided under section 83-1,107.02 to
19 augment operational or personnel costs associated with the
20 development, implementation, and evaluation of enhanced parole-based
21 programs and purchase services to provide such programs aimed at
22 enhancing adult parolee supervision in the community and treatment
23 needs of parolees. Such enhanced parole-based programs include, but
24 are not limited to, specialized units of supervision, related
25 equipment purchases and training, and programs that address a

1 parolee's vocational, educational, mental health, behavioral health,
2 or substance abuse treatment needs;

3 (9) Ensure that any risk ~~or~~and needs assessment
4 instrument utilized by the system be periodically validated; ~~and~~

5 (10) Submit a statistical report and de-identified data
6 extract as provided in section 25 of this act of information
7 concerning supervised persons to the Reentry Programming Board; and

8 ~~(10)~~(11) Exercise all powers and perform all duties
9 necessary and proper in carrying out his or her responsibilities.

10 Sec. 12. Section 83-1,107, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 83-1,107 (1)(a) Within sixty days after initial
13 classification and assignment of any offender committed to the
14 department, all available information regarding such committed
15 offender shall be reviewed and a committed offender department-
16 approved personalized program plan document shall be drawn up. The
17 document shall specifically describe the department-approved
18 personalized program plan and the specific goals the department
19 expects the committed offender to achieve. The document shall also
20 contain a realistic schedule for completion of the department-
21 approved personalized program plan. The department-approved
22 personalized program plan shall be fully explained to the committed
23 offender. The department shall provide programs to allow compliance
24 by the committed offender with the department-approved personalized
25 program plan.

1 Programming may include, but is not limited to:

2 (i) Academic and vocational education, including teaching

3 such classes by qualified offenders;

4 (ii) Substance abuse treatment;

5 (iii) Mental health and psychiatric treatment, including

6 criminal personality programming;

7 (iv) Constructive, meaningful work programs; and

8 (v) Any other program deemed necessary and appropriate by

9 the department.

10 (b) A modification in the department-approved

11 personalized program plan may be made to account for the increased or

12 decreased abilities of the committed offender or the availability of

13 any program. Any modification shall be made only after notice is

14 given to the committed offender. The department may not impose

15 disciplinary action upon any committed offender solely because of the

16 committed offender's failure to comply with the department-approved

17 personalized program plan, but such failure may be considered by the

18 board in its deliberations on whether or not to grant parole to a

19 committed offender.

20 (2)(a) The department shall reduce the term of a

21 committed offender by six months for each year of the offender's term

22 and pro rata for any part thereof which is less than a year.

23 (b) In addition to reductions granted in subdivision (2)

24 (a) of this section, the department shall reduce the term of a

25 committed offender by three days on the first day of each month

1 following a twelve-month period of incarceration within the
2 department during which the offender has not been found guilty of (i)
3 a Class I or Class II offense or (ii) more than three Class III
4 offenses under the department's disciplinary code. Reductions earned
5 under this subdivision shall not be subject to forfeit or withholding
6 by the department.

7 (c) The total reductions under this subsection shall be
8 credited from the date of sentence, which shall include any term of
9 confinement prior to sentence and commitment as provided pursuant to
10 section 83-1,106, and shall be deducted from the maximum term, to
11 determine the date when discharge from the custody of the state
12 becomes mandatory.

13 (3) While the offender is in the custody of the
14 department, reductions of terms granted pursuant to subdivision (2)
15 (a) of this section may be forfeited, withheld, and restored by the
16 chief executive officer of the facility with the approval of the
17 director after the offender has been notified regarding the charges
18 of misconduct.

19 (4) The department shall make treatment programming
20 available to committed offenders as provided in section 83-1,110.01
21 and shall include continuing participation in such programming as
22 part of each offender's parolee personalized program plan.

23 (5)(a) Within thirty days after any committed offender
24 has been paroled, all available information regarding such parolee
25 shall be reviewed and a parolee personalized program plan document

1 shall be drawn up and approved by the Office of Parole
2 Administration. The document shall specifically describe the approved
3 personalized program plan and the specific goals the office expects
4 the parolee to achieve. The document shall also contain a realistic
5 schedule for completion of the approved personalized program plan.
6 The approved personalized program plan shall be fully explained to
7 the parolee. During the term of parole, the parolee shall comply with
8 the approved personalized program plan and the office shall provide
9 programs to allow compliance by the parolee with the approved
10 personalized program plan.

11 Programming may include, but is not limited to:

12 (i) Academic and vocational education;

13 (ii) Substance abuse treatment;

14 (iii) Mental health and psychiatric treatment, including
15 criminal personality programming;

16 (iv) Constructive, meaningful work programs;

17 (v) Community service programs; and

18 (vi) A community correctional facility or program
19 pursuant to guidelines developed by the Reentry Programming Board;

20 and

21 ~~(vi)~~—(vii) Any other program deemed necessary and
22 appropriate by the office.

23 (b) A modification in the approved personalized program
24 plan may be made to account for the increased or decreased abilities
25 of the parolee or the availability of any program. Any modification

1 shall be made only after notice is given to the parolee. Intentional
2 failure to comply with the approved personalized program plan by any
3 parolee as scheduled for any year, or pro rata part thereof, shall
4 cause disciplinary action to be taken by the office resulting in the
5 forfeiture of up to a maximum of three months' good time for the
6 scheduled year.

7 (6) While the offender is in the custody of the board,
8 reductions of terms granted pursuant to subdivision (2)(a) of this
9 section may be forfeited, withheld, and restored by the administrator
10 with the approval of the director after the offender has been
11 notified regarding the charges of misconduct or breach of the
12 conditions of parole. In addition, the board may recommend such
13 forfeitures of good time to the director.

14 (7) Good time or other reductions of sentence granted
15 under the provisions of any law prior to July 1, 1996, may be
16 forfeited, withheld, or restored in accordance with the terms of the
17 Nebraska Treatment and Corrections Act.

18 Sec. 13. Sections 13 to 25 of this act shall be known and
19 may be cited as the Criminal Justice Reentry and Data Act.

20 Sec. 14. The purpose of the Criminal Justice Reentry and
21 Data Act is to build upon the history of the Community Corrections
22 Act enacted in 2003, with the goal of increasing public safety by
23 reducing the threat of harm by released offenders and increasing
24 offender success by fostering effective risk management,
25 accountability for both offender and system officials, and community

1 and victim participation. The Community Corrections Act provided for
2 the development and establishment of community-based facilities and
3 programs in Nebraska for adult offenders and encouraged the use of
4 such facilities and programs by sentencing courts and the Board of
5 Parole as alternatives to incarceration or reincarceration in order
6 to reduce prison overcrowding and enhance offender supervision in the
7 community. The Community Corrections Act served the interests of
8 society by promoting the rehabilitation of offenders and deterring
9 offenders from engaging in further criminal activity, by making
10 community-based facilities and programs available to adult offenders
11 while emphasizing offender culpability, offender accountability, and
12 public safety and reducing reliance upon incarceration as a means of
13 managing nonviolent offenders. The heavy investments in
14 incapacitation, through incarceration and supervision, have led to
15 large numbers of returning offenders. The resulting increase in
16 Nebraska's prison population and corrections costs necessitate a new
17 approach to managing those who violate the criminal laws of our
18 state. At the same time, a growing body of criminal justice research
19 continues to provide insights into the types of interventions with
20 offenders that are associated with reductions in recidivism and
21 increases in public safety. The Criminal Justice Reentry and Data Act
22 changes the approach to Nebraska's criminal justice system from a
23 focus on incapacitation to a focus on offender transition and
24 reentry. The overarching goal of reentry is to enhance public safety
25 by supporting successful offender transition to the community.

1 Sec. 15. For purposes of the Criminal Justice Reentry and
2 Data Act:

3 (1) Board means the Reentry Programming Board;

4 (2) Community corrections facility or program means a
5 community-based or community-oriented facility or program which (a)
6 is operated either by the state or by a contractor which may be a
7 unit of local government or a nongovernmental agency, (b) may be
8 designed to provide residential accommodations for adult offenders,
9 (c) provides programs and services to aid adult offenders in
10 obtaining and holding regular employment, enrolling in and
11 maintaining participation in academic courses, participating in
12 vocational training programs, utilizing the resources of the
13 community to meet their personal and family needs, obtaining mental
14 health, alcohol, and drug treatment, and participating in specialized
15 programs that exist within the community, and (d) offers community
16 supervision options, including, but not limited to, substance abuse
17 treatment facilities or programs, mental health treatment facilities
18 or programs, behavioral health treatment facilities or programs, and
19 day reporting centers;

20 (3) Cost effective means that cost savings realized over
21 a reasonable period of time are greater than costs;

22 (4) De-identified information means information that does
23 not identify an individual and with respect to which there is no
24 reasonable basis to believe that the information can be used to
25 identify an individual. Information is de-identified only if (a) a

1 person, with appropriate knowledge of and experience with generally
2 accepted statistical and scientific principles and methods for
3 rendering information not individually identifiable and by applying
4 such principles and methods, determines that the risk is very small
5 that the information could be used, alone or in combination with
6 other reasonably available information, by an anticipated recipient
7 to identify an individual who is a subject of the information and (b)
8 the agency providing the information documents the methods and
9 results of the analysis that justify such determination;

10 (5) Evidence-based means the incorporation of significant
11 and relevant practices based on scientifically based research and
12 such practices are cost effective;

13 (6) Inmate means an individual confined in a facility
14 operated by the Department of Correctional Services or a city or
15 county correctional or jail facility;

16 (7) Nongovernmental means any person, private nonprofit
17 agency, corporation, association, labor organization, or entity other
18 than the state or a political subdivision of the state;

19 (8) Offender means an individual who has been charged
20 with or convicted of committing a crime;

21 (9) Parolee means an inmate released under parole
22 supervision;

23 (10) Probationer means a person sentenced to probation;

24 (11) Programming means a treatment or intervention
25 program or service that is intended to (a) reduce the propensity of a

1 person to commit crimes, (b) improve the mental health of a person
2 with the result of reducing the likelihood that the person will
3 commit a crime or need emergency mental health services, and (c)
4 programming includes, but is not limited to, evidence-based
5 programming and structured programming;

6 (12) Reentry means a structured process that spans
7 incarceration and community release;

8 (13) Reentry facility or program means a service or
9 program which (a) facilitates an offender's transition from
10 institutional services to community services, (b) is operated by the
11 Office of Probation Administration or the Office of Parole
12 Administration, (c) provides programs and services to aid adult
13 offenders in obtaining and maintaining adequate housing, obtaining
14 and holding regular employment, enrolling in and maintaining
15 participation in academic courses, participating in vocational
16 training programs, utilizing the resources of the community to meet
17 their personal and family needs, obtaining mental health, alcohol,
18 and drug treatment, and participating in specialized programs that
19 exist within the community, and (d) does not include a substantial
20 supervision component;

21 (14) Scientifically based research means research that
22 obtains reliable and valid knowledge by (a) employing systematic,
23 empirical methods that draw on observation or experiment, (b)
24 involving rigorous data analyses that are adequate to test the stated
25 hypotheses and justify the general conclusions drawn, and (c) relying

1 on measurements or observational methods that prove reliable and
2 valid across evaluators and observers, across multiple measurements
3 and observations, and across studies by the same or different
4 investigators;

5 (15) Structured programming means programming described
6 in section 83-182.01;

7 (16) Supervised individual means an individual placed on
8 probation by a court or serving a period of parole or placed on post-
9 release supervision from prison or jail;

10 (17) Unit of local government means a county, city,
11 village, or entity established pursuant to the Interlocal Cooperation
12 Act or the Joint Public Agency Act; and

13 (18) Unstructured programming includes, but is not
14 limited to, family time and inmate groups.

15 Sec. 16. (1) The Reentry Programming Board is created.
16 Members of the board shall include:

17 (a) A behavioral health provider;

18 (b) A mental health provider;

19 (c) A substance abuse treatment provider;

20 (d) A community reentry organization;

21 (e) A formerly incarcerated person who has had successful
22 reentry;

23 (f) A criminal justice research expert;

24 (g) A prosecutor;

25 (h) A retired district court judge;

- 1 (i) A law enforcement officer;
- 2 (j) The Director of Correctional Services or his or her
3 designee;
- 4 (k) The chairperson of the Board of Parole or his or her
5 designee; and
- 6 (l) A representative from the Office of Probation
7 Administration selected by the probation administrator.
- 8 (2) Members of the board listed in subdivisions (1)(a)
9 through (i) of this section shall be appointed by the Governor. The
10 members of the board shall elect a chairperson from their membership.
- 11 (3) The board may hire staff, including a meeting
12 facilitator skilled in strategic planning and other administrative
13 staff as needed to carry out the board's duties.
- 14 Sec. 17. The board shall:
- 15 (1) Evaluate programming available to inmates,
16 probationers, and parolees, to ensure that programs are evidence-
17 based and develop other criteria for ensuring programming is
18 effective;
- 19 (2) Coordinate with Department of Correctional Services,
20 the Office of Parole Administration, and the Office of Probation
21 Administration to track inmate, probationer, and parolee
22 participation in programming;
- 23 (3) Evaluate access to nongovernmental programming;
- 24 (4) Track reentering offenders' participation in
25 programming;

1 (5) Coordinate with nongovernmental providers and
2 organizations for more nongovernmental provider programming,
3 including contracts with community-based providers, including the
4 University of Nebraska Medical Center, nonprofits, and private
5 providers, for more programming in the areas of mental health,
6 behavioral health, and substance abuse treatment, and coordinating
7 with community-based organizations;

8 (6) Conduct independent evaluations of (a) the Department
9 of Correctional Services programming and access to programming within
10 such department and (b) other prison, probation, or parole mandated
11 or recommended programming;

12 (7) Coordinate with nongovernmental researchers to
13 conduct independent evaluation of the classification system;

14 (8) Advocate for removal of barriers to offender reentry
15 and work with governmental agencies and nongovernmental entities to
16 remove restrictions on funding for services to formerly incarcerated
17 people in the areas of housing, job skills training, hiring
18 restrictions, education, and child custody;

19 (9) Develop a plan for transitioning from a community
20 corrections model to a reentry model;

21 (10) Develop standards for the use of reentry facilities
22 and programs by the Department of Corrections, the Nebraska Probation
23 System, and the parole system;

24 (11) Analyze and promote the consistent use of offender
25 risk assessment tools;

1 (12) Inform the courts, the Board of Parole, criminal
2 justice system stakeholders, and the general public about the
3 availability, use, and benefits of reentry facilities and programs;

4 (13) Ensure adequate funding for reentry facilities and
5 programs, and develop or assist with the development of facilities
6 and programs as provided in subdivision (14) of section 29-2252 and
7 subdivision (8) of section 83-1,102;

8 (14) Develop standardized definitions of outcome measures
9 for existing community corrections facilities and programs and for
10 reentry facilities and programs;

11 (15) Research and evaluate existing community corrections
12 facilities and programs;

13 (16) Provide an annual report as provided in section 18
14 of this act;

15 (17) Manage all data acquired in a confidential manner in
16 compliance with section 25 of this act;

17 (18) Enter into and administer contracts, if necessary,
18 to carry out the purposes of the Criminal Justice Reentry and Data
19 Act; and

20 (19) Perform such other duties as may be necessary to
21 carry out the act.

22 Sec. 18. The board shall report annually to the
23 Legislature and the Governor on the development and performance of
24 reentry facilities and programs and on the performance of community
25 corrections facilities. The report submitted to the Legislature shall

1 be submitted electronically. The report shall include:

2 (1) A description of reentry facilities and programs and
3 community corrections facilities and programs currently serving
4 offenders in Nebraska, which includes the following information:

5 (a) The target population and geographic area served by
6 each facility or program, eligibility requirements, and the total
7 number of offenders utilizing the facility or program over the past
8 year;

9 (b) Services provided to offenders at the facility or in
10 the program;

11 (c) The costs of operating the facility or program and
12 the cost per offender; and

13 (d) The funding sources for the facility or program;

14 (2) The progress made in expanding reentry facilities and
15 programs statewide and an analysis of the need for additional reentry
16 facilities and programs;

17 (3) An analysis of the impact reentry facilities and
18 programs have on the number of offenders incarcerated within the
19 Department of Correctional Services;

20 (4) An analysis of the impact community corrections
21 facilities and programs have on the number of offenders incarcerated
22 within the Department of Correctional Services;

23 (5) The outcome data for participants in reentry
24 facilities and programs, including completion rate, success rate of
25 participants, reason for noncompletion of programming, and recidivism

1 rates; and

2 (6) The outcome data for participants in community
3 corrections facilities and programs, including completion rate,
4 success rate of participants, reason for noncompletion of
5 programming, and recidivism rates.

6 Sec. 19. (1) Beginning December 1, 2016, and every year
7 thereafter, the Office of Probation Administration and the Office of
8 Parole Administration shall submit to the Governor, the Legislature,
9 the Supreme Court, and the Reentry Programming Board a comprehensive
10 report and summary of efforts to implement evidence-based practices,
11 and required by sections 18 and 23 of this act, to reduce recidivism
12 in the criminal justice system.

13 (2) The report shall include at a minimum:

14 (a) The percentage of supervised individuals being
15 supervised in accordance with evidence-based practices;

16 (b) The percentage of state funds expended by each office
17 for programs that have evidence-based practices;

18 (c) A list of all programs being used and identifying
19 which have evidence-based practices;

20 (d) Specification of supervision policies, procedures,
21 programs, and practices that were created, modified, or eliminated;
22 and

23 (e) Each office's recommendations for any additional
24 collaboration with other state, regional, or local public agencies,
25 private entities, or faith-based and community organizations.

1 (3) The report shall be de-identified as provided in
2 section 25 of this act.

3 (4) Reports and summaries submitted under this section
4 shall be available to the public on each office's web site. The
5 report to the Legislature shall be delivered electronically.

6 Sec. 20. Section 47-624.01, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 ~~47-624.01~~ (1) ~~The division board shall collaborate with~~
9 ~~the Office of Probation Administration, the Office of Parole~~
10 ~~Administration, and the Department of Correctional Services in~~
11 ~~developing a plan for the implementation and funding of~~
12 implementation of reporting centers in Nebraska. The reporting
13 centers shall be funded by the state.

14 ~~(2) The plan shall include recommended locations for~~
15 There shall be at least one reporting center in each district court
16 judicial district, that currently lacks such a center and shall
17 ~~prioritize the recommendations for additional reporting centers based~~
18 ~~upon need.~~

19 ~~(3) The plan shall also identify and prioritize the need~~
20 ~~for expansion of Existing reporting centers in those district court~~
21 ~~judicial districts which currently have a reporting center but that~~
22 ~~have an unmet need~~ needs for additional reporting center services due
23 to capacity, distance, or demographic factors shall be expanded.

24 (4) Each reporting center shall provide, contract for, or
25 utilize a voucher service program for access to mental health

1 services for those on probation.

2 (5) The Office of Probation Administration, the Office of
3 Parole Administration, and the Department of Correctional Services
4 shall work collaboratively to develop a plan for the expansion of
5 reporting centers. The plan shall be developed and delivered
6 electronically to the chairpersons of the Judiciary, Health and Human
7 Services, and Appropriations Committees of the Legislature by
8 February 15, 2015.

9 Sec. 21. The Reentry Programming Board Cash Fund is
10 created. The fund shall be used by the board to carry out the
11 Criminal Justice Reentry and Data Act and as provided in section 22
12 of this act. Any money in the fund available for investment shall be
13 invested by the state investment officer pursuant to the Nebraska
14 Capital Expansion Act and the Nebraska State Funds Investment Act.

15 Sec. 22. It is the intent of the Legislature to
16 appropriate fifteen million dollars to the Reentry Programming Board
17 Cash Fund. Five million dollars shall be allocated for violence
18 reduction and anger management programming, five million dollars for
19 job training, and five million dollars for housing. Fifty percent of
20 the funds shall be expended for programming under the Department of
21 Correctional Services and fifty percent for community-based programs
22 approved by the Reentry Programming Board. The Reentry Programming
23 Board is responsible for overseeing the distribution of the funds.

24 Sec. 23. Section 47-627, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 ~~47-627~~ The director shall develop and maintain a uniform
2 ~~crime data analysis system in Nebraska which~~ The Executive Director
3 of the Nebraska Commission on Law Enforcement and Criminal Justice,
4 in consultation with the chairperson of the Reentry Programming
5 Board, shall improve and maintain the uniform crime data analysis
6 system. The system shall include, but need not be limited to, the
7 number of offenses, arrests, charges, probation admissions, probation
8 violations, probation discharges, participants in specialized
9 community corrections programs, admissions to and discharges from
10 problem-solving courts, admissions to and discharges from the
11 Department of Correctional Services, parole reviews, parole hearings,
12 releases on parole, parole violations, and parole discharges. The
13 data shall be categorized by statutory crime. The reports and data
14 extracts shall be de-identified as required in section 25 of this
15 act. The data shall be collected from the Board of Parole, the State
16 Court Administrator, the Department of Correctional Services, the
17 Office of Parole Administration, the Office of Probation
18 Administration, the Nebraska State Patrol, counties, local law
19 enforcement, and any other entity associated with criminal justice.
20 The ~~division~~ Reentry Programming Board and the Supreme Court shall
21 have access to such data to implement the ~~Community Corrections~~
22 Criminal Justice Reentry and Data Act.

23 Sec. 24. Section 47-632, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 ~~47-632~~ (1) The ~~Community Corrections~~ Offender Reentry

1 Uniform Data Analysis Cash Fund is created. ~~Except as provided in~~
2 ~~subsections (2) and (3) of this section, the~~ The fund shall be within
3 ~~the Nebraska Commission on Law Enforcement and Criminal Justice,~~
4 ~~shall be administered by the division, and shall only be used to~~
5 support operations costs and analysis relating to the implementation
6 and coordination of the uniform analysis of crime data pursuant to
7 the ~~Community Corrections~~ Criminal Justice Reentry and Data Act,
8 including associated information technology projects. The fund shall
9 consist of money collected pursuant to section ~~47-633. 4~~ of this act.
10 ~~(2) Transfers may be made from the fund to the General Fund at the~~
11 ~~direction of the Legislature. (3) The State Treasurer shall transfer~~
12 ~~the following amounts from the Community Corrections Uniform Data~~
13 ~~Analysis Cash Fund to the Violence Prevention Cash Fund: (a) Two~~
14 ~~hundred thousand dollars on July 1, 2011, or as soon thereafter as~~
15 ~~administratively possible; and (b) Two hundred thousand dollars on~~
16 ~~July 1, 2012, or as soon thereafter as administratively possible. (4)~~
17 Any money in the ~~Community Corrections~~ Offender Reentry Uniform Data
18 Analysis Cash Fund available for investment shall be invested by the
19 state investment officer pursuant to the Nebraska Capital Expansion
20 Act and the Nebraska State Funds Investment Act.

21 (2) Any funds in the Community Corrections Uniform Data
22 Analysis Cash Fund on the effective date of this act shall be
23 transferred to the Offender Reentry Uniform Data Analysis Cash Fund.

24 Sec. 25. (1) For reports or data extracts of the Board of
25 Parole, the State Court Administrator, the Department of Correctional

1 Services, the Office of Parole Administration, the Office of
2 Probation Administration, and the Nebraska State Patrol:

3 (a) The agency shall obtain consent from the individual
4 whose data will be used in archive;

5 (b) The reports or data extracts shall not be available
6 to the public in report or extract format until the information is
7 de-identified; and

8 (c) A comprehensive extract may be created without doing
9 a laundry list.

10 (2) The Reentry Programming Board shall review reports
11 and data extracts and update them as needed, and the board has final
12 authority to decide what data elements will be in archived reports
13 and data extracts.

14 Sec. 26. The Revisor of Statutes shall assign section 4
15 of this act to Chapter 33.

16 Sec. 27. Original sections 29-2709, 47-633, 81-1426,
17 83-173, 83-178, 83-192, and 83-1,100, Reissue Revised Statutes of
18 Nebraska, and sections 29-2252, 29-2262, 47-624.01, 47-627, 47-632,
19 81-1425, 83-1,102, and 83-1,107, Revised Statutes Cumulative
20 Supplement, 2012, are repealed.

21 Sec. 28. The following sections are outright repealed:
22 Sections 29-2208 and 29-2405, Reissue Revised Statutes of Nebraska,
23 and sections 47-619, 47-620, 47-621, 47-622, 47-624, 47-628, 47-629,
24 and 47-634, Revised Statutes Cumulative Supplement, 2012.

25 Sec. 29. Since an emergency exists, this act takes effect

1 when passed and approved according to law.