

AMENDMENTS TO LB598

(Amendments to E and R amendments, ER83)

Introduced by Seiler, 33.

1 1. Insert the following new section:

2 Sec. 22. Section 83-170, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-170 As used in the Nebraska Treatment and Corrections Act, unless
5 the context otherwise requires:

6 (1) Administrator means ~~shall mean~~ the Parole Administrator;

7 (2) Board means ~~shall mean~~ the Board of Parole;

8 (3) Committed offender means ~~shall mean~~ any person who, under any
9 provision of law, is sentenced or committed to a facility operated by the
10 department or is sentenced or committed to the department other than a
11 person adjudged to be as described in subdivision (1), (2), (3)(b), or
12 (4) of section 43-247 by a juvenile court;

13 (4) Department means ~~shall mean~~ the Department of Correctional
14 Services;

15 (5) Director means ~~shall mean~~ the Director of Correctional Services;

16 (6) Facility means ~~shall mean~~ any prison, reformatory, training
17 school, reception center, community guidance center, group home, or other
18 institution operated by the department;

19 (7) Good time means ~~shall mean~~ any reduction of sentence granted
20 pursuant to sections 83-1,107 and 83-1,108;

21 (8) Maximum term means ~~shall mean~~ the maximum sentence provided by
22 law or the maximum sentence imposed by a court, whichever is shorter;

23 (9) Minimum term means ~~shall mean~~ the minimum sentence provided by
24 law or the minimum sentence imposed by a court, whichever is longer;

25 (10) Pardon authority means ~~shall mean~~ the power to remit fines and
26 forfeitures and to grant respites, reprieves, pardons, or commutations;

1 (11) Parole term means ~~shall mean~~ the time from release on parole to
2 the completion of the maximum term, reduced by good time; and

3 (12) Person committed to the department means ~~shall mean~~ any person
4 sentenced or committed to a facility within the department; -

5 (13) Restrictive housing means conditions of confinement that
6 provide limited contact with other offenders, strictly controlled
7 movement while out of cell, and out-of-cell time of less than twenty-four
8 hours per week; and

9 (14) Solitary confinement means the status of confinement of an
10 inmate in an individual cell having solid, soundproof doors and which
11 deprives the inmate of all visual and auditory contact with other
12 persons.

13 2. On page 17, lines 14 and 15; page 22, lines 28 and 29; and page
14 33, lines 9 and 11, strike "June" and insert "July".

15 3. On page 22, line 30, after the period insert "The director and
16 the board shall jointly develop a transition implementation plan. The
17 plan shall be presented to the Governor and to the Legislature no later
18 than December 1, 2015. The report to the Legislature shall be delivered
19 electronically.".

20 4. On page 23, line 12, after "responsibilities" insert ", including
21 employees of the Office of Probation Administration".

22 5. On page 26, line 14, strike "fully explained to", show as
23 stricken, and insert "developed with the active participation of".

24 6. On page 27, line 15, strike "April" and insert "July"; in line 17
25 strike "usage of segregation or other type of isolation" and insert "use
26 of restrictive housing"; strike beginning with "segregation" in line 18
27 through "population" in line 19 and insert "restrictive housing"; in line
28 21 strike "housing other than general population" and insert "restrictive
29 housing"; in line 22 strike "institution" and insert "facility"; and in
30 line 27 strike "confinement outside the general population" and insert
31 "restrictive housing".

1 7. On page 28, line 9, strike the comma; in line 14 after the period
2 insert "The notice shall identify all documents not publicly available by
3 title, number of pages, and date adopted."; in line 16 after the period
4 insert "Security manuals shall be made available to the Legislature for
5 inspection upon request, but shall not be copied or removed from secure
6 locations as designated by the director."; in line 19 strike "29 and 30"
7 and insert "30 and 31"; in lines 28, 29, and 31, strike the new matter
8 and reinstate the stricken matter; in line 29 before the period insert
9 "and only as authorized by written directives, guidance documents, and
10 operational manuals"; and in line 30 strike "in the adult division" and
11 show as stricken.

12 8. On page 29, lines 1 through 3, strike the new matter; and strike
13 lines 10 through 31 and insert the following new subsections:

14 "(4) The director shall issue an annual report to the Governor and
15 the Clerk of the Legislature. The report to the Clerk of the Legislature
16 shall be issued electronically. For all inmates who were held in
17 restrictive housing during the prior year, the report shall contain the
18 race, gender, age, and length of time each inmate has continuously been
19 held in restrictive housing. The report shall also contain:

20 (a) The number of inmates held in restrictive housing;

21 (b) The reason or reasons each inmate was held in restrictive
22 housing;

23 (c) The number of inmates held in restrictive housing who have been
24 diagnosed with a mental illness as defined in section 71-907 and the type
25 of mental illness by inmate;

26 (d) The number of inmates who were released from restrictive housing
27 directly to parole or into the general public and the reason for such
28 release;

29 (e) The number of inmates who were placed in restrictive housing for
30 his or her own safety and the underlying circumstances for each
31 placement;

1 (f) To the extent reasonably ascertainable, comparable statistics
2 for the nation and each of the states that border Nebraska pertaining to
3 subdivisions (4)(a) through (e) of this section; and

4 (g) The mean and median length of time for all inmates held in
5 restrictive housing.

6 (5)(a) There is hereby established within the department a long-term
7 restrictive housing work group. The work group shall consist of:

8 (i) The director and all deputy directors. The director shall serve
9 as the chairperson of the work group;

10 (ii) The director of health services within the department;

11 (iii) The behavioral health administrator within the department;

12 (iv) Two employees of the department who currently work with inmates
13 held in restrictive housing;

14 (v) Additional department staff as designated by the director; and

15 (vi) Four members as follows appointed by the Governor:

16 (A) Two representatives from a nonprofit prisoners' rights advocacy
17 group, including at least one former inmate; and

18 (B) Two mental health professionals independent from the department
19 with particular knowledge of prisons and conditions of confinement.

20 (b) The work group shall advise the department on policies and
21 procedures related to the proper treatment and care of offenders in long-
22 term restrictive housing.

23 (c) The director shall convene the work group's first meeting no
24 later than September 15, 2015, and the work group shall meet at least
25 semiannually thereafter. The chairperson shall schedule and convene the
26 work group's meetings.

27 (d) The director shall provide the work group with quarterly updates
28 on the department's policies related to the work group's subject
29 matter."

30 9. On page 30, strike lines 1 through 17.

31 10. On page 33, line 23, strike "Beginning" and insert "Until" and

1 strike "shall" and reinstate the stricken "may"; in line 25 after "the"
2 insert "department's inmate"; in line 26 after the period insert
3 "Beginning July 1, 2020, a correctional system overcrowding emergency
4 shall exist whenever the director certifies that the department's inmate
5 population is over one hundred forty percent of design capacity."; and in
6 line 29 strike "Upon declaration of", show as stricken, and insert
7 "During".

8 11. On page 34, line 22, after "81-8,245," insert "83-170,".

9 12. Renumber the remaining sections accordingly.