

AMENDMENTS TO LB910

(Amendments to E and R amendments, ER182)

Introduced by Schumacher, 22.

1 1. Insert the following new section:

2 Sec. 6. Section 83-173.03, Revised Statutes Supplement, 2015, is
3 amended to read:

4 83-173.03 (1) Beginning July 1, 2016, no inmate shall be held in
5 restrictive housing unless done in the least restrictive manner
6 consistent with maintaining order in the facility and pursuant to rules
7 and regulations adopted and promulgated by the department pursuant to the
8 Administrative Procedure Act.

9 (2) Any inmate placed in restrictive housing may, on or after the
10 ninetieth day of his or her confinement, seek a review of the decision to
11 place him or her in restrictive housing. The review shall be conducted by
12 the district court of the county in which the correctional facility in
13 which the inmate is confined is located. A district judge may appoint a
14 magistrate to conduct the review. The district judge may hold further
15 proceedings with respect to the review or enter an order based upon
16 recommendations of the magistrate.

17 (3 2) The department shall adopt and promulgate rules and
18 regulations pursuant to the Administrative Procedure Act establishing
19 levels of restrictive housing as may be necessary to administer the
20 correctional system. Rules and regulations shall establish behavior,
21 conditions, and mental health status under which an inmate may be placed
22 in each confinement level as well as procedures for making such
23 determinations. Rules and regulations shall also provide for
24 individualized transition plans, developed with the active participation
25 of the committed offender, for each confinement level back to the general
26 population or to society.

1 (4 3) Rules and regulations may authorize the director to issue
2 written directives, guidance documents, and operational manuals not
3 inconsistent with law and rules and regulations. Such directives,
4 guidance documents, and operational manuals shall be made available to
5 the public in the same manner that rules and regulations are made
6 available unless the safety and security of a correctional facility
7 ~~institution~~ would be placed at imminent and substantial risk by such
8 publication. If any directive, guidance document, or operational manual
9 is not made available to the public, notice shall be given to the deputy
10 public counsel for corrections and to the Inspector General of the
11 Nebraska Correctional System. The notice shall identify all documents not
12 publicly available by title, number of pages, and date adopted. All
13 directives, guidance documents, and operational manuals shall be made
14 available to any member of the Legislature upon request. Security manuals
15 shall be made available to the Legislature for inspection upon request,
16 but shall not be copied or removed from secure locations as designated by
17 the director.

18 2. On page 8, after line 2, insert the following new subdivision:

19 "(e) The number of inmates who were released from restrictive
20 housing based upon an order of a district judge under subsection (2) of
21 section 83-173.03;"; in line 3 strike "(e)", show as stricken, and insert
22 "(f)"; in line 6 strike "(f)", show as stricken, and insert "(g)"; and in
23 line 9 strike "(g)", show as stricken, and insert "(h)".

24 3. Renumber the remaining sections and correct the repealer
25 accordingly.