

AMENDMENTS TO LB910

(Amendments to E & 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 confined in restrictive housing may, after the
10 ninetieth day in a calendar year of his or her confinement and after the
11 effective date of this act, seek a review of the decision to place him or
12 her in restrictive housing. The review shall be conducted by the district
13 court of the county in which the correctional facility in which the
14 inmate is confined is located. A district judge may appoint a special
15 master to conduct the review. The district judge may hold further
16 proceedings with respect to the review or enter an order based upon
17 recommendations of the special master.

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

1 population or to society.

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

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

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

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