

AMENDMENTS TO LB1094

(Amendments to Standing Committee amendments, AM2337)

Introduced by Bolz, 29.

1 1. Insert the following new sections:

2 Sec. 29. Section 47-901, Revised Statutes Supplement, 2015, is
3 amended to read:

4 47-901 Sections 47-901 to 47-918 and section 32 of this act shall be
5 known and may be cited as the Office of Inspector General of the Nebraska
6 Correctional System Act.

7 Sec. 30. Section 47-903, Revised Statutes Supplement, 2015, is
8 amended to read:

9 47-903 For purposes of the Office of Inspector General of the
10 Nebraska Correctional System Act, the following definitions apply:

11 (1) Administrator means a person charged with administration of a
12 program, an office, or a division of the department or administration of
13 a private agency;

14 (2) Department means the Department of Correctional Services;

15 (3) Director means the Director of Correctional Services;

16 (4) Inspector General means the Inspector General of the Nebraska
17 Correctional System appointed under section 47-904;

18 (5) Malfeasance means a wrongful act that the actor has no legal
19 right to do or any wrongful conduct that affects, interrupts, or
20 interferes with performance of an official duty;

21 (6) Management means supervision of subordinate employees;

22 (7) Misfeasance means the improper performance of some act that a
23 person may lawfully do;

24 (8) Obstruction means hindering an investigation, preventing an
25 investigation from progressing, stopping or delaying the progress of an
26 investigation, or making the progress of an investigation difficult or

1 slow;

2 (9) Office means the office of Inspector General of the Nebraska
3 Correctional System and includes the Inspector General and other
4 employees of the office;

5 (10) Office of Parole Administration means the office created
6 pursuant to section 83-1,100;

7 (11) ~~(10)~~ Private agency means an entity that contracts with the
8 department or contracts to provide services to another entity that
9 contracts with the department; and

10 (12) ~~(11)~~ Record means any recording in written, audio, electronic
11 transmission, or computer storage form, including, but not limited to, a
12 draft, memorandum, note, report, computer printout, notation, or message,
13 and includes, but is not limited to, medical records, mental health
14 records, case files, clinical records, financial records, and
15 administrative records.

16 Sec. 31. Section 47-908, Revised Statutes Supplement, 2015, is
17 amended to read:

18 47-908 All employees of the department, all employees of the Office
19 of Parole Administration, and all owners, operators, managers,
20 supervisors, and employees of private agencies shall cooperate with the
21 office. Cooperation includes, but is not limited to, the following:

22 (1) Provision of full access to and production of records and
23 information. Providing access to and producing records and information
24 for the office is not a violation of confidentiality provisions under any
25 statute, rule, or regulation if done in good faith for purposes of an
26 investigation under the Office of Inspector General of the Nebraska
27 Correctional System Act;

28 (2) Fair and honest disclosure of records and information reasonably
29 requested by the office in the course of an investigation under the act;

30 (3) Encouraging employees to fully comply with reasonable requests
31 of the office in the course of an investigation under the act;

1 (4) Prohibition of retaliation by owners, operators, or managers
2 against employees for providing records or information or filing or
3 otherwise making a complaint to the office;

4 (5) Not requiring employees to gain supervisory approval prior to
5 filing a complaint with or providing records or information to the
6 office;

7 (6) Provision of complete and truthful answers to questions posed by
8 the office in the course of an investigation; and

9 (7) Not willfully interfering with or obstructing the investigation.

10 Sec. 32. The Office of Parole Administration shall provide the
11 Public Counsel and the Inspector General with direct computer access to
12 all computerized records, reports, and documents maintained by the office
13 in connection with administration of the Nebraska parole system, except
14 that access for the Public Counsel and the Inspector General to a
15 parolee's medical or mental health records shall be subject to the
16 parolee's consent.

17 Sec. 37. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 ~~83-1,101 The Director of Correctional Services with the consent of~~
20 ~~the Board of Parole shall appoint a Parole Administrator. The Parole~~
21 ~~Administrator , who shall be a person with appropriate experience and~~
22 ~~training, including, but not limited to, familiarity with the~~
23 ~~implementation of evidence-based processes for utilizing risk and needs~~
24 ~~assessments to measure criminal risk factors and specific individual~~
25 ~~needs in the field of corrections, or with training in relevant~~
26 ~~disciplines at a recognized university.~~

27 Sec. 43. Section 83-4,114, Revised Statutes Supplement, 2015, is
28 amended to read:

29 83-4,114 (1) There shall be no corporal punishment or disciplinary
30 restrictions on diet.

31 (2) Disciplinary restrictions on clothing, bedding, mail,

1 visitations, use of toilets, washbowls, or scheduled showers shall be
2 imposed only for abuse of such privilege or facility and only as
3 authorized by written directives, guidance documents, and operational
4 manuals.

5 (3) No person shall be placed in solitary confinement.

6 (4) The director shall issue an annual report on or before September
7 15 to the Governor and the Clerk of the Legislature. The report to the
8 Clerk of the Legislature shall be issued electronically. For all inmates
9 who were held in restrictive housing during the prior year, the report
10 shall contain the race, gender, age, and length of time each inmate has
11 continuously been held in restrictive housing. The report shall also
12 contain:

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

14 (b) The reason or reasons each inmate was held in restrictive
15 housing;

16 (c) The number of inmates held in restrictive housing who have been
17 diagnosed with a mental illness or behavioral disorder ~~as defined in~~
18 ~~section 71-907~~ and the type of mental illness or behavioral disorder by
19 inmate;

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

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

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

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

31 (5)(a) There is hereby established within the department a long-term

1 restrictive housing work group. The work group shall consist of:

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

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

5 (ii ~~iii~~) The behavioral health administrator within the department;

6 (iii ~~iv~~) Two employees of the department who currently work with
7 inmates held in restrictive housing;

8 (iv ~~v~~) Additional department staff as designated by the director;

9 and

10 (v ~~vi~~) Four members as follows appointed by the Governor:

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

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

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

18 (c) The director shall convene the work group's first meeting no
19 later than September 15, 2015, and the work group shall meet at least
20 semiannually thereafter. The chairperson shall schedule and convene the
21 work group's meetings.

22 (d) The director shall provide the work group with quarterly updates
23 on the department's policies related to the work group's subject matter.

24 2. Renumber the remaining sections, amend the repealer, and correct
25 internal references accordingly.