

ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016
COMMITTEE STATEMENT (CORRECTED)
LB426

Hearing Date: Wednesday February 18, 2015
Committee On: Judiciary
Introducer: Riepe
One Liner: Provide for violent offenders and provide powers and duties for the Director of Correctional Services, the Parole Administrator, the Board of Parole, and parole officers

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

Aye:	7	Senators Seiler, Coash, Ebke, Krist, Morfeld, Pansing Brooks, Williams
Nay:		
Absent:	1	Senator Chambers
Present Not Voting:		

Verbal Testimony:

Proponents:

SEN. MARV RIEPE
MARTIN BILEK
TODD SCHMADERER

Representing:

INTRODUCER
OMAHA MAYOR'S OFFICE
OMAHA POLICE

Opponents:

ALAN PETERSON

Representing:

ACLU NEBRASKA

Neutral:

Representing:

Summary of purpose and/or changes:

LB426 would have required the Parole Administration to supervise offenders convicted of certain violent offenses for 90 days through a mandatory electronic monitoring program.

The Parole Administration currently uses electronic monitoring for some parolees, based on risk level, but they do not monitor all parolees electronically. The Nebraska Department of Correctional Services (NDCS) also currently uses electronic monitoring during furloughs for certain offenders.

Section 1 would have amended 83-170 to define the term "violent offender" for purposes of the Nebraska Treatment and Corrections Act. The definition used in LB426 was limited to offenders convicted of first or second degree murder, manslaughter, first degree assault, kidnapping, first degree sexual assault, or robbery. The term "violent offense", for purposes of the Correctional System Overcrowding Emergency Act, refers to the same offenses.

Section 2 would have amended 83-173.01 to change provisions regarding the duties of the NDCS Director relating to the release of certain inmates. Prior to release, NDCS would be required to refer offenders convicted of the offenses defined above to the Parole Administration for electronic monitoring. Currently, only parolees are monitored by the Parole Administration, while individuals released on furlough are monitored by NDCS. This section would also have required NDCS to notify law enforcement at least two weeks before an offender convicted of a specified offense is released on furlough or parole.

Section 3 would have amended 83-184 to change provisions relating to inmate visits, furloughs, and work release by creating a new specialized furlough program for violent offenders sentenced before this act.

This section would have provided that interfering with an electronic monitoring device would constitute escape from custody. This section also would have prohibited the release on furlough or work release of anyone convicted of a specified offense without 90 days of electronic monitoring, and would have authorized NDCS to assess a fee to the offender to pay for the cost of electronic monitoring.

Section 4 would have amended 83-1,100 to change provisions regarding the duties of the Parole Administration to require the Parole Administration to develop, administer, and operate the electronic monitoring program created by this bill.

Section 5 would have amended 83-1,102 to require the Parole Administrator to hire employees or contract with private entities to develop and administer the electronic monitoring program required by this bill.

Section 6 would have amended 83-1,110 to change provisions regarding parole eligibility to require certain offenders to be subject to the electronic monitoring program created by this bill.

Section 7 would have amended 83-1,116 to change provisions regarding release on parole and conditions of parole to include the electronic monitoring program created by this bill as a condition of parole for certain offenders.

Section 8 would have amended 83-1,119 to change provisions regarding violations of parole, administrative sanctions, and reports to the Board of Parole. This section would have required a parole officer to arrest a parolee who interferes with or attempts to interfere with an electronic monitoring device.

Section 9 would repealed the sections amended by this act.

Les Seiler, Chairperson