

AMENDMENTS TO LB841

Introduced by Judiciary.

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Section 28-322, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 28-322 For purposes of sections 28-322 to 28-322.03:

6 (1) Inmate or parolee means any individual confined in a facility
7 operated by the Department of Correctional Services or a city or county
8 correctional or jail facility or under parole supervision; and

9 (2) Person means (a) an individual employed by the Department of
10 Correctional Services or by the Division of Parole Supervision ~~Office of~~
11 ~~Parole Administration~~, including any individual working in central
12 administration of the department, any individual working under contract
13 with the department, and any individual, other than an inmate's spouse,
14 to whom the department has authorized or delegated control over an inmate
15 or an inmate's activities, (b) an individual employed by a city or county
16 correctional or jail facility, including any individual working in
17 central administration of the city or county correctional or jail
18 facility, any individual working under contract with the city or county
19 correctional or jail facility, and any individual, other than an inmate's
20 spouse, to whom the city or county correctional or jail facility has
21 authorized or delegated control over an inmate or an inmate's activities,
22 and (c) an individual employed by the Office of Probation Administration
23 who performs official duties within any facility operated by the
24 Department of Correctional Services or a city or county correctional or
25 jail facility.

26 Sec. 2. Section 29-2252, Reissue Revised Statutes of Nebraska, is
27 amended to read:

1 29-2252 The administrator shall:

2 (1) Supervise and administer the office;

3 (2) Establish and maintain policies, standards, and procedures for
4 the system, with the concurrence of the Supreme Court;

5 (3) Prescribe and furnish such forms for records and reports for the
6 system as shall be deemed necessary for uniformity, efficiency, and
7 statistical accuracy;

8 (4) Establish minimum qualifications for employment as a probation
9 officer in this state and establish and maintain such additional
10 qualifications as he or she deems appropriate for appointment to the
11 system. Qualifications for probation officers shall be established in
12 accordance with subsection (4) of section 29-2253. An ex-offender
13 released from a penal complex or a county jail may be appointed to a
14 position of deputy probation or parole officer. Such ex-offender shall
15 maintain a record free of arrests, except for minor traffic violations,
16 for one year immediately preceding his or her appointment;

17 (5) Establish and maintain advanced periodic inservice training
18 requirements for the system;

19 (6) Cooperate with all agencies, public or private, which are
20 concerned with treatment or welfare of persons on probation;

21 (7) Organize and conduct training programs for probation officers.
22 Training shall include the proper use of a risk and needs assessment,
23 risk-based supervision strategies, relationship skills, cognitive
24 behavioral interventions, community-based resources, criminal risk
25 factors, and targeting criminal risk factors to reduce recidivism and the
26 proper use of a matrix of administrative sanctions, custodial sanctions,
27 and rewards developed pursuant to subdivision (18) of this section. All
28 probation officers employed on or after August 30, 2015, shall complete
29 the training requirements set forth in this subdivision;

30 (8) Collect, develop, and maintain statistical information
31 concerning probationers, probation practices, and the operation of the

1 system and provide the Community Corrections Division of the Nebraska
2 Commission on Law Enforcement and Criminal Justice with the information
3 needed to compile the report required in section 47-624;

4 (9) Interpret the probation program to the public with a view toward
5 developing a broad base of public support;

6 (10) Conduct research for the purpose of evaluating and improving
7 the effectiveness of the system. Subject to the availability of funding,
8 the administrator shall contract with an independent contractor or
9 academic institution for evaluation of existing community corrections
10 facilities and programs operated by the office;

11 (11) Adopt and promulgate such rules and regulations as may be
12 necessary or proper for the operation of the office or system. The
13 administrator shall adopt and promulgate rules and regulations for
14 transitioning individuals on probation across levels of supervision and
15 discharging them from supervision consistent with evidence-based
16 practices. The rules and regulations shall ensure supervision resources
17 are prioritized for individuals who are high risk to reoffend, require
18 transitioning individuals down levels of supervision intensity based on
19 assessed risk and months of supervision without a reported major
20 violation, and establish incentives for earning discharge from
21 supervision based on compliance;

22 (12) Transmit a report during each even-numbered year to the Supreme
23 Court on the operation of the office for the preceding two calendar years
24 which shall include a historical analysis of probation officer workload,
25 including participation in non-probation-based programs and services. The
26 report shall be transmitted by the Supreme Court to the Governor and the
27 Clerk of the Legislature. The report submitted to the Clerk of the
28 Legislature shall be submitted electronically;

29 (13) Administer the payment by the state of all salaries, travel,
30 and actual and necessary expenses incident to the conduct and maintenance
31 of the office;

1 (14) Use the funds provided under section 29-2262.07 to augment
2 operational or personnel costs associated with the development,
3 implementation, and evaluation of enhanced probation-based programs and
4 non-probation-based programs and services in which probation personnel or
5 probation resources are utilized pursuant to an interlocal agreement
6 authorized by subdivision (16) of this section and to purchase services
7 to provide such programs aimed at enhancing adult probationer or non-
8 probation-based program participant supervision in the community and
9 treatment needs of probationers and non-probation-based program
10 participants. Enhanced probation-based programs include, but are not
11 limited to, specialized units of supervision, related equipment purchases
12 and training, and programs that address a probationer's vocational,
13 educational, mental health, behavioral, or substance abuse treatment
14 needs;

15 (15) Ensure that any risk or needs assessment instrument utilized by
16 the system be periodically validated;

17 (16) Have the authority to enter into interlocal agreements in which
18 probation resources or probation personnel may be utilized in conjunction
19 with or as part of non-probation-based programs and services. Any such
20 interlocal agreement shall comply with section 29-2255;

21 (17) Collaborate with the Community Corrections Division of the
22 Nebraska Commission on Law Enforcement and Criminal Justice and the
23 Division of Parole Supervision ~~Office of Parole Administration~~ to develop
24 rules governing the participation of parolees in community corrections
25 programs operated by the Office of Probation Administration;

26 (18) Develop a matrix of rewards for compliance and positive
27 behaviors and graduated administrative sanctions and custodial sanctions
28 for use in responding to and deterring substance abuse violations and
29 technical violations. As applicable under sections 29-2266.02 and
30 29-2266.03, custodial sanctions of up to thirty days in jail shall be
31 designated as the most severe response to a violation in lieu of

1 revocation and custodial sanctions of up to three days in jail shall be
2 designated as the second most severe response;

3 (19) Adopt and promulgate rules and regulations for the creation of
4 individualized post-release supervision plans, collaboratively with the
5 Department of Correctional Services and county jails, for probationers
6 sentenced to post-release supervision; and

7 (20) Exercise all powers and perform all duties necessary and proper
8 to carry out his or her responsibilities.

9 Each member of the Legislature shall receive an electronic copy of
10 the report required by subdivision (12) of this section by making a
11 request for it to the administrator.

12 Sec. 3. Section 29-2261, Revised Statutes Supplement, 2017, is
13 amended to read:

14 29-2261 (1) Unless it is impractical to do so, when an offender has
15 been convicted of a felony other than murder in the first degree, the
16 court shall not impose sentence without first ordering a presentence
17 investigation of the offender and according due consideration to a
18 written report of such investigation. When an offender has been convicted
19 of murder in the first degree and (a) a jury renders a verdict finding
20 the existence of one or more aggravating circumstances as provided in
21 section 29-2520 or (b)(i) the information contains a notice of
22 aggravation as provided in section 29-1603 and (ii) the offender waives
23 his or her right to a jury determination of the alleged aggravating
24 circumstances, the court shall not commence the sentencing determination
25 proceeding as provided in section 29-2521 without first ordering a
26 presentence investigation of the offender and according due consideration
27 to a written report of such investigation.

28 (2) A court may order a presentence investigation in any case,
29 except in cases in which an offender has been convicted of a Class IIIA
30 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
31 infraction, or any corresponding city or village ordinance.

1 (3) The presentence investigation and report shall include, when
2 available, an analysis of the circumstances attending the commission of
3 the crime, the offender's history of delinquency or criminality, physical
4 and mental condition, family situation and background, economic status,
5 education, occupation, and personal habits, and any other matters that
6 the probation officer deems relevant or the court directs to be included.
7 All local and state police agencies and Department of Correctional
8 Services adult correctional facilities shall furnish to the probation
9 officer copies of such criminal records, in any such case referred to the
10 probation officer by the court of proper jurisdiction, as the probation
11 officer shall require without cost to the court or the probation officer.

12 Such investigation shall also include:

13 (a) Any written statements submitted to the county attorney by a
14 victim; and

15 (b) Any written statements submitted to the probation officer by a
16 victim.

17 (4) If there are no written statements submitted to the probation
18 officer, he or she shall certify to the court that:

19 (a) He or she has attempted to contact the victim; and

20 (b) If he or she has contacted the victim, such officer offered to
21 accept the written statements of the victim or to reduce such victim's
22 oral statements to writing.

23 For purposes of subsections (3) and (4) of this section, the term
24 victim shall be as defined in section 29-119.

25 (5) Before imposing sentence, the court may order the offender to
26 submit to psychiatric observation and examination for a period of not
27 exceeding sixty days or such longer period as the court determines to be
28 necessary for that purpose. The offender may be remanded for this purpose
29 to any available clinic or mental hospital, or the court may appoint a
30 qualified psychiatrist to make the examination. The report of the
31 examination shall be submitted to the court.

1 (6) Any presentence report, substance abuse evaluation, or
2 psychiatric examination shall be privileged and shall not be disclosed
3 directly or indirectly to anyone other than a judge, probation officers
4 to whom an offender's file is duly transferred, the probation
5 administrator or his or her designee, alcohol and drug counselors, mental
6 health practitioners, psychiatrists, and psychologists licensed or
7 certified under the Uniform Credentialing Act to conduct substance abuse
8 evaluations and treatment, or others entitled by law to receive such
9 information, including personnel and mental health professionals for the
10 Nebraska State Patrol specifically assigned to sex offender registration
11 and community notification for the sole purpose of using such report,
12 evaluation, or examination for assessing risk and for community
13 notification of registered sex offenders. For purposes of this
14 subsection, mental health professional means (a) a practicing physician
15 licensed to practice medicine in this state under the Medicine and
16 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
17 the practice of psychology in this state as provided in section 38-3111,
18 or (c) a practicing mental health professional licensed or certified in
19 this state as provided in the Mental Health Practice Act.

20 (7) The court shall permit inspection of the presentence report,
21 substance abuse evaluation, or psychiatric examination or parts of the
22 report, evaluation, or examination, as determined by the court, by the
23 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
24 inspection shall be by electronic access only unless the court determines
25 such access is not available to the prosecuting attorney or defense
26 counsel. The State Court Administrator shall determine and develop the
27 means of electronic access to such presentence reports, evaluations, and
28 examinations. Upon application by the prosecuting attorney or defense
29 counsel, the court may order that addresses, telephone numbers, and other
30 contact information for victims or witnesses named in the report,
31 evaluation, or examination be redacted upon a showing by a preponderance

1 of the evidence that such redaction is warranted in the interests of
2 public safety. The court may permit inspection of the presentence report,
3 substance abuse evaluation, or psychiatric examination or examination of
4 parts of the report, evaluation, or examination by any other person
5 having a proper interest therein whenever the court finds it is in the
6 best interest of a particular offender. The court may allow fair
7 opportunity for an offender to provide additional information for the
8 court's consideration.

9 (8) If an offender is sentenced to imprisonment, a copy of the
10 report of any presentence investigation, substance abuse evaluation, or
11 psychiatric examination shall be transmitted immediately to the
12 Department of Correctional Services. Upon request, the Board of Parole or
13 the Division of Parole Supervision ~~Office of Parole Administration~~ may
14 receive a copy of the report from the department.

15 (9) Notwithstanding subsections (6) and (7) of this section, the
16 Supreme Court or an agent of the Supreme Court acting under the direction
17 and supervision of the Chief Justice shall have access to psychiatric
18 examinations, substance abuse evaluations, and presentence investigations
19 and reports for research purposes. The Supreme Court and its agent shall
20 treat such information as confidential, and nothing identifying any
21 individual shall be released.

22 Sec. 4. Section 29-2935, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-2935 For purposes of evaluating the treatment process, the
25 Division of Parole Supervision ~~Office of Parole Administration~~, the
26 Department of Correctional Services, the Board of Parole, and the
27 designated aftercare treatment programs shall allow appropriate access to
28 data and information as requested by the Department of Health and Human
29 Services.

30 Sec. 5. Section 29-4019, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-4019 (1) When sentencing a person convicted of an offense which
2 requires lifetime community supervision upon release pursuant to section
3 83-174.03, the sentencing court shall:

4 (a) Provide written notice to the defendant that he or she shall be
5 subject to lifetime community supervision by the Division of Parole
6 Supervision Office ~~of Parole Administration~~ upon release from
7 incarceration or civil commitment. The written notice shall inform the
8 defendant (i) that he or she shall be subject to lifetime community
9 supervision by the division office upon release and that the division
10 office shall conduct a risk assessment and evaluation to determine the
11 conditions of community supervision which will minimize, in the least
12 restrictive manner that is compatible with public safety, the risk of the
13 defendant committing additional offenses, (ii) that a violation of any of
14 the conditions of community supervision imposed by the division office
15 may result in the revision of existing conditions, the addition of new
16 conditions, a recommendation that civil commitment proceedings should be
17 instituted, or criminal prosecution, and (iii) of his or her right to
18 challenge the determination of the conditions of community supervision by
19 the division office and the right to a periodic review of the conditions
20 of community supervision pursuant to section 83-174.03 to determine if
21 the conditions are still necessary to protect the public;

22 (b) Require the defendant to read and sign a form stating that the
23 duty of the defendant to comply with the conditions of community
24 supervision and his or her rights to challenge the conditions of
25 community supervision imposed by the division office has been explained;
26 and

27 (c) Retain a copy of the written notification signed by the
28 defendant.

29 (2) Prior to the release of a person serving a sentence for an
30 offense requiring lifetime community supervision by the Division of
31 Parole Supervision Office ~~of Parole Administration~~ pursuant to section

1 83-174.03, the Department of Correctional Services, the Department of
2 Health and Human Services, or a city or county correctional or jail
3 facility shall:

4 (a) Provide written notice to the person that he or she shall be
5 subject to lifetime community supervision by the division ~~office~~ upon
6 release from incarceration. The written notice shall inform the person
7 (i) that he or she shall be subject to lifetime community supervision by
8 the division ~~office~~ upon release and that the division ~~office~~ shall
9 conduct a risk assessment and evaluation of the defendant to determine
10 the conditions of community supervision which will minimize, in the least
11 restrictive manner that is compatible with public safety, the risk of the
12 person committing additional offenses, (ii) that a violation of any of
13 the conditions of community supervision imposed by the division ~~office~~
14 may result in the revision of existing conditions, the addition of new
15 conditions, a recommendation that civil commitment proceedings should be
16 instituted, or criminal prosecution, and (iii) of his or her right to
17 challenge the determination of the conditions of community supervision by
18 the division ~~office~~ and the right to a periodic review of the conditions
19 of community supervision pursuant to section 83-174.03 to determine if
20 the conditions are still necessary to protect the public;

21 (b) Require the defendant to read and sign a form stating that the
22 duty of the defendant to comply with the conditions of community
23 supervision and his or her right to challenge the conditions of community
24 supervision imposed by the division ~~office~~ has been explained; and

25 (c) Retain a copy of the written notification signed by the person.

26 Sec. 6. Section 47-624, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 47-624 The division shall:

29 (1) Collaborate with the Office of Probation Administration, the
30 Division of Parole Supervision ~~Office of Parole Administration~~, and the
31 Department of Correctional Services to develop and implement a plan to

1 establish statewide operation and use of a continuum of community
2 correctional facilities and programs;

3 (2) Develop, in consultation with the probation administrator and
4 the Director of Supervision and Services of the Division of Parole
5 Supervision Parole Administrator, standards for the use of community
6 correctional facilities and programs by the Nebraska Probation System and
7 the parole system;

8 (3) Collaborate with the Office of Probation Administration, the
9 Division of Parole Supervision Office of Parole Administration, and the
10 Department of Correctional Services on the development of additional
11 reporting centers as set forth in section 47-624.01;

12 (4) Analyze and promote the consistent use of offender risk
13 assessment tools;

14 (5) Educate the courts, the Board of Parole, criminal justice system
15 stakeholders, and the general public about the availability, use, and
16 benefits of community correctional facilities and programs;

17 (6) Enter into and administer contracts, if necessary, to carry out
18 the purposes of the Community Corrections Act;

19 (7) In order to ensure adequate funding for substance abuse
20 treatment programs, consult with the probation administrator and the
21 Director of Supervision and Services of the Division of Parole
22 Supervision Parole Administrator and develop or assist with the
23 development of programs as provided in subdivision (14) of section
24 29-2252 and subdivision (8) of section 83-1,102;

25 (8) Study substance abuse and mental health treatment services in
26 and related to the criminal justice system, recommend improvements, and
27 evaluate the implementation of improvements;

28 (9) Research and evaluate existing community correctional facilities
29 and programs, within the limits of available funding;

30 (10) Develop standardized definitions of outcome measures for
31 community correctional facilities and programs, including, but not

1 limited to, recidivism, employment, and substance abuse;

2 (11) Report annually to the Legislature and the Governor on the
3 development and performance of community correctional facilities and
4 programs. The report submitted to the Legislature shall be submitted
5 electronically. The report shall include, but not be limited to, the
6 following:

7 (a) A description of community correctional facilities and programs
8 currently serving offenders in Nebraska, which includes the following
9 information:

10 (i) The target population and geographic area served by each
11 facility or program, eligibility requirements, and the total number of
12 offenders utilizing the facility or program over the past year;

13 (ii) Services, programs, assessments, case management, supervision,
14 and tools provided for offenders at the facility, in the program, or
15 under the supervision of a governmental agency in any capacity;

16 (iii) The costs of operating the facility or program and the cost
17 per offender; and

18 (iv) The funding sources for the facility or program;

19 (b) The progress made in expanding community correctional facilities
20 and programs statewide and an analysis of the need for additional
21 community corrections services;

22 (c) An analysis of the impact community correctional facilities and
23 programs have on the number of offenders incarcerated within the
24 Department of Correctional Services; and

25 (d) The recidivism rates and outcome data for probationers,
26 parolees, and problem-solving-court clients participating in community
27 corrections programs;

28 (12) Grant funds to entities including local governmental agencies,
29 nonprofit organizations, and behavioral health services which will
30 support the intent of the act;

31 (13) Manage all offender data acquired by the division in a

1 confidential manner and develop procedures to ensure that identifiable
2 information is not released;

3 (14) Establish and administer grants, projects, and programs for the
4 operation of the division; and

5 (15) Perform such other duties as may be necessary to carry out the
6 policy of the state established in the act.

7 Sec. 7. Section 47-624.01, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 47-624.01 (1) The division shall collaborate with the Office of
10 Probation Administration, the Division of Parole Supervision ~~Office of~~
11 ~~Parole Administration~~, and the Department of Correctional Services in
12 developing a plan for the implementation and funding of reporting centers
13 in Nebraska.

14 (2) The plan shall include recommended locations for at least one
15 reporting center in each district court judicial district that currently
16 lacks such a center and shall prioritize the recommendations for
17 additional reporting centers based upon need.

18 (3) The plan shall also identify and prioritize the need for
19 expansion of reporting centers in those district court judicial districts
20 which currently have a reporting center but have an unmet need for
21 additional reporting center services due to capacity, distance, or
22 demographic factors.

23 Sec. 8. Section 47-627, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 47-627 The director shall develop and maintain a uniform crime data
26 analysis system in Nebraska which shall include, but need not be limited
27 to, the number of offenses, arrests, charges, probation admissions,
28 probation violations, probation discharges, participants in specialized
29 community corrections programs, admissions to and discharges from
30 problem-solving courts, admissions to and discharges from the Department
31 of Correctional Services, parole reviews, parole hearings, releases on

1 parole, parole violations, and parole discharges. The data shall be
2 categorized by statutory crime. The data shall be collected from the
3 Board of Parole, the State Court Administrator, the Department of
4 Correctional Services, the Division of Parole Supervision Office of
5 ~~Parole Administration~~, the Office of Probation Administration, the
6 Nebraska State Patrol, counties, local law enforcement, and any other
7 entity associated with criminal justice. The division and the Supreme
8 Court shall have access to such data to implement the Community
9 Corrections Act.

10 Sec. 9. Section 47-629, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 47-629 (1) The Board of Parole may parole an offender to a community
13 correctional facility or program pursuant to guidelines developed by the
14 division.

15 (2) The Department of Correctional Services and the Division of
16 Parole Supervision Office of ~~Parole Administration~~ shall utilize
17 community correctional facilities and programs as appropriate.

18 Sec. 10. Section 47-903, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 47-903 For purposes of the Office of Inspector General of the
21 Nebraska Correctional System Act, the following definitions apply:

22 (1) Administrator means a person charged with administration of a
23 program, an office, or a division of the department or administration of
24 a private agency;

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

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

27 (4) Division of Parole Supervision means the division created
28 pursuant to section 83-1,100;

29 (5) Inspector General means the Inspector General of the Nebraska
30 Correctional System appointed under section 47-904;

31 (6) ~~(5)~~ Malfeasance means a wrongful act that the actor has no legal

1 right to do or any wrongful conduct that affects, interrupts, or
2 interferes with performance of an official duty;

3 (7) (6) Management means supervision of subordinate employees;

4 (8) (7) Misfeasance means the improper performance of some act that
5 a person may lawfully do;

6 (9) (8) Obstruction means hindering an investigation, preventing an
7 investigation from progressing, stopping or delaying the progress of an
8 investigation, or making the progress of an investigation difficult or
9 slow;

10 (10) (9) Office means the office of Inspector General of the
11 Nebraska Correctional System and includes the Inspector General and other
12 employees of the office;

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

15 (11) Private agency means an entity that contracts with the
16 department or contracts to provide services to another entity that
17 contracts with the department; and

18 (12) Record means any recording in written, audio, electronic
19 transmission, or computer storage form, including, but not limited to, a
20 draft, memorandum, note, report, computer printout, notation, or message,
21 and includes, but is not limited to, medical records, mental health
22 records, case files, clinical records, financial records, and
23 administrative records.

24 Sec. 11. Section 47-908, Revised Statutes Cumulative Supplement,
25 2016, is amended to read:

26 47-908 All employees of the department, all employees of the
27 Division of Parole Supervision ~~Office of Parole Administration~~, and all
28 owners, operators, managers, supervisors, and employees of private
29 agencies shall cooperate with the office. Cooperation includes, but is
30 not limited to, the following:

31 (1) Provision of full access to and production of records and

1 information. Providing access to and producing records and information
2 for the office is not a violation of confidentiality provisions under any
3 statute, rule, or regulation if done in good faith for purposes of an
4 investigation under the Office of Inspector General of the Nebraska
5 Correctional System Act;

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

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

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

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

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

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

19 Sec. 12. Section 47-919, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 47-919 The Division of Parole Supervision Office ~~of Parole~~
22 ~~Administration~~ shall provide the Public Counsel and the Inspector General
23 with direct computer access to all computerized records, reports, and
24 documents maintained ~~by the office~~ in connection with administration of
25 the Nebraska parole system, except that access for the Public Counsel and
26 the Inspector General to a parolee's medical or mental health records
27 shall be subject to the parolee's consent.

28 Sec. 13. Section 60-1303, Revised Statutes Supplement, 2017, is
29 amended to read:

30 60-1303 (1) The Nebraska State Patrol is hereby designated as the
31 agency to operate the weighing stations and portable scales and to

1 perform carrier enforcement duties.

2 (2)(a) On and after July 20, 2002, officers of the Nebraska State
3 Patrol appointed to operate the weighing stations and portable scales and
4 to perform carrier enforcement duties shall be known as the carrier
5 enforcement division. The Superintendent of Law Enforcement and Public
6 Safety shall appoint officers of the Nebraska State Patrol to the carrier
7 enforcement division, including officers as prescribed in sections
8 81-2001 to 81-2009 and sections 19 and 20 of this act, and carrier
9 enforcement officers as prescribed in sections 60-1301 to 60-1309.

10 (b) The employees within the Nebraska State Patrol designated to
11 operate the weighing stations and portable scales and to perform carrier
12 enforcement duties before July 20, 2002, and not authorized to act under
13 subdivisions (1) through (8) of section 81-2005 shall be known as carrier
14 enforcement officers.

15 (3) All carrier enforcement officers shall be bonded or insured as
16 required by section 11-201. Premiums shall be paid from the money
17 appropriated for the construction, maintenance, and operation of the
18 state weighing stations.

19 (4) All employees of the Nebraska State Patrol who are carrier
20 enforcement officers and who are not officers of the Nebraska State
21 Patrol with the powers and duties prescribed in sections 81-2001 to
22 81-2009 and sections 19 and 20 of this act shall be members of the State
23 Employees Retirement System of the State of Nebraska. Officers of the
24 Nebraska State Patrol who are carrier enforcement officers on July 20,
25 2002, who subsequently become officers of the Nebraska State Patrol with
26 the powers and duties prescribed in sections 81-2001 to 81-2009 and
27 sections 19 and 20 of this act, and who elect to remain members of the
28 State Employees Retirement System of the State of Nebraska shall continue
29 to participate in the State Employees Retirement System of the State of
30 Nebraska. Carrier enforcement officers shall not receive any expense
31 allowance as provided for by section 81-2002.

1 (5) The Nebraska State Patrol and the Department of Transportation
2 shall have the duty, power, and authority to contract with one another
3 for the staffing and operation of weighing stations and portable scales
4 and the performance of carrier enforcement duties to ensure that there is
5 adequate personnel in the carrier enforcement division to carry out the
6 duties specified in sections 60-1301 to 60-1309. Through June 30, 2005,
7 the number of full-time equivalent positions funded pursuant to such
8 contract shall be limited to eighty-eight officers, including carrier
9 enforcement officers as prescribed in sections 60-1301 to 60-1309 and
10 officers of the Nebraska State Patrol as prescribed in sections 81-2001
11 to 81-2009 and sections 19 and 20 of this act assigned to the carrier
12 enforcement division. Pursuant to such contract, command of the personnel
13 involved in such carrier enforcement operations shall be with the
14 Nebraska State Patrol. The Department of Transportation may use any funds
15 at its disposal for its financing of such carrier enforcement activity in
16 accordance with such contract as long as such funds are used only to
17 finance those activities directly involved with the duties specified in
18 sections 60-1301 to 60-1309. The Nebraska State Patrol shall account for
19 all appropriations and expenditures related to the staffing and operation
20 of weighing stations and portable scales and the performance of carrier
21 enforcement duties in a budget program that is distinct and separate from
22 budget programs used for non-carrier-enforcement-division-related
23 activities.

24 (6) The Nebraska State Patrol may adopt, promulgate, and enforce
25 rules and regulations consistent with statutory provisions related to
26 carrier enforcement necessary for (a) the collection of fees, as outlined
27 in sections 60-3,177 and 60-3,179 to 60-3,182 and the International Fuel
28 Tax Agreement Act, (b) the inspection of licenses and permits required
29 under the motor fuel laws, and (c) weighing and inspection of buses,
30 motor trucks, truck-tractors, semitrailers, trailers, and towed vehicles.

31 Sec. 14. Section 60-1304, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 60-1304 (1) Carrier enforcement officers described in subdivision
3 (2)(b) of section 60-1303 who, on or after July 20, 2002, are transferred
4 to the Nebraska State Patrol and become officers of the Nebraska State
5 Patrol with the powers and duties prescribed in sections 81-2001 to
6 81-2009 and sections 19 and 20 of this act shall, within ninety days of
7 transfer, elect to participate in the Nebraska State Patrol Retirement
8 System or elect to remain members of the State Employees Retirement
9 System of the State of Nebraska.

10 (2) An officer who elects to become a member of the Nebraska State
11 Patrol Retirement System pursuant to this section shall (a) receive
12 eligibility and vesting credit pursuant to subsection (2) of section
13 81-2016 for his or her years of participation in the State Employees
14 Retirement System of the State of Nebraska, (b) be vested in the employer
15 account with the State Employees Retirement System of the State of
16 Nebraska regardless of his or her period of participation in the State
17 Employees Retirement System, and (c) be treated for all other purposes of
18 the Nebraska State Patrol Retirement Act as a new member of the Nebraska
19 State Patrol Retirement System.

20 (3) Transferring participation from the State Employees Retirement
21 System of the State of Nebraska to the Nebraska State Patrol Retirement
22 System pursuant to this section does not constitute a termination for
23 purposes of the State Employees Retirement Act.

24 Sec. 15. Section 71-961, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-961 (1) All records kept on any subject shall remain confidential
27 except as otherwise provided by law. Such records shall be accessible to
28 (a) the subject, except as otherwise provided in subsection (2) of this
29 section, (b) the subject's legal counsel, (c) the subject's guardian or
30 conservator, if any, (d) the mental health board having jurisdiction over
31 the subject, (e) persons authorized by an order of a judge or court, (f)

1 persons authorized by written permission of the subject, (g) agents or
2 employees of the Department of Health and Human Services upon delivery of
3 a subpoena from the department in connection with a licensing or
4 licensure investigation by the department, (h) individuals authorized to
5 receive notice of the release of a sex offender pursuant to section
6 83-174, (i) the Nebraska State Patrol or the department pursuant to
7 section 69-2409.01, or (j) the Division of Parole Supervision ~~Office of~~
8 ~~Parole Administration~~ if the subject meets the requirements for lifetime
9 community supervision pursuant to section 83-174.03.

10 (2) Upon application by the county attorney or by the administrator
11 of the treatment facility where the subject is in custody and upon a
12 showing of good cause therefor, a judge of the district court of the
13 county where the mental health board proceedings were held or of the
14 county where the treatment facility is located may order that the records
15 not be made available to the subject if, in the judgment of the court,
16 the availability of such records to the subject will adversely affect his
17 or her mental illness or personality disorder and the treatment thereof.

18 (3) When a subject is absent without authorization from a treatment
19 facility or program described in section 71-939 or 71-1223 and is
20 considered to be dangerous to others, the subject's name and description
21 and a statement that the subject is believed to be considered dangerous
22 to others may be disclosed in order to aid in the subject's apprehension
23 and to warn the public of such danger.

24 Sec. 16. Section 81-1401, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 81-1401 For purposes of sections 81-1401 to 81-1414.10, unless the
27 context otherwise requires:

28 (1) Commission means the Nebraska Commission on Law Enforcement and
29 Criminal Justice;

30 (2) Council means the Nebraska Police Standards Advisory Council;

31 (3) Director means the director of the Nebraska Law Enforcement

1 Training Center;

2 (4) Felony means a crime punishable by imprisonment for a term of
3 more than one year or a crime committed outside of Nebraska which would
4 be punishable by imprisonment for a term of more than one year if
5 committed in Nebraska;

6 (5) Handgun means any firearm with a barrel less than sixteen inches
7 in length or any firearm designed to be held and fired by the use of a
8 single hand;

9 (6) Incapacity means incapable of or lacking the ability to perform
10 or carry out the usual duties of a law enforcement officer in accordance
11 with the standards established by the commission due to physical, mental,
12 or emotional factors. Incapacity does not exist if a law enforcement
13 officer remains employed as a law enforcement officer, including
14 employment as a law enforcement officer in a restricted or limited-duty
15 status;

16 (7) Law enforcement agency means the police department or the town
17 marshal in incorporated municipalities, the office of sheriff in
18 unincorporated areas, and the Nebraska State Patrol;

19 (8)(a) Law enforcement officer means any person who is responsible
20 for the prevention or detection of crime or the enforcement of the penal,
21 traffic, or highway laws of the state or any political subdivision of the
22 state for more than one hundred hours per year and is authorized by law
23 to make arrests and includes, but is not limited to:

24 (i) A full-time or part-time member of the Nebraska State Patrol;

25 (ii) A county sheriff;

26 (iii) A full-time, part-time, or reserve employee of a county
27 sheriff's office;

28 (iv) A full-time, part-time, or reserve employee of a municipal or
29 village police agency;

30 (v) A full-time or part-time Game and Parks Commission conservation
31 officer;

1 (vi) A full-time or part-time deputy state sheriff; or

2 (vii) A full-time employee of an organized and paid fire department
3 of any city of the metropolitan class who is an authorized arson
4 investigator and whose duties consist of determining the cause, origin,
5 and circumstances of fires or explosions while on duty in the course of
6 an investigation;

7 (b) Law enforcement officer does not include employees of the
8 Department of Correctional Services, probation officers under the
9 Nebraska Probation System, parole officers appointed by the Director of
10 Supervision and Services of the Division of Parole Supervision ~~Parole~~
11 ~~Administrator~~, or employees of the Department of Revenue under section
12 77-366; and

13 (c) A law enforcement officer shall possess a valid law enforcement
14 officer certificate or diploma, as established by the council, in order
15 to be vested with the authority of this section, but this subdivision
16 does not prohibit an individual from receiving a conditional appointment
17 as an officer pursuant to subsection (2) of section 81-1414;

18 (9) Training academy means the training center or such other
19 council-approved law enforcement training facility operated and
20 maintained by a law enforcement agency which offers certification
21 training that meets or exceeds the certification training curriculum of
22 the training center;

23 (10) Training center means the Nebraska Law Enforcement Training
24 Center; and

25 (11) Training school means a public or private institution of higher
26 education, including the University of Nebraska, the Nebraska state
27 colleges, and the community colleges of this state, that offers training
28 in a council-approved pre-certification course.

29 Sec. 17. Section 81-2002.01, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 81-2002.01 On and after July 20, 2002, officers of the Nebraska

1 State Patrol appointed to the carrier enforcement division shall be
2 officers of the Nebraska State Patrol with the powers and duties as
3 prescribed in sections 81-2001 to 81-2009 and sections 19 and 20 of this
4 act and this section and shall receive training commensurate with such
5 powers and duties prior to appointment to the carrier enforcement
6 division.

7 Sec. 18. Section 81-2003, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 81-2003 The Superintendent of Law Enforcement and Public Safety is
10 hereby authorized to adopt, promulgate, and enforce rules and
11 regulations, as may be necessary to carry out the duties of the Nebraska
12 State Patrol consistent with this act, to carry out sections 81-2001 to
13 81-2009 and sections 19 and 20 of this act, including the use, purpose,
14 and contents of warning and violation cards. The Superintendent of Law
15 Enforcement and Public Safety shall adopt an official seal for the use of
16 the Nebraska State Patrol. The Superintendent of Law Enforcement and
17 Public Safety shall maintain an office or offices for law enforcement and
18 public safety in such places in the state as he or she may deem necessary
19 to properly carry out the work and the administration of laws pertaining
20 to the Nebraska State Patrol.

21 Sec. 19. (1) The Nebraska State Patrol is authorized to conduct
22 investigations of any criminal activity that takes place within any
23 correctional facility operated by the Department of Correctional
24 Services.

25 (2) On the operative date of this act, the Nebraska State Patrol
26 shall employ and have oversight over all correctional investigators
27 employed by the Department of Correctional Services.

28 (3) The Superintendent of Law Enforcement and Public Safety shall
29 conduct a study and issue a report, no later than July 1, 2019, regarding
30 whether the positions of correctional investigators of the Department of
31 Correctional Services that were transferred to the Nebraska State Patrol

1 shall become sworn employees of the patrol. The report shall be provided
2 to the Governor and electronically to the Legislature with the
3 superintendent's findings and recommendations no later than July 1, 2019.

4 (4) When the positions of correctional investigators are transferred
5 to the Nebraska State Patrol, all funds used by the Department of
6 Correctional Services for the administration of and salaries for
7 correctional investigators shall be transferred to the patrol.

8 Sec. 20. (1) If an assault occurs under section 28-929, 28-930,
9 28-931, or 28-931.01 within any correctional facility operated by the
10 Department of Correctional Services, an on-duty supervisor with the
11 department shall immediately notify an officer of the Nebraska State
12 Patrol.

13 (2)(a) The officer of the Nebraska State Patrol shall immediately
14 respond to the correctional facility where the alleged assault occurred.

15 (b) The officer shall arrest the person alleged to have committed
16 the assault if probable cause exists that there has been a violation of
17 section 28-929, 28-930, 28-931, or 28-931.01. The officer shall
18 immediately remove the person from the correctional facility and
19 transport him or her to the county correctional facility in the county
20 that will have jurisdiction over the alleged assault.

21 (c) If the person alleged to have committed the assault is currently
22 serving a sentence for a Class I or Class IA felony, the person shall not
23 be arrested and the officer shall complete all necessary reports and
24 submit them to the county attorney who will have jurisdiction over the
25 alleged assault for consideration for prosecution.

26 (d) On or before January 3, 2020, and on or before each January 3
27 thereafter, the Superintendent of Law Enforcement and Public Safety shall
28 electronically submit a report to the chairperson of the Judiciary
29 Committee of the Legislature detailing the number of responses by the
30 Nebraska State Patrol to each correctional facility operated by the
31 Department of Correctional Services for an alleged violation of section

1 28-929, 28-930, 28-931, or 28-931.01.

2 Sec. 21. Section 81-2014, Revised Statutes Supplement, 2017, is
3 amended to read:

4 81-2014 For purposes of the Nebraska State Patrol Retirement Act:

5 (1)(a) Actuarial equivalent means the equality in value of the
6 aggregate amounts expected to be received under different forms of
7 payment or to be received at an earlier retirement age than the normal
8 retirement age.

9 (b) For an officer hired before July 1, 2017, the determinations
10 shall be based on the 1994 Group Annuity Mortality Table reflecting sex-
11 distinct factors blended using seventy-five percent of the male table and
12 twenty-five percent of the female table. An interest rate of eight
13 percent per annum shall be reflected in making the determinations until
14 such percent is amended by the Legislature.

15 (c) For an officer hired on or after July 1, 2017, or rehired on or
16 after July 1, 2017, after termination of employment and being paid a
17 retirement benefit, the determinations shall be based on a unisex
18 mortality table and an interest rate specified by the board. Both the
19 mortality table and the interest rate shall be recommended by the actuary
20 and approved by the board following an actuarial experience study, a
21 benefit adequacy study, or a plan valuation. The mortality table,
22 interest rate, and actuarial factors in effect on the officer's
23 retirement date will be used to calculate actuarial equivalency of any
24 retirement benefit. Such interest rate may be, but is not required to be,
25 equal to the assumed rate of return;

26 (2) Board means the Public Employees Retirement Board;

27 (3)(a)(i) Compensation means gross wages or salaries payable to the
28 member for personal services performed during the plan year. Compensation
29 does not include insurance premiums converted into cash payments,
30 reimbursement for expenses incurred, fringe benefits, per diems, or
31 bonuses for services not actually rendered, including, but not limited

1 to, early retirement inducements, cash awards, and severance pay, except
2 for retroactive salary payments paid pursuant to court order,
3 arbitration, or litigation and grievance settlements. Compensation
4 includes overtime pay, member retirement contributions, and amounts
5 contributed by the member to plans under sections 125 and 457 of the
6 Internal Revenue Code as defined in section 49-801.01 or any other
7 section of the code which defers or excludes such amounts from income.

8 (ii) For any officer employed on or prior to January 4, 1979,
9 compensation includes compensation for unused sick leave or unused
10 vacation leave converted to cash payments.

11 (iii) For any officer employed after January 4, 1979, and prior to
12 July 1, 2016, compensation does not include compensation for unused sick
13 leave or unused vacation leave converted to cash payments and includes
14 compensation for unused holiday compensatory time and unused compensatory
15 time converted to cash payments.

16 (iv) For any officer employed on or after July 1, 2016, compensation
17 does not include compensation for unused sick leave, unused vacation
18 leave, unused holiday compensatory time, unused compensatory time, or any
19 other type of unused leave, compensatory time, or similar benefits,
20 converted to cash payments.

21 (b) Compensation in excess of the limitations set forth in section
22 401(a)(17) of the Internal Revenue Code as defined in section 49-801.01
23 shall be disregarded. For an employee who was a member of the retirement
24 system before the first plan year beginning after December 31, 1995, the
25 limitation on compensation shall not be less than the amount which was
26 allowed to be taken into account under the retirement system as in effect
27 on July 1, 1993;

28 (4) Creditable service means service granted pursuant to section
29 81-2034 and all service rendered while a contributing member of the
30 retirement system. Creditable service includes working days, sick days,
31 vacation days, holidays, and any other leave days for which the officer

1 is paid regular wages except as specifically provided in the Nebraska
2 State Patrol Retirement Act. Creditable service does not include
3 eligibility and vesting credit nor service years for which member
4 contributions are withdrawn and not repaid;

5 (5) Current benefit means the initial benefit increased by all
6 adjustments made pursuant to the Nebraska State Patrol Retirement Act;

7 (6) DROP means the deferred retirement option plan as provided in
8 section 81-2041;

9 (7) DROP account means an individual DROP participant's defined
10 contribution account under section 414(k) of the Internal Revenue Code;

11 (8) DROP period means the amount of time the member elects to
12 participate in DROP which shall be for a period not to exceed five years
13 from and after the date of the member's DROP election;

14 (9) Eligibility and vesting credit means credit for years, or a
15 fraction of a year, of participation in a Nebraska government plan for
16 purposes of determining eligibility for benefits under the Nebraska State
17 Patrol Retirement Act. Such credit shall be used toward the vesting
18 percentage pursuant to subsection (2) of section 81-2031 but shall not be
19 included as years of service in the benefit calculation;

20 (10) Hire date or date of hire means the first day of compensated
21 service subject to retirement contributions;

22 (11) Initial benefit means the retirement benefit calculated at the
23 time of retirement;

24 (12) Officer means law enforcement officer as defined in section
25 81-1401 and as provided for in sections 81-2001 to 81-2009 and sections
26 19 and 20 of this act, but does not include a law enforcement officer who
27 has been granted an appointment conditioned on satisfactory completion of
28 a training program approved by the Nebraska Police Standards Advisory
29 Council;

30 (13) Plan year means the twelve-month period beginning on July 1 and
31 ending on June 30 of the following year;

1 (14) Regular interest means interest fixed at a rate equal to the
2 daily treasury yield curve for one-year treasury securities, as published
3 by the Secretary of the Treasury of the United States, that applies on
4 July 1 of each year, which may be credited monthly, quarterly,
5 semiannually, or annually as the board may direct;

6 (15) Retirement application means the form approved and provided by
7 the retirement system for acceptance of a member's request for either
8 regular or disability retirement;

9 (16) Retirement date means (a) the first day of the month following
10 the date upon which a member's request for retirement is received on a
11 retirement application if the member is eligible for retirement and has
12 terminated employment or (b) the first day of the month following
13 termination of employment if the member is eligible for retirement and
14 has filed an application but has not yet terminated employment;

15 (17) Retirement system or system means the Nebraska State Patrol
16 Retirement System as provided in the act;

17 (18) Service means employment as a member of the Nebraska State
18 Patrol and shall not be deemed to be interrupted by (a) temporary or
19 seasonal suspension of service that does not terminate the employee's
20 employment, (b) leave of absence authorized by the employer for a period
21 not exceeding twelve months, (c) leave of absence because of disability,
22 or (d) military service, when properly authorized by the board. Service
23 does not include any period of disability for which disability retirement
24 benefits are received under subsection (1) of section 81-2025;

25 (19) Surviving spouse means (a) the spouse married to the member on
26 the date of the member's death if married for at least one year prior to
27 death or if married on the date of the member's retirement or (b) the
28 spouse or former spouse of the member if survivorship rights are provided
29 under a qualified domestic relations order filed with the board pursuant
30 to the Spousal Pension Rights Act. The spouse or former spouse shall
31 supersede the spouse married to the member on the date of the member's

1 death as provided under a qualified domestic relations order. If the
2 benefits payable to the spouse or former spouse under a qualified
3 domestic relations order are less than the value of benefits entitled to
4 the surviving spouse, the spouse married to the member on the date of the
5 member's death shall be the surviving spouse for the balance of the
6 benefits; and

7 (20) Termination of employment occurs on the date on which the
8 Nebraska State Patrol determines that the officer's employer-employee
9 relationship with the patrol is dissolved. The Nebraska State Patrol
10 shall notify the board of the date on which such a termination has
11 occurred. Termination of employment does not include ceasing employment
12 with the Nebraska State Patrol if the officer returns to regular
13 employment with the Nebraska State Patrol or another agency of the State
14 of Nebraska and there are less than one hundred twenty days between the
15 date when the employee's employer-employee relationship ceased and the
16 date when the employer-employee relationship commenced with the Nebraska
17 State Patrol or another state agency. Termination of employment does not
18 occur upon an officer's participation in DROP pursuant to section
19 81-2041. It is the responsibility of the employer that is involved in the
20 termination of employment to notify the board of such change in
21 employment and provide the board with such information as the board deems
22 necessary. If the board determines that termination of employment has not
23 occurred and a retirement benefit has been paid to a member of the
24 retirement system pursuant to section 81-2026, the board shall require
25 the member who has received such benefit to repay the benefit to the
26 retirement system.

27 Sec. 22. Section 83-170, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 83-170 As used in the Nebraska Treatment and Corrections Act, unless
30 the context otherwise requires:

31 ~~(1) Administrator means the Parole Administrator;~~

1 ~~(1) (2)~~ Board means the Board of Parole;

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

7 ~~(3) (4)~~ Department means the Department of Correctional Services;

8 ~~(4) (5)~~ Director means the Director of Correctional Services;

9 ~~(5) Director of Supervision and Services means the Director of~~
10 ~~Supervision and Services appointed pursuant to section 83-1,101;~~

11 (6) Facility means any prison, reformatory, training school,
12 reception center, community guidance center, group home, or other
13 institution operated by the department;

14 (7) Good time means any reduction of sentence granted pursuant to
15 sections 83-1,107 and 83-1,108;

16 (8) Maximum term means the maximum sentence provided by law or the
17 maximum sentence imposed by a court, whichever is shorter;

18 (9) Minimum term means the minimum sentence provided by law or the
19 minimum sentence imposed by a court, whichever is longer;

20 (10) Pardon authority means the power to remit fines and forfeitures
21 and to grant respites, reprieves, pardons, or commutations;

22 (11) Parole term means the time from release on parole to the
23 completion of the maximum term, reduced by good time;

24 (12) Person committed to the department means any person sentenced
25 or committed to a facility within the department;

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

30 (14) Solitary confinement means the status of confinement of an
31 inmate in an individual cell having solid, soundproof doors and which

1 deprives the inmate of all visual and auditory contact with other
2 persons.

3 Sec. 23. Section 83-171, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 83-171 There is hereby created a Department of Correctional Services
6 which shall:

7 (1) Maintain and administer facilities required for the custody,
8 control, correctional treatment, and rehabilitation of persons committed
9 to the department and for the safekeeping of such other persons as may be
10 remanded to the department in accordance with law;

11 (2) Develop policies and programs for the correctional treatment and
12 rehabilitation of persons committed to the department;

13 (3) Supervise parolees who have been committed to the department;
14 and

15 (4) Until July 1, 2016, administer parole services in the facilities
16 and in the community and, beginning July 1, 2016, cooperate with the
17 Board of Parole and Division of Parole Supervision ~~Office of Parole~~
18 ~~Administration~~ to assist with the efficient administration of parole
19 services in the facilities and in the community.

20 Sec. 24. Section 83-174.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
23 convicted of or completes a term of incarceration for a registrable
24 offense under section 29-4003 and has a previous conviction for a
25 registrable offense under such section, (b) is convicted of sexual
26 assault of a child in the first degree pursuant to section 28-319.01, or
27 (c) is convicted of or completes a term of incarceration for an
28 aggravated offense as defined in section 29-4001.01, shall, upon
29 completion of his or her term of incarceration or release from civil
30 commitment, be supervised in the community by the Division of Parole
31 Supervision ~~Office of Parole Administration~~ for the remainder of his or

1 her life.

2 (2) Notice shall be provided to the division ~~Office of Parole~~
3 ~~Administration~~ by an agency or political subdivision which has custody of
4 an individual required to be supervised in the community pursuant to
5 subsection (1) of this section at least sixty days prior to the release
6 of such individual from custody.

7 (3) Individuals required to be supervised in the community pursuant
8 to subsection (1) of this section shall undergo a risk assessment and
9 evaluation by the division ~~Office of Parole Administration~~ to determine
10 the conditions of community supervision to be imposed to best protect the
11 public from the risk that the individual will reoffend.

12 (4) Conditions of community supervision imposed on an individual by
13 the division ~~Office of Parole Administration~~ may include the following:

14 (a) Drug and alcohol testing if the conviction resulting in the
15 imposition of community supervision involved the use of drugs or alcohol;

16 (b) Restrictions on employment and leisure activities necessary to
17 minimize interaction with potential victims;

18 (c) Requirements to report regularly to the individual's community
19 supervision officer;

20 (d) Requirements to reside at a specified location and notify the
21 individual's community supervision officer of any change in address or
22 employment;

23 (e) A requirement to allow the division ~~Office of Parole~~
24 ~~Administration~~ access to medical records from the individual's current
25 and former providers of treatment;

26 (f) A requirement that the individual submit himself or herself to
27 available medical, psychological, psychiatric, or other treatment,
28 including, but not limited to, polygraph examinations; or

29 (g) Any other conditions designed to minimize the risk of
30 recidivism, including, but not limited to, the use of electronic
31 monitoring, which are not unduly restrictive.

1 Sec. 25. Section 83-174.04, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-174.04 An individual who violates one or more of the conditions
4 of community supervision established for him or her pursuant to section
5 83-174.03 shall undergo a review by the Division of Parole Supervision
6 ~~Office of Parole Administration~~ to evaluate the risk posed to the public
7 by the violation in question. The division ~~office~~ may take any of the
8 following actions in response to a violation of conditions of community
9 supervision:

10 (1) Revise or impose additional conditions of community supervision
11 in order to minimize the risk to the public from the continued presence
12 of the individual in the community;

13 (2) Forward to the Attorney General or the county attorney in the
14 county where the individual resides a request to initiate a criminal
15 prosecution for failure to comply with the terms of community
16 supervision; or

17 (3) Forward to the county attorney or Attorney General a
18 recommendation that civil commitment proceedings be instituted with
19 respect to the individual.

20 Sec. 26. Section 83-174.05, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.05 Failure to comply with the conditions of community
23 supervision imposed by the Division of Parole Supervision ~~Office of~~
24 ~~Parole Administration~~ is a Class IV felony for the first offense and a
25 Class III felony for any subsequent offense.

26 Sec. 27. Section 83-182.01, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-182.01 (1) Structured programming shall be planned for all adult
29 persons committed to the department. The structured programming shall
30 include any of the following: Work programs, vocational training,
31 behavior management and modification, money management, and substance

1 abuse awareness, counseling, or treatment. Programs and treatment
2 services shall address:

3 (a) Behavioral impairments, severe emotional disturbances, and other
4 mental health or psychiatric disorders;

5 (b) Drug and alcohol use and addiction;

6 (c) Health and medical needs;

7 (d) Education and related services;

8 (e) Counseling services for persons committed to the department who
9 have been physically or sexually abused;

10 (f) Work ethic and structured work programs;

11 (g) The development and enhancement of job acquisition skills and
12 job performance skills; and

13 (h) Cognitive behavioral intervention.

14 Structured programming may also include classes and activities
15 organized by inmate self-betterment clubs, cultural clubs, and other
16 inmate-led or volunteer-led groups.

17 (2) The goal of such structured programming is to provide the skills
18 necessary for the person committed to the department to successfully
19 return to his or her home or community or to a suitable alternative
20 community upon his or her release from the adult correctional facility.
21 The Legislature recognizes that many inmate self-betterment clubs and
22 cultural clubs help achieve this goal by providing constructive
23 opportunities for personal growth.

24 (3) If a person committed to the department refuses to participate
25 in the structured programming described in subsection (1) of this
26 section, he or she shall be subject to disciplinary action, except that a
27 person committed to the department who refuses to participate in
28 structured programming consisting of classes and activities organized by
29 inmate self-betterment clubs, cultural clubs, or other inmate-led or
30 volunteer-led groups shall not be subject to disciplinary action.

31 (4) Any person committed to the department who is qualified by

1 reason of education, training, or experience to teach academic or
2 vocational classes may be given the opportunity to teach such classes to
3 committed offenders as part of the structured programming described in
4 this section.

5 (5) The department shall evaluate the quality of programs funded by
6 the department. The evaluation shall focus on whether program
7 participation reduces recidivism. Subject to the availability of funding,
8 the department may contract with an independent contractor or academic
9 institution for each program evaluation. Each program evaluation shall be
10 standardized and shall include a site visit, interviews with key staff,
11 interviews with offenders, group observation, if applicable, and review
12 of materials used for the program. The evaluation shall include adherence
13 to concepts that are linked with program effectiveness, such as program
14 procedures, staff qualifications, and fidelity to the program model of
15 delivering offender assessment and treatment. Each program evaluation
16 shall also include feedback to the department concerning program
17 strengths and weaknesses and recommendations for better adherence to
18 evidence-based programming.

19 (6) Within thirty days after receiving written notice as required by
20 subsection (3) of section 83-1,114 from the board, deferring a committed
21 offender for release on parole, the department shall provide any
22 recommended treatment or programming recommended by the board. If the
23 committed offender denies or refuses to participate in any treatment or
24 programming, the department shall obtain a written statement from the
25 committed offender in which the committed offender expresses his or her
26 refusal to participate and any reasons relevant to his or her decision
27 and shall provide the written statement to the Office of Inspector
28 General of the Nebraska Correctional System. An annual report shall also
29 be provided by the department to the office regarding any committed
30 offender deferred by parole with information on programming received,
31 programming rejected, programming denied, and the reasons why programming

1 was not received or was denied.

2 Sec. 28. Section 83-184, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 83-184 (1) When the conduct, behavior, mental attitude, and
5 conditions indicate that a person committed to the department and the
6 general society of the state will be benefited, and there is reason to
7 believe that the best interests of the people of the state and the person
8 committed to the department will be served thereby, in that order, and
9 upon the recommendation of the board in the case of each committed
10 offender, the director may authorize such person, under prescribed
11 conditions, to:

12 (a) Visit a specifically designated place or places and return to
13 the same or another facility. An extension of limits may be granted to
14 permit a visit to a dying relative, attendance at the funeral of a
15 relative, the obtaining of medical services, the contacting of
16 prospective employers, or for any other reason consistent with the public
17 interest;~~or~~

18 (b) Work at paid employment or participate in a training program in
19 the community on a voluntary basis whenever:

20 (i) Such paid employment will not result in the displacement of
21 employed workers, or be applied in skills, crafts, or trades in which
22 there is a surplus of available gainful labor in the locality, or impair
23 existing contracts for services; and

24 (ii) The rates of pay and other conditions of employment will not be
25 less than those paid or provided for work of similar nature in the
26 locality in which the work is to be performed; or -

27 (c) Leave the facility to participate in substance abuse evaluations
28 or treatment, attend rehabilitative programming or treatment, seek
29 residency or employment, or participate in structured programming as
30 provided in section 83-182.01 and return to the same or another facility.

31 The department shall collaborate with community-based providers to

1 enhance the availability of community-based options for such
2 participation that meet the department's requirements for rehabilitative
3 programming or treatment or structured programming.

4 (2) The wages earned by a person authorized to work at paid
5 employment in the community under the provisions of this section shall be
6 credited by the chief executive officer of the facility to such person's
7 wage fund. The director shall authorize the chief executive officer to
8 withhold up to five percent of such person's net wages. The funds
9 withheld pursuant to this subsection shall be remitted to the State
10 Treasurer for credit as provided in subsection (2) of section 33-157.

11 (3) A person authorized to work at paid employment in the community
12 ~~under the provisions of~~ this section may be required to pay, and the
13 director is authorized to collect, such costs incident to the person's
14 confinement as the director deems appropriate and reasonable. Collections
15 shall be deposited in the state treasury as miscellaneous receipts.

16 (4) A person authorized to work at paid employment in the community
17 ~~under the provisions of~~ this section may be required to pay restitution.
18 The director shall adopt and promulgate rules and regulations which will
19 protect the committed offender's rights to due process and govern the
20 collection of restitution as provided in section 83-184.01.

21 (5) The willful failure of a person to remain within the extended
22 limits of his or her confinement or to return within the time prescribed
23 to a facility designated by the director may be deemed an escape from
24 custody punishable as provided in section 28-912.

25 (6) No person employed in the community ~~under the provisions of~~ this
26 section or otherwise released shall, while working in such employment in
27 the community or going to or from such employment or during the time of
28 such release, be deemed to be an agent, employee, or servant of the
29 state.

30 Sec. 29. Section 83-191, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-191 The members of the Board of Parole shall devote full time to
2 their duties with such board and shall not engage in any other business
3 or profession or hold any other public office. No member shall, at the
4 time of his or her appointment or during his or her tenure, serve as the
5 representative of any political party or of any executive committee or
6 governing body thereof or as an executive officer or employee of any
7 political party, organization, association, or committee. A member shall
8 resign from the board upon filing as a candidate for any elective public
9 office. Each member of the board shall receive an annual salary to be
10 fixed by the Governor. ~~Such~~ ~~On and after July 1, 1993,~~ such salaries
11 shall be paid in equal monthly portions.

12 Sec. 30. Section 83-192, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 83-192 (1) The Board of Parole shall:

15 (a) Determine the time of release on parole of committed offenders
16 eligible for such release;

17 (b) Fix the conditions of parole, revoke parole, issue or authorize
18 the issuance of warrants for the arrest of parole violators, and impose
19 other sanctions short of revocation for violation of conditions of
20 parole;

21 (c) Determine the time of mandatory discharge from parole;

22 (d) Visit and inspect any facility, state or local, for the
23 detention of persons charged with or convicted of an offense and for the
24 safekeeping of such other persons as may be remanded to such facility in
25 accordance with law;

26 (e) Within two years after July 1, 2006, implement the utilization
27 of a validated risk and needs assessment in coordination with the
28 Department of Correctional Services and the Division of Parole
29 Supervision ~~Office of Parole Administration~~. The assessment shall be
30 prepared and completed by the department or the division ~~office~~ for use
31 by the board in determining release on parole;

1 (f) Review the record of every parole-eligible committed offender
2 annually when he or she is within three years of his or her earliest
3 parole eligibility date. as follows:

4 (i) ~~If a committed offender has a parole eligibility date within~~
5 ~~five years of his or her date of incarceration, his or her record shall~~
6 ~~be reviewed annually;~~

7 (ii) ~~If a committed offender has a parole eligibility date which is~~
8 ~~more than five but not more than ten years from his or her date of~~
9 ~~incarceration, his or her record shall be reviewed during the first year~~
10 ~~of incarceration, and when he or she is within three years of his or her~~
11 ~~earliest parole eligibility date, his or her record shall be reviewed~~
12 ~~annually;~~

13 (iii) ~~If a committed offender has a parole eligibility date which is~~
14 ~~more than ten but not more than thirty years from his or her date of~~
15 ~~incarceration, his or her record shall be reviewed during the first year~~
16 ~~of incarceration, every five years thereafter until he or she is within~~
17 ~~five years of his or her earliest parole eligibility date, and annually~~
18 ~~thereafter;~~

19 (iv) ~~If a committed offender has a parole eligibility date which is~~
20 ~~more than thirty years from his or her date of incarceration, his or her~~
21 ~~record shall be reviewed during his or her first, tenth, and twentieth~~
22 ~~year of incarceration, and when he or she is within five years of his or~~
23 ~~her earliest parole eligibility date, his or her record shall be reviewed~~
24 ~~annually; and~~

25 (v) ~~If a committed offender is serving a minimum life sentence, his~~
26 ~~or her record shall be reviewed during the first year of incarceration~~
27 ~~and every ten years thereafter until such time as the sentence is~~
28 ~~commuted. If such sentence is commuted, the committed offender's record~~
29 ~~shall be reviewed annually when he or she is within five years of his or~~
30 ~~her earliest parole eligibility date.~~

31 ~~Such review shall include the circumstances of the offense, the~~

1 ~~presentence investigation report, the committed offender's previous~~
2 ~~social history and criminal record, his or her conduct, employment, and~~
3 ~~attitude during commitment, and the reports of such physical and mental~~
4 ~~examinations as have been made. The board shall meet with such committed~~
5 ~~offender and counsel him or her concerning his or her progress and~~
6 ~~prospects for future parole.~~

7 The review schedule shall be based on court-imposed sentences or
8 statutory minimum sentences, whichever are greater. The board is not
9 required to review the record of a committed offender when the committed
10 offender's parole eligibility date is within one month of his or her
11 mandatory discharge date. Nothing in such schedule shall prohibit the
12 board from reviewing a committed offender's case at any time;

13 (g) Appoint and remove all employees of the board as prescribed by
14 the State Personnel System and delegate appropriate powers and duties to
15 them; ~~and~~

16 (h) Adopt and promulgate rules and regulations; and

17 (i) Exercise all powers and perform all duties necessary and proper
18 in carrying out its responsibilities of the board under the Nebraska
19 Treatment and Corrections Act.

20 (2) The chairperson of the board shall:

21 (a) Supervise the administration and operation of the board;

22 (b) Serve in an advisory capacity to the director in administering
23 parole services within any facility ~~and in the community;~~

24 (c) Interpret the parole program to the public with a view toward
25 developing a broad base of public support;

26 (d) Conduct research for the purpose of evaluating and improving the
27 effectiveness of the parole system;

28 (e) Recommend parole legislation to the Governor;

29 (f) Adopt and promulgate rules and regulations for the
30 administration and operation of the board; and

31 (g) Exercise all other powers and perform all other duties necessary

1 and proper in carrying out his or her responsibilities as chairperson.

2 (3) This section does ~~The provisions of this section shall not~~
3 prohibit a committed offender from requesting that the board review his
4 or her record, except that the board is not ~~shall not be~~ required to
5 review a committed offender's record more than once a year.

6 Sec. 31. The Board of Parole Grant Awards Cash Fund is created. All
7 funds received by virtue of public grants awarded to the Board of Parole
8 shall be remitted to the State Treasurer for credit to the fund. The fund
9 shall be utilized by the board for the purposes stated in the individual
10 grant applications and awards. Any money in the fund available for
11 investment shall be invested by the state investment officer pursuant to
12 the Nebraska Capital Expansion Act and the Nebraska State Funds
13 Investment Act.

14 Sec. 32. Section 83-198, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 83-198 A person shall be guilty of a Class IV felony if he or she
17 threatens or attempts to threaten harm to a member or an employee of the
18 Board of Parole with the purpose to influence a ~~his~~ decision, an opinion,
19 a recommendation, a vote, or any other exercise of discretion as member
20 or employee of the board or if he or she privately addresses to any
21 member or employee of the board any representation, entreaty, argument,
22 or other communication designed to influence the outcome of any matter
23 which is or may come before the board on the basis of considerations
24 other than those authorized by law, ~~and shall be guilty of a Class IV~~
25 ~~felony.~~

26 Sec. 33. Section 83-1,100, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-1,100 (1) There is hereby created the Division of Parole
29 Supervision Office of Parole Administration. Until July 1, 2016, the
30 office shall be within the Department of Correctional Services. Beginning
31 July 1, 2016, the office shall be within the Board of Parole. The

1 ~~director and the board shall jointly develop a transition implementation~~
2 ~~plan. The plan shall be presented to the Governor and to the Legislature~~
3 ~~no later than December 1, 2015. The report to the Legislature shall be~~
4 ~~delivered electronically. The employees of the division office shall~~
5 ~~consist of the Director of Supervision and Services Parole Administrator,~~
6 ~~the field parole service officers, and all other division staff. The~~
7 ~~division office staff. The office shall be responsible for the following:~~

- 8 (a) The administration of parole services in the community;
9 (b) The maintenance of all records and files associated with the
10 Board of Parole;
11 (c) The daily supervision and training of staff members of the
12 division office, including training regarding evidence-based practices in
13 supervision pursuant to section 83-1,100.02; and
14 (d) The assessment, evaluation, and supervision of individuals who
15 are subject to parole supervision, including lifetime community
16 supervision pursuant to section 83-174.03.

17 (2) Parole officers shall be compensated with salaries substantially
18 equal to other state employees who have similar responsibilities,
19 including employees of the Office of Probation Administration. This
20 subsection shall apply only to field parole service officers and support
21 staff and shall not apply to the Director of Supervision and Services
22 ~~Parole Administrator, any deputy parole administrator, or any other~~
23 ~~management-level similarly established management position.~~

24 (3) ~~This section does not prohibit the division~~ Nothing in this
25 ~~section shall be construed to prohibit the office~~ from maintaining daily
26 records and files associated with the Board of Pardons.

27 Sec. 34. Section 83-1,100.02, Revised Statutes Cumulative
28 Supplement, 2016, is amended to read:

29 83-1,100.02 (1) For purposes of this section:

30 (a) Levels of supervision means the determination of the following
31 for each person on parole:

1 (i) Supervision contact requirements, including the frequency,
2 location, methods, and nature of contact with the parole officer;

3 (ii) Substance abuse testing requirements and frequency;

4 (iii) Contact restrictions;

5 (iv) Curfew restrictions;

6 (v) Access to available programs and treatment, with priority given
7 to moderate-risk and high-risk parolees; and

8 (vi) Severity of graduated responses to violations of supervision
9 conditions; and

10 (b) Risk and needs assessment means an actuarial tool that has been
11 validated in Nebraska to determine the likelihood of the parolee engaging
12 in future criminal behavior.

13 (2) The Division of Parole Supervision ~~Office of Parole~~
14 ~~Administration~~ shall establish an evidence-based process that utilizes a
15 risk and needs assessment to measure criminal risk factors and specific
16 individual needs.

17 (3) The risk and needs assessment shall be performed at the
18 commencement of the parole term and every six months thereafter by
19 division ~~office~~ staff trained and certified in the use of the risk and
20 needs assessment.

21 (4) The ~~office shall test the~~ validity of the risk and needs
22 assessment shall be tested at least every five years.

23 (5) Based on the results of the risk and needs assessment, the
24 division ~~office~~ shall ~~determine levels of supervision to~~ target parolee
25 criminal risk and need factors by focusing sanction, program, and
26 treatment resources on moderate-risk and high-risk parolees.

27 (6) The division ~~office~~ shall provide training to its parole
28 officers on use of a risk and needs assessment, risk-based supervision
29 strategies, relationship skills, cognitive behavioral interventions,
30 community-based resources, criminal risk factors, targeting criminal risk
31 factors to reduce recidivism, and proper use of a matrix of

1 administrative sanctions, custodial sanctions, and rewards developed
2 pursuant to section 83-1,119. All parole officers employed on August 30,
3 2015, shall complete the training requirements set forth in this
4 subsection on or before January 1, 2017. Each parole officer hired on or
5 after August 30, 2015, shall complete the training requirements set forth
6 in this subsection within one year after his or her hire date.

7 (7) The division ~~office~~ shall provide training for chief parole
8 officers to become trainers so as to ensure long-term and self-sufficient
9 training capacity in the state.

10 Sec. 35. Section 83-1,101, Revised Statutes Cumulative Supplement,
11 2016, is amended to read:

12 83-1,101 The Board of Parole shall appoint a Director of Supervision
13 and Services ~~who Parole Administrator. The Parole Administrator~~ shall be
14 a person with appropriate experience and training, including, but not
15 limited to, familiarity with the implementation of evidence-based
16 processes for utilizing risk and needs assessments to measure criminal
17 risk factors and specific individual needs.

18 Sec. 36. Section 83-1,102, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,102 The Director of Supervision and Services ~~Parole~~
21 ~~Administrator~~ shall:

22 (1) Supervise and administer the Division of Parole Supervision
23 ~~Office of Parole Administration~~;

24 (2) Establish and maintain policies, standards, and procedures for
25 the field parole service and the community supervision of sex offenders
26 pursuant to section 83-174.03;

27 (3) Divide the state into parole districts and appoint district
28 parole officers, ~~deputy parole officers, if required,~~ and such other
29 employees as may be required to carry out adequate parole supervision of
30 all parolees, prescribe their powers and duties, and obtain division
31 offices ~~office quarters~~ for staff in each district as may be necessary;

1 (4) Cooperate with the Board of Parole, the courts, the Community
2 Corrections Division of the Nebraska Commission on Law Enforcement and
3 Criminal Justice, and all other agencies, public and private, which are
4 concerned with the treatment or welfare of persons on parole;

5 (5) Provide the Board of Parole and district judges with any record
6 of a parolee which the board or such judges ~~it~~ may require;

7 (6) Make recommendations to the Board of Parole or district judge in
8 cases of violation of the conditions of parole, issue warrants for the
9 arrest of parole violators when so instructed by the board or district
10 judge, notify the Director of Correctional Services of determinations
11 made by the board, and upon instruction of the board, issue certificates
12 of parole and of parole revocation to the facilities and certificates of
13 discharge from parole to parolees;

14 (7) Organize and conduct training programs for the district parole
15 officers and other employees;

16 (8) Use the funds provided under section 83-1,107.02 to augment
17 operational or personnel costs associated with the development,
18 implementation, and evaluation of enhanced parole-based programs and
19 purchase services to provide such programs aimed at enhancing adult
20 parolee supervision in the community and treatment needs of parolees.
21 Such enhanced parole-based programs include, but are not limited to,
22 specialized units of supervision, related equipment purchases and
23 training, and programs that address a parolee's vocational, educational,
24 mental health, behavioral, or substance abuse treatment needs, including
25 evidence-based peer and family support programs;

26 (9) Ensure that any risk or needs assessment instrument utilized by
27 the system be periodically validated;

28 (10) Report annually to the Governor and electronically to the Clerk
29 of the Legislature beginning January 1, 2015, the number of parole
30 revocations and the number of technical violations of parole; and

31 (11) Exercise all powers and perform all duties necessary and proper

1 in carrying out his or her responsibilities.

2 Sec. 37. Section 83-1,103, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-1,103 The field parole service, consisting of district parole
5 officers and ~~deputy parole officers~~ working under the direction of the
6 Director of Supervision and Services ~~Parole Administrator~~ or district
7 judge, shall be responsible for the investigation, supervision, and
8 assistance of parolees, probationers, or individuals subject to community
9 supervision under section 83-174.03. The field parole service shall be
10 sufficient in size to assure that no district parole officer carries a
11 case load larger than is compatible with adequate parole investigation or
12 supervision.

13 Sec. 38. Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,103.01 A parole officer assigned by the Director of Supervision
16 and Services ~~administrator~~ to supervise individuals subject to lifetime
17 community supervision pursuant to section 83-174.03 shall:

18 (1) Make investigations, prior to an individual subject to community
19 supervision being released from incarceration, in cooperation with
20 institutional caseworkers at prisons, mental health facilities, and
21 county jails, to determine the community supervision conditions necessary
22 to protect the public and make reasonable advance preparation for release
23 into the community;

24 (2) Assist individuals subject to community supervision to comply
25 with the conditions of supervision and to make a successful adjustment in
26 the community;

27 (3) Supervise individuals subject to community supervision by
28 keeping informed of their conduct and condition;

29 (4) Make reports as required by the Director of Supervision and
30 Services ~~administrator~~ to determine the effectiveness of community
31 supervision in protecting the public or the progress of an individual

1 subject to community supervision;

2 (5) Cooperate with social welfare agencies and treatment providers
3 to ensure that individuals subject to community supervision receive any
4 necessary services or treatment;

5 (6) Inform the Director of Supervision and Services administrator
6 when, in the opinion of the community supervision officer, an individual
7 is in violation of the conditions of his or her community supervision,
8 and whenever necessary exercise the power of arrest as provided in
9 section 83-1,102;

10 (7) Conduct periodic reviews of the conditions of community
11 supervision imposed on an individual as required by the Director of
12 Supervision and Services administrator; and

13 (8) Exercise all powers and perform all duties necessary and proper
14 in carrying out his or her responsibilities.

15 Sec. 39. Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 83-1,103.02 (1) Prior to the release from incarceration of an
18 individual subject to lifetime community supervision pursuant to section
19 83-174.03, the Division of Parole Supervision ~~Office of Parole~~
20 ~~Administration~~ shall:

21 (a) Notify the individual in writing that he or she is subject to
22 community supervision upon completion of his or her criminal sentence;

23 (b) Inform the individual subject to community supervision of the
24 process by which conditions of community supervision are determined and
25 his or her right to submit relevant information to the division office
26 for consideration when establishing the conditions of supervision;

27 (c) Determine the individual's risk of recidivism if released into
28 the community, utilizing a validated risk assessment tool;

29 (d) After considering the information required in subdivision (e) of
30 this subsection, determine the conditions of supervision which will most
31 effectively minimize the risk of the individual committing another sex

1 offense. The conditions shall be the least restrictive conditions
2 available, in terms of the effect on the individual's personal freedom,
3 which minimize the risk of recidivism and are compatible with public
4 safety; and

5 (e) In determining the conditions of supervision to be imposed, the
6 division office shall consider the following:

7 (i) A report prepared by the institutional caseworkers relating to
8 the individual's personality, social history, and adjustment to authority
9 and including any recommendations which the staff of the facility may
10 make;

11 (ii) All official reports of the individual's prior criminal record,
12 including reports and records of earlier probation and parole
13 experiences;

14 (iii) The presentence investigation report;

15 (iv) The reports of any physical, mental, and psychiatric
16 examinations of the individual;

17 (v) Any relevant information which may be submitted by the
18 individual, his or her attorney, the victim of the crime, or other
19 persons; and

20 (vi) Such other relevant information concerning the individual as
21 may be reasonably available.

22 (2) Upon completion of the risk assessment and the determination of
23 the conditions of community supervision and no later than thirty days
24 prior to the completion of the individual's criminal sentence, the
25 division Office of Parole Administration shall issue a certificate of
26 community supervision to the individual containing the conditions of
27 community supervision he or she will be required to comply with upon the
28 completion of his or her criminal sentence. The Director of Supervision
29 and Services administrator shall include with the certificate written
30 information on how to appeal the determination of the conditions of
31 community supervision.

1 Sec. 40. Section 83-1,103.03, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 83-1,103.03 The Division of Parole Supervision ~~Office of Parole~~
4 ~~Administration~~ shall review the conditions of community supervision
5 imposed on an individual pursuant to section 83-174.03 on an annual basis
6 and shall provide the individual the opportunity to submit written
7 materials to the division ~~office~~ for consideration during such review.

8 If the division ~~office~~ determines, after reviewing the individual's
9 conduct while under supervision and any other relevant facts, that one or
10 more of the conditions of community supervision imposed upon the
11 individual is no longer necessary to reduce the risk of the individual
12 reoffending or is no longer the least restrictive condition compatible
13 with public safety, the division ~~office~~ shall revise the conditions of
14 community supervision so that the individual's freedom is not
15 unnecessarily restricted.

16 Sec. 41. Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 83-1,103.04 (1) Whenever a determination or revision of the
19 conditions of community supervision is made by the Division of Parole
20 Supervision ~~Office of Parole Administration~~, the individual subject to
21 the conditions shall be entitled to an appeal. The appeal shall be heard
22 by the district court in the county where the individual resides. The
23 individual shall be informed of his or her right to request counsel, and
24 if counsel is requested the court shall determine if the individual is
25 indigent. If the court finds the individual to be indigent, it shall
26 appoint counsel from the public defender's office to represent the
27 individual during the appeal.

28 (2) In an appeal contesting the determination or revision of the
29 conditions of community supervision, the burden of proof shall be on the
30 individual subject to community supervision to show by clear and
31 convincing evidence (a) that the conditions in question will not reduce

1 the risk of the individual reoffending or otherwise protect the public or
2 (b) that the condition is overly restrictive of the individual's freedom
3 and a less restrictive condition is available which is equally or more
4 effective in reducing the risk of the individual reoffending.

5 Sec. 42. Section 83-1,104, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 83-1,104 A district parole officer shall:

8 (1) Make investigations, prior to a committed offender's release on
9 parole, in cooperation with institutional caseworkers and the Board of
10 Parole to determine the adequacy of parole plans and make reasonable
11 advance preparation for release on parole;

12 (2) Assist a committed offender who requests assistance prior to
13 release or a parolee to comply with the conditions of parole and to make
14 a successful adjustment in the community, including facilitating the
15 transitional needs of housing and employment, access to and participation
16 in job training services in the community, access to mental health
17 services, assisting with applications for health care coverage or
18 ensuring that the committed offender or parolee knows how to apply for
19 and obtain health care coverage, and assisting with enrollment in the
20 medical assistance program established pursuant to the Medical Assistance
21 Act, if eligible, to ensure that the committed offender or parolee has
22 access to such program close to the time of release or soon thereafter;

23 (3) Supervise parolees by keeping informed of their conduct and
24 condition, utilizing global positioning systems and other monitoring
25 technology as needed during the period of supervision;

26 (4) Make such reports as required by the Director of Supervision and
27 Services ~~Parole Administrator~~ or district judge to determine the
28 effectiveness of the parole system or the progress of an individual
29 parolee;

30 (5) Cooperate with social welfare agencies;

31 (6) Observe the work of any ~~deputy~~ parole officer under his or her

1 supervision from time to time;

2 (7) Inform the Director of Supervision and Services Parole
3 ~~Administrator~~ when, in his or her opinion, any eligible parolee's conduct
4 and attitude warrant his or her discharge from active supervision, or
5 when any parolee's violation of the conditions of parole is of sufficient
6 seriousness to require action by the Board of Parole or district judge
7 and whenever necessary exercise the power of arrest as provided in
8 section 83-1,119;

9 (8) Delegate in his or her discretion any of the above
10 responsibilities to a ~~deputy~~ parole officer under his or her supervision
11 ~~if provided for his or her district~~; and

12 (9) Exercise all powers and perform all duties necessary and proper
13 in carrying out his or her responsibilities.

14 Sec. 43. Section 83-1,107, Revised Statutes Cumulative Supplement,
15 2016, is amended to read:

16 83-1,107 (1)(a) Within sixty days after initial classification and
17 assignment of any offender committed to the department, all available
18 information regarding such committed offender shall be reviewed and a
19 committed offender department-approved personalized program plan document
20 shall be drawn up. The document shall specifically describe the
21 department-approved personalized program plan and the specific goals the
22 department expects the committed offender to achieve. The document shall
23 also contain a realistic schedule for completion of the department-
24 approved personalized program plan. The department-approved personalized
25 program plan shall be developed with the active participation of the
26 committed offender. The department shall provide programs to allow
27 compliance by the committed offender with the department-approved
28 personalized program plan.

29 Programming may include, but is not limited to:

30 (i) Academic and vocational education, including teaching such
31 classes by qualified offenders;

- 1 (ii) Substance abuse treatment;
- 2 (iii) Mental health and psychiatric treatment, including criminal
- 3 personality programming;
- 4 (iv) Constructive, meaningful work programs; and
- 5 (v) Any other program deemed necessary and appropriate by the
- 6 department.

7 (b) A modification in the department-approved personalized program
8 plan may be made to account for the increased or decreased abilities of
9 the committed offender or the availability of any program. Any
10 modification shall be made only after notice is given to the committed
11 offender. The department may not impose disciplinary action upon any
12 committed offender solely because of the committed offender's failure to
13 comply with the department-approved personalized program plan, but such
14 failure may be considered by the board in its deliberations on whether or
15 not to grant parole to a committed offender.

16 (2)(a) The department shall reduce the term of a committed offender
17 by six months for each year of the offender's term and pro rata for any
18 part thereof which is less than a year.

19 (b) In addition to reductions granted in subdivision (2)(a) of this
20 section, the department shall reduce the term of a committed offender by
21 three days on the first day of each month following a twelve-month period
22 of incarceration within the department during which the offender has not
23 been found guilty of (i) a Class I or Class II offense or (ii) more than
24 three Class III offenses under the department's disciplinary code.
25 Reductions earned under this subdivision shall not be subject to forfeit
26 or withholding by the department.

27 (c) The total reductions under this subsection shall be credited
28 from the date of sentence, which shall include any term of confinement
29 prior to sentence and commitment as provided pursuant to section
30 83-1,106, and shall be deducted from the maximum term, to determine the
31 date when discharge from the custody of the state becomes mandatory.

1 (3) While the offender is in the custody of the department,
2 reductions of terms granted pursuant to subdivision (2)(a) of this
3 section may be forfeited, withheld, and restored by the chief executive
4 officer of the facility with the approval of the director after the
5 offender has been notified regarding the charges of misconduct.

6 (4) The department shall ensure that a release or reentry plan is
7 complete or near completion when the offender has served at least eighty
8 percent of his or her sentence. For purposes of this subsection, release
9 or reentry plan means a comprehensive and individualized strategic plan
10 to ensure an individual's safe and effective transition or reentry into
11 the community to which he or she resides with the primary goal of
12 reducing recidivism. At a minimum, the release or reentry plan shall
13 include, but not be limited to, consideration of the individual's housing
14 needs, medical or mental health care needs, and transportation and job
15 needs and shall address an individual's barriers to successful release or
16 reentry in order to prevent recidivism. The release or reentry plan does
17 not include an individual's programming needs included in the
18 individual's personalized program plan for use inside the prison.

19 (5)(a) The department shall make treatment programming available to
20 committed offenders as provided in section 83-1,110.01 and shall include
21 continuing participation in such programming as part of each offender's
22 parolee personalized program plan.

23 (b) Any committed offender with a mental illness shall be provided
24 with the community standard of mental health care. The mental health care
25 shall utilize evidence-based therapy models that include an evaluation
26 component to track the effectiveness of interventions.

27 (c) Any committed offender with a mental illness shall be evaluated
28 before release to ensure that adequate monitoring and treatment of the
29 committed offender will take place or, if appropriate, that a commitment
30 proceeding under the Nebraska Mental Health Commitment Act or the Sex
31 Offender Commitment Act will take place.

1 (6)(a) Within thirty days after any committed offender has been
2 paroled, all available information regarding such parolee shall be
3 reviewed and a ~~case parolee personalized program~~ plan document shall be
4 drawn up and approved by the Division of Parole Supervision ~~Office of~~
5 ~~Parole Administration~~. The document shall specifically describe the
6 approved ~~case personalized program~~ plan and the specific goals the
7 division ~~office~~ expects the parolee to achieve. The document shall also
8 contain a realistic schedule for completion of the approved ~~case~~
9 ~~personalized program~~ plan. The approved ~~case personalized program~~ plan
10 shall be developed with the active participation of the parolee. During
11 the term of parole, the parolee shall comply with the approved ~~case~~
12 ~~personalized program~~ plan and the division ~~office~~ shall provide programs
13 to allow compliance by the parolee with the approved ~~case personalized~~
14 ~~program~~ plan.

15 Programming may include, but is not limited to:

- 16 (i) Academic and vocational education;
17 (ii) Substance abuse treatment;
18 (iii) Mental health and psychiatric treatment, including criminal
19 personality programming;
20 (iv) Constructive, meaningful work programs;
21 (v) Community service programs; and
22 (vi) Any other program deemed necessary and appropriate by the
23 division ~~office~~.

24 (b) A modification in the approved ~~case personalized program~~ plan
25 may be made to account for the increased or decreased abilities of the
26 parolee or the availability of any program. Any modification shall be
27 made only after notice is given to the parolee. Intentional failure to
28 comply with the approved ~~case personalized program~~ plan by any parolee as
29 scheduled for any year, or pro rata part thereof, shall cause
30 disciplinary action to be taken by the division ~~office~~ resulting in the
31 forfeiture of up to a maximum of three months' good time for the

1 scheduled year.

2 (7) While the offender is in the custody of the board, reductions of
3 terms granted pursuant to subdivision (2)(a) of this section may be
4 forfeited, withheld, and restored by the director upon the recommendation
5 of the board administrator ~~with the approval of the director~~ after the
6 offender has been notified regarding the charges of misconduct or breach
7 of the conditions of parole. ~~In addition, the board may recommend such~~
8 ~~forfeitures of good time to the director.~~

9 (8) Good time or other reductions of sentence granted under the
10 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
11 or restored in accordance with the terms of the Nebraska Treatment and
12 Corrections Act.

13 (9) Pursuant to rules and regulations adopted by the probation
14 administrator and the director, an individualized post-release
15 supervision plan shall be collaboratively prepared by the Office of
16 Probation Administration and the department and provided to the court to
17 prepare individuals under custody of the department for post-release
18 supervision. All records created during the period of incarceration shall
19 be shared with the Office of Probation Administration and considered in
20 preparation of the post-release supervision plan.

21 Sec. 44. Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 83-1,107.01 (1) Unless otherwise provided by this section, whenever
24 an adult offender is paroled, the board shall require a parolee to pay a
25 monthly parole programming fee.

26 (2) Parolees under the supervision of the Division of Parole
27 Supervision ~~Office of Parole Administration~~ shall pay a monthly parole
28 programming fee of twenty-five dollars, not later than the tenth day of
29 each month, beginning the second month of parole supervision and
30 continuing for the duration of the parole.

31 (3) The board shall waive payment of the monthly parole programming

1 fee in whole or in part if after a hearing a determination is made that
2 such payment would constitute an undue hardship on the parolee due to
3 limited income, employment or school status, or physical or mental
4 handicap. Such waiver shall be in effect only during the period of time
5 that the parolee is unable to pay his or her monthly parole programming
6 fee.

7 (4) When monthly parole programming fees are waived, in whole or in
8 part, the parole officer, pursuant to rules and regulations adopted by
9 the board, may contract with the parolee to perform approved community
10 service at the rate of five dollars per hour in lieu of payment of
11 monthly parole programming fees. A parolee may be required to pay a
12 participation fee in order to take advantage of community service
13 programs. A parolee may not accumulate more than three months' advance
14 credit for community service. The use of community service alternatives
15 does not preclude the imposition of other intermediate measures.

16 (5) The division ~~Office of Parole Administration~~ with the approval
17 of the Board of Parole shall implement sanctions if a parolee defaults in
18 the payment of monthly parole programming fees or any installment thereof
19 as established by subsection (2) of this section, except that parole
20 shall not be revoked nor shall the parolee be imprisoned for such
21 nonpayment if the parolee is financially unable to make the payment.

22 (6) If the board determines that the default in payment described in
23 subsection (5) of this section was not attributable to a deliberate
24 refusal to obey the order of the board or to failure on the parolee's
25 part to make a good faith effort to obtain the funds required for
26 payment, the board may allow the parolee additional time for payment,
27 reduce the amount of each installment, or revoke the fees or the unpaid
28 portion in whole or in part.

29 (7) No parolee shall be required to pay more than one monthly parole
30 programming fee per month.

31 (8) The imposition of monthly parole programming fees in this

1 section shall be considered separate and apart from specific service
2 delivery fees.

3 (9) Any adult offender received for supervision pursuant to section
4 29-2637 or the Interstate Compact for Adult Offender Supervision shall be
5 assessed a monthly parole programming fee during the period of time the
6 offender is actively supervised by Nebraska parole authorities.

7 (10) A parolee shall pay the fees described in this section to the
8 division. ~~The division Office of Parole Administration. The office~~ shall
9 remit all fees to the State Treasurer for credit to the Parole Program
10 Cash Fund.

11 (11) The board and the division office shall adopt and promulgate
12 rules and regulations to carry out this section.

13 Sec. 45. Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,107.02 The Parole Program Cash Fund is created. All funds
16 collected pursuant to section 83-1,107.01 shall be remitted to the State
17 Treasurer for credit to the fund. The fund shall be utilized by the
18 Division of Parole Supervision ~~Office of Parole Administration~~ for the
19 purposes stated in subdivision (8) of section 83-1,102. Any money in the
20 fund available for investment shall be invested by the state investment
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
22 State Funds Investment Act.

23 Sec. 46. Section 83-1,109, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-1,109 The chief executive officer of a facility shall regularly
26 report all good time and all forfeitures, withholdings, and restorations
27 of good time to the director. On the basis of such report, the director
28 shall inform the board and the Director of Supervision and Services
29 ~~administrator~~ of all committed offenders who are expected to become
30 eligible for release on parole within the next three months.

31 Sec. 47. (1) If a committed offender is diagnosed with a terminal

1 illness, upon such diagnosis, the medical director shall, as soon as
2 practicable:

3 (a) For a committed offender who is otherwise eligible for parole,
4 complete or facilitate the completion of an application for medical
5 parole pursuant to section 83-1,110.02, for submission by the committed
6 offender to the Board of Parole; and

7 (b) For a committed offender who is not otherwise eligible for
8 parole, complete or facilitate the completion of an application for
9 commutation of sentence by the Board of Pardons pursuant to section
10 83-1,129 and an application for medical parole pursuant to section
11 83-1,110.02. The committed offender shall concurrently submit the
12 application for commutation to the Board of Pardons and the application
13 for medical parole to the Board of Parole.

14 (2)(a) For a committed offender who is not otherwise eligible for
15 parole, the Board of Parole shall nonetheless consider whether or not to
16 grant the application for medical parole in the event that the Board of
17 Pardons decides to commute the committed offender's sentence and thereby
18 render him or her eligible for parole. The Board of Parole shall not wait
19 for the Board of Pardons' decision before considering the application and
20 shall proceed with its review as provided in section 83-1,110.02 as if
21 the committed offender were eligible for parole. The Board of Parole
22 shall forward to the Board of Pardons its decision as to whether the
23 committed offender should be allowed medical parole together with its
24 recommendations regarding conditions of parole and any other information
25 it deems appropriate.

26 (3) If the Board of Parole recommends to the Board of Pardons that a
27 committed offender not be released on medical parole but the Board of
28 Pardons nonetheless decides to commute the committed offender's sentence
29 in order to render him or her eligible for medical parole, the Board of
30 Parole shall expeditiously release the committed offender on medical
31 parole pursuant to section 83-1,110.02.

1 (4) The Board of Pardons and Board of Parole shall prioritize
2 applications received under this section and review such applications
3 expeditiously and within a timeline that is reasonable considering the
4 medical condition of the committed offender.

5 (5) For purposes of this section:

6 (a) Medical director means the medical director for the department
7 appointed pursuant to section 83-4,156; and

8 (b) Terminal illness means an incurable and irreversible illness
9 that will, within the reasonable medical judgment of a qualified medical
10 professional, result in death within six months.

11 Sec. 48. Section 83-1,110.02, Revised Statutes Supplement, 2017, is
12 amended to read:

13 83-1,110.02 (1) A committed offender may be eligible for medical
14 parole by the board if:

15 (a) The committed offender who is otherwise eligible for parole,
16 including a committed offender who is eligible following a commutation of
17 his or her sentence pursuant to section 47 of this act;

18 (b) The committed offender who is not under sentence of death or of
19 life imprisonment; and

20 (c) Because who—because of an existing medical or physical
21 condition, the committed offender is determined:

22 (i) To by the department to be terminally ill pursuant to section 47
23 of this act; or

24 (ii) Is determined by the department to be permanently incapacitated
25 may be considered for medical parole by the board.

26 (2) A committed offender may be eligible for medical parole in
27 addition to any other parole.

28 (3) The department shall identify committed offenders who may be
29 eligible for medical parole due to permanent incapacity based upon their
30 medical records.

31 (4) {2} The board shall decide to grant medical parole only after a

1 review of the medical, institutional, and criminal records of the
2 committed offender and such additional medical evidence from board-
3 ordered examinations or investigations as the board in its discretion
4 determines to be necessary. The decision to grant medical parole and to
5 establish conditions of release on medical parole in addition to the
6 conditions stated in subsection (5) ~~(3)~~ of this section is within the
7 sole discretion of the board, except as provided in subsection (3) of
8 section 47 of this act.

9 (5) ~~(3)~~ As conditions of release on medical parole, the board shall
10 require that the committed offender agree to placement for medical
11 treatment and that he or she be placed for a definite or indefinite
12 period of time in a hospital, a hospice, or another housing accommodation
13 suitable to his or her medical condition, including, but not limited to,
14 his or her family's home, as specified by the board.

15 (6) ~~(4)~~ The parole term of a medical parolee shall be for the
16 remainder of his or her sentence as reduced by any adjustment for good
17 conduct pursuant to the Nebraska Treatment and Corrections Act.

18 Sec. 49. Section 83-1,111, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,111 (1) A Every committed offender serving an indeterminate
21 sentence under which he or she may become eligible for parole shall be
22 interviewed and have his or her record reviewed by two or more members of
23 the Board of Parole or a person designated by the board within sixty days
24 before the expiration of his or her minimum term less any reductions as
25 provided in section 83-1,110. If, in the opinion of the reviewers, the
26 review indicates the offender is reasonably likely to be granted parole
27 and has a potential parole term of no less than one month, the Board of
28 Parole shall schedule a public hearing before a majority of its members.
29 At such hearing the offender may present evidence, call witnesses, and be
30 represented by counsel. If, in the opinion of the reviewers, the review
31 indicates the offender should be denied parole, the offender may request

1 an additional review by a majority of the members of the board. A review
2 by the majority of the members of the board may be conducted not more
3 than once annually. Any hearing and review shall be conducted in an
4 informal manner, but a complete record of the proceedings shall be made
5 and preserved.

6 (2) The board shall render its decision regarding the committed
7 offender's release on parole within a reasonable time after the hearing
8 or review. The decision shall be by majority vote of the board. The
9 decision shall be based on the entire record before the board, which
10 shall include the opinion of the person who conducted the review. If the
11 board denies ~~shall deny~~ parole, written notification listing the reasons
12 for such denial and the recommendations for correcting deficiencies which
13 cause the denial shall be given to the committed offender within thirty
14 days following the hearing.

15 (3) If the board fixes the release date, such date shall be not more
16 than six months from the date of the committed offender's parole hearing,
17 or from the date of last reconsideration of his or her case, unless there
18 are special reasons for fixing a later release date.

19 (4) If the board defers the case for later reconsideration, the
20 committed offender shall be afforded a parole review at least once a year
21 until a release date is fixed. The board may order a reconsideration or a
22 rehearing of the case at any time.

23 (5) The release of a committed offender on parole shall not be upon
24 the application of the offender, but by the initiative of the Board of
25 Parole. No application for release on parole made by a committed offender
26 or on his or her behalf shall be entertained by the board. This
27 subsection does not ~~Nothing herein shall~~ prohibit the Director of
28 Correctional Services from recommending to the board that it consider an
29 individual offender for release on parole.

30 Sec. 50. Section 83-1,112, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-1,112 (1) Each committed offender eligible for parole shall, in
2 advance of his or her parole hearing, have a parole plan in accordance
3 with the rules of the Board of Parole. Whenever the board determines that
4 it will facilitate the parole hearing, it may furnish the offender with
5 any information and records to be considered by it at the hearing.

6 (2) An offender shall be permitted to advise with any person whose
7 assistance he or she desires, including his or her own legal counsel, in
8 preparing for a hearing before the Board of Parole.

9 Sec. 51. Section 83-1,112.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 83-1,112.01 The board shall require any person who is incarcerated
12 pursuant to subdivision (9) or (10) of section 60-6,197.03 to complete
13 all diagnostic evaluations provided by the department and all programming
14 required by the department prior to being considered eligible for parole.
15 If the programming required by the department cannot be completed during
16 the person's period of incarceration but can be provided in the
17 community, and the board in its discretion believes the incarcerated
18 person will participate in programming available in the community, the
19 board may waive the programming requirement of this section and, as a
20 condition of parole, require that such programming be completed by the
21 offender during his or her parole term.

22 Sec. 52. Section 83-1,114, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 83-1,114 (1) Whenever the board ~~Board of Parole~~ considers the
25 release of a committed offender who is eligible for release on parole, it
26 shall order his or her release unless it is of the opinion that his or
27 her release should be deferred because:

28 (a) There is a substantial risk that he or she will not conform to
29 the conditions of parole;

30 (b) His or her release would depreciate the seriousness of his or
31 her crime or promote disrespect for law;

1 (c) His or her release would have a substantially adverse effect on
2 institutional discipline; or

3 (d) His or her continued correctional treatment, medical care, or
4 vocational or other training in the facility will substantially enhance
5 his or her capacity to lead a law-abiding life when released at a later
6 date.

7 (2) In making its determination regarding a committed offender's
8 release on parole, the ~~board~~ Board of Parole shall give consideration to
9 its decision guidelines as set forth in its rules and regulations and
10 shall take into account each of the following factors:

11 (a) The offender's personality, including his or her maturity,
12 stability, and sense of responsibility and any apparent development in
13 his or her personality which may promote or hinder his or her conformity
14 to law;

15 (b) The adequacy of the offender's parole plan;

16 (c) The offender's ability and readiness to assume obligations and
17 undertake responsibilities;

18 (d) The offender's intelligence and training;

19 (e) The offender's family status and whether he or she has relatives
20 who display an interest in him or her or whether he or she has other
21 close and constructive associations in the community;

22 (f) The offender's employment history, his or her occupational
23 skills, and the stability of his or her past employment;

24 (g) The type of residence, neighborhood, or community in which the
25 offender plans to live;

26 (h) The offender's past use of narcotics or past habitual and
27 excessive use of alcohol;

28 (i) The offender's mental or physical makeup, including any
29 disability or handicap which may affect his or her conformity to law;

30 (j) The offender's prior criminal record, including the nature and
31 circumstances, dates ~~recency~~, and frequency of previous offenses;

1 (k) The offender's attitude toward law and authority;

2 (l) The offender's conduct in the facility, including particularly
3 whether he or she has taken advantage of the opportunities for self-
4 improvement, whether he or she has been punished for misconduct within
5 six months prior to his or her hearing or reconsideration for parole
6 release, whether any reductions of term have been forfeited, and whether
7 such reductions have been restored at the time of hearing or
8 reconsideration;

9 (m) The offender's behavior and attitude during any previous
10 experience of probation or parole and how recent the recency of such
11 experience is;

12 (n) The risk and needs assessment completed pursuant to section
13 83-192; and

14 (o) Any other factors the board determines to be relevant.

15 (3) If the board determines that the release of a committed offender
16 should be deferred, the board shall inform the department within ten
17 business days after such deferment. Such notice shall be in writing and
18 shall state the reasons for the deferment. The board shall also describe
19 or recommend any programming or treatment in which the committed offender
20 should participate or that the committed offender should complete in
21 order to enhance his or her likelihood of release upon later
22 consideration by the board. A copy of such notice shall be provided to
23 the committed offender at the time it is served to the department.

24 Sec. 53. Section 83-1,118, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-1,118 (1) If, in the opinion of the board, upon receipt of
27 information from the Director of Supervision and Services, a parolee has
28 shown suitable compliance with his or her parole programming plan, the
29 board may reduce the level of supervision for a parolee that is
30 commensurate with the best interests of the parolee and is compatible
31 with the protection of the public , a parolee does not require guidance

1 ~~or supervision, the board may dispense with and terminate such~~
2 ~~supervision.~~

3 ~~(2) The board may discharge a parolee from parole at any time if~~
4 ~~such discharge is compatible with the protection of the public and is in~~
5 ~~the best interest of the parolee.~~

6 (2) (3) The board shall discharge a parolee from parole when the
7 time served in the custody of the department and the time served on
8 parole equal the maximum term less good time.

9 (3) (4) The department shall discharge a committed offender from the
10 custody of the department when the time served in the facility equals the
11 maximum term less good time.

12 (4) (5) Upon completion of the lawful requirements of the sentence,
13 the department shall provide the parolee or committed offender with a
14 written notice regarding his or her civil rights. The notice shall inform
15 the parolee or committed offender that voting rights are restored two
16 years after completion of the sentence. The notice shall also include
17 information on restoring other civil rights through the pardon process,
18 including application to and hearing by the Board of Pardons.

19 (5) (6) The Board of Parole may discharge a parolee from parole when
20 such parolee is under the supervision of another state's correctional
21 institution and such offender has reached the expiration date of his or
22 her Nebraska parole term.

23 Sec. 54. Section 83-1,119, Revised Statutes Cumulative Supplement,
24 2016, is amended to read:

25 83-1,119 (1) For purposes of this section:

26 (a) Absconding parole supervision means a parolee has purposely
27 avoided supervision for a period of at least two weeks and reasonable
28 efforts by a parole officer and staff to locate the parolee in person
29 have proven unsuccessful;

30 (b) Administrative sanction means additional parole requirements
31 imposed upon a parolee by his or her parole officer, with the full

1 knowledge and consent of the parolee, designed to hold the parolee
2 accountable for substance abuse or technical violations of conditions of
3 parole, including, but not limited to:

4 (i) Counseling or reprimand by the Division of Parole Supervision
5 ~~adult parole administration of the department;~~

6 (ii) Increased supervision contact requirements;

7 (iii) Increased substance abuse testing;

8 (iv) Referral for substance abuse or mental health evaluation or
9 other specialized assessment, counseling, or treatment;

10 (v) Imposition of a designated curfew for a period to be determined
11 by the division ~~adult parole administration;~~ and

12 (vi) Travel restrictions to stay within his or her county of
13 residence or employment unless otherwise permitted by the division ~~adult~~
14 ~~parole administration;~~

15 (c) Contract facility means a county jail that contracts with the
16 department to house parolees or other offenders under the jurisdiction of
17 the department;

18 (d) Substance abuse violation means a parolee's activities or
19 behaviors associated with the use of chemical substances or related
20 treatment services resulting in a violation of an original condition of
21 parole, including:

22 (i) Positive breath test for the consumption of alcohol if the
23 parolee is required to refrain from alcohol consumption;

24 (ii) Positive urinalysis for the illegal use of drugs;

25 (iii) Failure to report for alcohol testing or drug testing; and

26 (iv) Failure to appear for or complete substance abuse or mental
27 health treatment evaluations or inpatient or outpatient treatment; and

28 (e) Technical violation means a parolee's activities or behaviors
29 which create the opportunity for re-offending or diminish the
30 effectiveness of parole supervision resulting in a violation of an
31 original condition of parole and includes:

- 1 (i) Moving traffic violations;
- 2 (ii) Failure to report to his or her parole officer;
- 3 (iii) Leaving the state without the permission of the Board of
4 Parole;
- 5 (iv) Failure to work regularly or attend training or school;
- 6 (v) Failure to notify his or her parole officer of change of address
7 or employment;
- 8 (vi) Frequenting places where controlled substances are illegally
9 sold, used, distributed, or administered; and
- 10 (vii) Failure to pay fines, court costs, restitution, or any fees
11 imposed pursuant to section 83-1,107.01 as directed.

12 Technical violation does not include absconding parole supervision.

13 (2) The division ~~Office of Parole Administration~~ shall develop a
14 matrix of rewards for compliance and positive behaviors and graduated
15 administrative sanctions and custodial sanctions for use in responding to
16 and deterring substance abuse violations and technical violations. A
17 custodial sanction of thirty days in a correctional facility or a
18 contract facility shall be designated as the most severe response to a
19 violation in lieu of revocation.

20 (3) Whenever a parole officer has reasonable cause to believe that a
21 parolee has committed or is about to commit a substance abuse violation
22 or technical violation while on parole, but that the parolee will not
23 attempt to leave the jurisdiction and will not place lives or property in
24 danger, the parole officer shall either:

25 (a) Impose one or more administrative sanctions based upon the
26 parolee's risk level, the severity of the violation, and the parolee's
27 response to the violation. If administrative sanctions are to be imposed,
28 the parolee shall acknowledge in writing the nature of the violation and
29 agree upon the administrative sanction. The parolee has the right to
30 decline to acknowledge the violation. If he or she declines to
31 acknowledge the violation, the parole officer shall take action pursuant

1 to subdivision (3)(b) of this section. A copy of the report shall be
2 submitted to the Board of Parole; or

3 (b) Submit a written report to the Board of Parole, outlining the
4 nature of the parole violation, and request the imposition of a custodial
5 sanction of up to thirty days in a correctional facility or a contract
6 facility. On the basis of the report and such further investigation as
7 the board may deem appropriate, the board shall determine whether and how
8 the parolee violated the conditions of parole and may:

9 (i) Dismiss the charge of violation; or

10 (ii) If the board finds a violation justifying a custodial sanction,
11 issue a warrant if necessary and impose a custodial sanction of up to
12 thirty days in a correctional facility or a contract facility.

13 (4) Whenever a parole officer has reasonable cause to believe that a
14 parolee has violated or is about to violate a condition of parole by a
15 violation other than a substance abuse violation or a technical violation
16 and the parole officer has reasonable cause to believe that the parolee
17 will not attempt to leave the jurisdiction and will not place lives or
18 property in danger, the parole officer shall submit a written report to
19 the Board of Parole which may, on the basis of such report and such
20 further investigation as it may deem appropriate:

21 (a) Dismiss the charge of violation;

22 (b) Determine whether the parolee violated the conditions of his or
23 her parole;

24 (c) Impose a custodial sanction of up to thirty days in a
25 correctional facility or a contract facility;

26 (d) Revoke his or her parole in accordance with the Nebraska
27 Treatment and Corrections Act; or

28 (e) Issue a warrant for the arrest of the parolee.

29 (5) Whenever a parole officer has reasonable cause to believe that a
30 parolee has violated or is about to violate a condition of parole and
31 that the parolee will attempt to leave the jurisdiction or will place

1 lives or property in danger, the parole officer shall arrest the parolee
2 without a warrant and call on any peace officer to assist him or her in
3 doing so.

4 (6) Whenever a parolee is arrested with or without a warrant, he or
5 she shall be detained in a local jail or other detention facility
6 operated by the Department of Correctional Services pending completion of
7 review of parole proceedings by the Board of Parole. Immediately after
8 such arrest and detention, the parole officer shall notify the Board of
9 Parole and submit a written report of the reason for such arrest. A
10 complete investigation shall be made by the Division of Parole
11 Supervision ~~parole administration~~ and submitted to the board. After
12 prompt consideration of such written report, the board shall order the
13 parolee's release from detention or continued confinement to await a
14 final decision on imposition of a custodial sanction or the revocation of
15 parole.

16 (7) The Board of Parole shall adopt and promulgate rules and
17 regulations necessary to carry out this section.

18 Sec. 55. Section 83-1,120, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,120 Whenever a parolee is charged with a violation of his
21 parole, he or she shall be entitled to a prompt hearing on such charge by
22 the Board of Parole, which hearing in no event shall occur more than
23 thirty days after receipt of the parole officer's written report. At such
24 hearing, the parolee shall be permitted to be present, to testify, to
25 produce witnesses, to cross-examine adverse witnesses, and to introduce
26 such other evidence as may be pertinent. The parolee shall be informed of
27 his or her right to request counsel at such hearing, and if the parolee
28 ~~he~~ thereafter makes such request, based on a timely and colorable claim

29 (1) that he or she has not committed the alleged violation of the
30 conditions upon which he or she is at liberty, or (2) that, even if the
31 violation is a matter of public record or is uncontested, there are

1 substantial reasons which justified or mitigated the violation and make
2 revocation inappropriate and that the reasons are complex or otherwise
3 difficult to develop or present, and upon consideration of whether or not
4 the parolee appears to be capable of speaking effectively for himself or
5 herself, the board in the exercise of a sound discretion may provide
6 counsel unless retained counsel is available to the parolee. In every
7 case in which ~~when~~ a request for counsel is refused, the grounds for
8 refusal shall be stated in the record.

9 Sec. 56. Section 83-1,121, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 83-1,121 A committed offender while on parole shall remain in the
12 legal custody and control of the Board of Parole. The board may at any
13 time revoke the parole of an offender or recommit him or her to the
14 custody of the Department of Correctional Services, with or without
15 cause.

16 Sec. 57. Section 83-1,122.01, Revised Statutes Cumulative
17 Supplement, 2016, is amended to read:

18 83-1,122.01 (1) The board does not have jurisdiction over a person
19 who is committed to the department in accordance with section 29-2204.02
20 for a Class III, IIIA, or IV felony committed on or after August 30,
21 2015, unless:

22 (a) The ~~the~~ person is also committed to the department in accordance
23 with section 29-2204 for:

24 (i) A ~~(a)~~ a sentence of imprisonment for a Class III, IIIA, or IV
25 felony committed prior to August 30, 2015; ~~or~~

26 (ii) A ~~(b)~~ a sentence of imprisonment for a Class I, IA, IB, IC, ID,
27 II, or IIA felony; ~~or~~

28 (b) The Board of Pardons commutes the person's sentence to render
29 him or her eligible for medical parole pursuant to section 47 of this
30 act.

31 (2) The board does not have jurisdiction over a person committed to

1 the department for a misdemeanor sentence imposed consecutively or
2 concurrently with a Class III, IIIA, or IV felony sentence for an offense
3 committed on or after August 30, 2015, unless:

4 (a) ~~The~~ the person is also committed to the department in accordance
5 with section 29-2204 for:

6 (i) A ~~(a)~~ a sentence of imprisonment for a Class III, IIIA, or IV
7 felony committed prior to August 30, 2015; ~~or~~ or

8 (ii) A ~~(b)~~ a sentence of imprisonment for a Class I, IA, IB, IC, ID,
9 II, or IIA felony; ~~or~~ or

10 (b) The Board of Pardons commutes the person's sentence to render
11 him or her eligible for medical parole pursuant to section 47 of this
12 act.

13 Sec. 58. Section 83-1,125, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 83-1,125 (1) If a warrant or detainer is placed against a committed
16 offender by a court, parole agency, or other authority of this or any
17 other jurisdiction, the Director of Supervision and Services
18 ~~administrator~~ shall inquire before such offender becomes eligible for
19 parole whether the authority concerned intends to execute or withdraw the
20 warrant or detainer when the offender is released.

21 (2) If the authority notifies the Director of Supervision and
22 Services administrator that it intends to execute the warrant or detainer
23 when the offender is released, the Director of Supervision and Services
24 ~~administrator~~ shall advise the authority concerned of the sentence under
25 which the offender is held, the time of parole eligibility, any decision
26 of the board relating to the offender, and the nature of the offender's
27 adjustment during imprisonment and shall give reasonable notice to such
28 authority of the offender's release date.

29 (3) The board may parole an offender who is eligible for release to
30 a warrant or detainer. If an offender is paroled to such a warrant or
31 detainer, the board may provide, as a condition of release, that if the

1 charge or charges on which the warrant or detainer is based are
2 dismissed, or are satisfied after conviction and sentence, prior to the
3 expiration of the offender's parole term, the authority to whose warrant
4 or detainer the offender is released shall return the offender to serve
5 the remainder of the parole term or such part as the board may determine.

6 (4) If a person paroled to a warrant or detainer is thereafter
7 sentenced and placed on probation, or released on parole in another
8 jurisdiction, prior to the expiration of the parole term less good time
9 in this state, the board may permit the person to serve the remainder of
10 the parole term or such part as the board may determine concurrently with
11 the person's new probation or parole term. Such concurrent terms may be
12 served in either of the two jurisdictions, and supervision shall be
13 administered in accordance with the Interstate Compact for Adult Offender
14 Supervision.

15 Sec. 59. (1) The Board of Parole and the Division of Parole
16 Supervision may maintain an individual file for each person who is under
17 the jurisdiction of the Board of Parole. Such file may be maintained
18 electronically and shall include, when available and appropriate, the
19 following information on such person:

20 (a) Admission summary;

21 (b) Presentence investigation report;

22 (c) Classification reports and recommendations;

23 (d) Official records of conviction and commitment along with any
24 earlier criminal records;

25 (e) Progress reports and admission-orientation reports;

26 (f) Reports of any disciplinary infractions and their disposition;

27 (g) Risk and needs assessments;

28 (h) Parole plan and parole placement and investigation worksheets;

29 (i) Decision guideline scores;

30 (j) Parole case plan;

31 (k) Parole progress reports and contact notes;

1 (l) Arrest and violation reports, including disposition;
2 (m) Parole proceedings orders and notices;
3 (n) Other documents related to parole supervision;
4 (o) Correspondence; and
5 (p) Other pertinent data concerning his or her background, conduct,
6 associations, and family relationships.

7 (2) Any decision concerning release on or revocation of parole or
8 imposition of sanctions shall be made only after the individual file has
9 been reviewed. The contents of the individual file shall be confidential
10 unless disclosed in connection with a public hearing and shall not be
11 subject to public inspection except by court order for good cause shown.
12 The contents of the file shall not be accessible to any person under the
13 jurisdiction of the Board of Parole. A person under the jurisdiction of
14 the board may obtain access to his or her medical records by request to
15 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
16 fact that such medical records may be a part of his or her parole file.
17 The board and the Division of Parole Supervision have the authority to
18 withhold decision guideline scores, risk and needs assessment scores, and
19 mental health and psychological records of a person under the
20 jurisdiction of the board when appropriate.

21 (3) Nothing in this section limits in any manner the authority of
22 the Public Counsel to inspect and examine the records and documents of
23 the board and the Division of Parole Supervision pursuant to sections
24 81-8,240 to 81-8,254, except that the Public Counsel's access to the
25 medical or mental health records of a person under the jurisdiction of
26 the board shall be subject to his or her consent. The office of Public
27 Counsel shall not disclose the medical or mental health records of a
28 person under the jurisdiction of the board to anyone else, including any
29 other person under the jurisdiction of the board, except as authorized by
30 law.

31 Sec. 60. Section 83-1,135, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 83-1,135 Sections 83-170 to 83-1,135.05 and sections 31, 47, and 59
3 of this act shall be known and may be cited as the Nebraska Treatment and
4 Corrections Act.

5 Sec. 61. Section 83-1,135.02, Revised Statutes Cumulative
6 Supplement, 2016, is amended to read:

7 83-1,135.02 (1) It is the intent of the Legislature that the changes
8 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
9 with respect to parole eligibility apply to all committed offenders under
10 sentence and not on parole on May 24, 2003, and to all persons sentenced
11 on and after such date.

12 (2) It is the intent of the Legislature that the changes made to
13 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
14 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,
15 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
16 sentence, on parole, or on probation on August 30, 2015, and to all
17 persons sentenced on and after such date.

18 (3) It is the intent of the Legislature that the changes made to
19 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
20 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
21 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
22 apply to all committed offenders under sentence, on parole, or on
23 probation on or after April 20, 2016, and to all persons sentenced on and
24 after such date.

25 (4) It is the intent of the Legislature that the changes made to
26 sections 83-1,110.02 and 83-1,122.01 and section 47 of this act apply to
27 all committed offenders under sentence or on parole on or after the
28 operative date of this section, and to all persons sentenced on and after
29 such date.

30 Sec. 62. Section 83-4,157, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-4,157 The medical director shall:

2 (1) Coordinate all clinical services;

3 (2) Participate in the selection and supervision of all clinical
4 staff employed by or under contract with the department, including
5 medical doctors, physician assistants, pharmacists, pharmacy technicians,
6 registered nurses, licensed practical nurses, advanced practice
7 registered nurses practicing under and in accordance with their
8 respective certification acts, mental health practitioners, alcohol and
9 drug counselors, laboratory technicians, physical therapists,
10 optometrists, audiologists, dentists, dental assistants, and dental
11 hygienists;

12 (3) Maintain and preserve the medical records of health care
13 services;

14 (4) Approve the purchasing of all necessary medical supplies and
15 medical equipment for the department;

16 (5) Recommend all necessary programs for the preservice, inservice,
17 and continuing medical training and education of the health care staff
18 and other relevant staff of the department, including training
19 specifically designed to promote prompt and effective responses by all
20 staff of the department to medical emergencies;

21 (6) Develop and implement condition-specific medical treatment
22 protocols that ensure compatibility with a community standard of health
23 care, including protocols addressing the: (a) Treatment of
24 gastrointestinal bleeds; (b) detection and treatment of all communicable
25 diseases; (c) treatment of gender-specific problems; (d) treatment of
26 diabetes; (e) treatment of hypertension; (f) treatment of headaches; (g)
27 utilization of surgical procedures; (h) control of infection; (i)
28 provision of dental care; (j) provision of age-specific and gender-
29 specific routine health maintenance; (k) means by which inmates obtain
30 access to health care services; (l) use of prescribed drugs, devices, or
31 biologicals for the purpose of pain management; (m) referral of patients

1 to medical specialists not in the employ of the department; and (n)
2 initiation, observance, and termination of do not resuscitate orders
3 initiated pursuant to the Rights of the Terminally Ill Act;

4 (7) Develop and implement a system of general discharge planning for
5 the health care services to be received by inmates who are soon to be
6 released from the custody of the department and who have chronic health
7 care problems, including establishment of a protocol to determine whether
8 or not an inmate soon to be released should be prescribed and dispensed a
9 medication-assisted treatment that could assist in reducing or
10 eliminating the inmate's use of opiates;

11 (8) Develop and implement a comprehensive health care services plan;

12 (9) Develop and implement an internal credentialing program for the
13 employment and retention of the health care staff of the department based
14 on a community standard of health care; and

15 (10) Develop and implement an internal peer review and quality
16 assurance program based upon a community standard of health care.

17 Sec. 63. Section 83-933, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 83-933 ~~Until July 1, 2016, the Office of Parole Administration~~
20 ~~shall be within the Division of Community-Centered Services.~~ Beginning
21 July 1, 2016, until the operative date of this section, the Office of
22 Parole Administration shall be within the Board of Parole. Beginning on
23 the operative date of this section, the Division of Parole Supervision
24 shall be within the Board of Parole.

25 Subject to supervision, the Director of Supervision and Services
26 ~~Parole Administrator~~ shall be charged with the administration of parole
27 services in the community pursuant to the provisions of section 83-1,102,
28 implementation and administration of the Interstate Compact for Adult
29 Offender Supervision as it affects parolees, community supervision of sex
30 offenders pursuant to section 83-174.03, and supervision of parolees
31 either paroled in Nebraska and supervised in another state or paroled in

1 another state and supervised in Nebraska, pursuant to the compact.

2 Sec. 64. The Department of Correctional Services may contract with
3 county jail facilities to house Department of Correctional Services
4 facilities inmates. Department of Correctional Services facilities
5 inmates eligible for participation in the county jail housing program
6 shall include inmates within one year of parole or release eligibility,
7 inmates being transferred into state custody for safekeeping, nonviolent
8 offenders, and inmates requiring only community-based or minimum-security
9 supervision. The department shall place an inmate for housing in a county
10 jail that has the capacity and agrees to offer services to meet one or
11 more of the inmate's prerelease programming requirements when such
12 programming is needed for the inmate to become eligible for parole or
13 release. The department may place an inmate who does not have prerelease
14 programming requirements in a county jail in which such programming is
15 not offered.

16 Sec. 65. The Department of Correctional Services shall conduct a
17 department-wide staffing analysis of all positions, including a specific
18 analysis regarding behavioral health staffing, in an effort to make a
19 comprehensive determination of staffing needs. Concurrently, the
20 department shall make short-term recommendations for needed staffing,
21 including, but not limited to, facility administrative and support
22 positions in order to improve the effectiveness of staffing.

23 The staffing analysis shall be completed and a report of its
24 findings and subsequent staffing recommendations submitted electronically
25 to the Legislature no later than September 15, 2020. Subsequent updates
26 of the staffing analysis shall be completed and shall be submitted
27 electronically to the Legislature on or before September 15, 2026, and at
28 least every six years thereafter or more frequently at the discretion of
29 the department.

30 Sec. 66. To ensure public safety in the event a correctional system
31 overcrowding emergency is ever declared or determined to exist, the

1 Department of Correctional Services and the Board of Parole shall submit
2 to the Legislature a proposed plan, on or before December 1, 2018, which
3 describes the process of implementing the accelerated parole review
4 process required by section 83-962. The plan shall include, but not be
5 limited to:

6 (1) The process by which the Director of Correctional Services shall
7 certify that an overcrowding emergency exists;

8 (2) The process by which the department shall prepare and submit to
9 the board a listing of parole-eligible committed offenders to be
10 considered or reconsidered accelerated for parole;

11 (3) Any statutory changes required or funding necessary to
12 accommodate such process;

13 (4) The process by which the board shall examine committed offenders
14 during the accelerated parole review;

15 (5) A review of the analysis for granting parole pursuant to section
16 83-1,114 and whether this process and the factors set out in such section
17 are sufficient or adequate for the accelerated parole review process
18 required by section 83-962;

19 (6) A review of the process of supervising parolees released
20 pursuant to the accelerated review process and the necessary means to
21 ensure public safety; and

22 (7) Any statutory changes required or resources necessary to
23 accommodate the existence of an overcrowding emergency status and to
24 facilitate the potential requisite gubernatorial declaration of such
25 emergency.

26 The plan shall be submitted electronically in a report to the
27 Legislature on or before December 1, 2018.

28 Sec. 67. The Legislature finds and declares that there shall be a
29 coordinated effort (1) to establish a comprehensive and successful system
30 of correctional reentry programs throughout this state and (2) to include
31 an array of interests in the establishment and growth of this system. To

1 further such policy, the Coordinated Reentry Council is created. For
2 administrative and budgetary purposes, the council shall be within the
3 Nebraska Commission on Law Enforcement and Criminal Justice.

4 Sec. 68. (1) The Coordinated Reentry Council shall include the
5 following voting members:

6 (a) The executive director of the Nebraska Commission on Law
7 Enforcement and Criminal Justice;

8 (b) The Director of Correctional Services;

9 (c) The chairperson of the Board of Parole;

10 (d) The Director of Supervision and Services of the Division of
11 Parole Supervision;

12 (e) The Director of Behavioral Health of the Division of Behavioral
13 Health of the Department of Health and Human Services; and

14 (f) Eight members appointed by the Governor with the approval of a
15 majority of the Legislature, consisting of: An executive director of a
16 state community college association; a business owner who employs
17 formerly incarcerated individuals on a regular basis; two individuals who
18 were formerly incarcerated in a state correctional facility; one mental
19 health and substance abuse professional; one social worker; a researcher
20 in the field of criminal justice in a university or college in Nebraska;
21 and one full-time officer or employee of a law enforcement agency.

22 (2) The council shall include the following nonvoting members:

23 (a) The probation administrator;

24 (b) Two members of the Legislature, appointed by the Executive Board
25 of the Legislative Council; and

26 (c) Two judges appointed by the Chief Justice of the Supreme Court.

27 (3)(a) The terms of office for members initially appointed under
28 subdivision (1)(f) of this section shall be three years. Upon completion
29 of the initial terms of such members, the Governor shall appoint:

30 (i) A representative from law enforcement and a mental health and
31 substance abuse professional for terms of one year;

1 (ii) An executive director of a state community college association
2 and two individuals who were formerly incarcerated in a state
3 correctional facility for terms of two years; and

4 (iii) A social worker, a business owner who employs formerly
5 incarcerated individuals on a regular basis, and a researcher in the
6 field of criminal justice in a university or college in Nebraska for
7 terms of three years.

8 (b) Succeeding appointees shall be appointed for terms of three
9 years. An appointee to a vacancy occurring from an unexpired term shall
10 serve out the term of his or her predecessor. Members whose terms have
11 expired shall continue to serve until their successors have been
12 appointed and qualified.

13 (4) The council shall by majority vote elect a chairperson from
14 among the members of the council.

15 (5) The members of the council shall be reimbursed for their actual
16 and necessary expenses incurred while engaged in the performance of their
17 official duties as provided in sections 81-1174 to 81-1177.

18 Sec. 69. The Coordinated Reentry Council shall:

19 (1) Advise the Department of Correctional Services on the
20 utilization of funds administered by the Vocational and Life Skills
21 Programming Fund;

22 (2) Develop and implement a plan to establish the statewide
23 operation and use of a continuum of reentry programs;

24 (3) Review efforts by individuals and organizations that provide
25 reentry services in Nebraska;

26 (4) Review best practices regarding reentry policies and programs in
27 other states;

28 (5) Make recommendations to the Legislature and the Governor
29 regarding reentry policies and programs;

30 (6) Meet at least three times each year;

31 (7) If necessary to perform the duties of the council, hire,

1 contract for, or otherwise obtain the services of consultants,
2 researchers, aides, and other necessary support staff; and
3 (8) Perform such other duties as may be necessary to carry out the
4 purposes of section 67 of this act.

5 Sec. 70. The Coordinated Reentry Council shall terminate on
6 December 31, 2028.

7 Sec. 71. Sections 13, 14, 17, 18, 19, 20, 21, and 73 of this act
8 become operative on January 1, 2019. The other sections of this act
9 become operative three calendar months after the adjournment of this
10 legislative session.

11 Sec. 72. Original sections 28-322, 29-2252, 29-2935, 29-4019,
12 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198,
13 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04,
14 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112,
15 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121, 83-1,125, and
16 83-4,157, Reissue Revised Statutes of Nebraska, sections 47-624,
17 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171,
18 83-182.01, 83-184, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119,
19 83-1,122.01, 83-1,135, 83-1,135.02, and 83-933, Revised Statutes
20 Cumulative Supplement, 2016, and sections 29-2261 and 83-1,110.02,
21 Revised Statutes Supplement, 2017, are repealed.

22 Sec. 73. Original sections 60-1304, 81-2002.01, and 81-2003,
23 Reissue Revised Statutes of Nebraska, and sections 60-1303 and 81-2014,
24 Revised Statutes Supplement, 2017, are repealed.

25 Sec. 74. The following section is outright repealed: Section
26 83-1,124, Reissue Revised Statutes of Nebraska.