

ONE HUNDRED FIFTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 114

Introduced by Judiciary Committee: Ebke, 32, Chairperson; Baker, 30; Chambers, 11; Halloran, 33; Hansen, 26; Krist, 10; Morfeld, 46; Pansing Brooks, 28.

PURPOSE: The purpose of this interim study is to examine Nebraska's statutes relating to geriatric or compassionate release laws. Most states and the federal government have legal procedures for prison inmates to be released, paroled, or furloughed in connection with advanced age or a serious illness. Many jurisdictions have increasingly larger numbers of older people in prisons, due in part to the effects of strict sentencing laws and the longer prison terms imposed. States now face the situation in which many sentenced to long-term prison sentences will reach old age and die in prison. For pragmatic or humane reasons, officials in many jurisdictions will release elderly inmates or inmates who have a serious illness.

Elderly inmates with a serious or terminal illness are a unique "special needs" population and require intensive health and social accommodation in prisons. Inmates often exhibit an accelerated aging process due to preincarceration high-risk health histories, such as smoking and substance abuse, and the often health-stressful conditions of incarceration. Accommodating such elderly or ill inmates involves varied social policy and economic considerations for state officials.

The issues addressed by this interim study shall include, but not be limited to:

(1) A review of elderly or medically humane release provisions currently in statute;

(2) A review of the types of crimes for which such release provisions are applicable;

(3) A review of the process by which a release is sought by application to the Board of Parole as provided in section 83-1,110.02 and whether an amendment

to such provision is warranted;

(4) A review of the level of supervision or support of such inmates upon their release for medical or humane reasons;

(5) A review of requirements to consider regarding the potential impact the release may have on the victims or others impacted by the inmate;

(6) A review of the factors for imposing sentences and whether courts should be required to consider if an inmate will reach an elderly age while serving such sentence in prison; and

(7) A review and examination of any potential consequences of implementing any statutory changes to the mandatory minimum laws either with respect to the penalty provisions, or with respect to amending the procedural statutes relating to the filing of charges carrying mandatory minimum sentences or the imposition of mandatory minimum sentences.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIFTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.