

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1004

FINAL READING

Introduced by Lathrop, 12.

Read first time January 15, 2020

Committee: Judiciary

1 A BILL FOR AN ACT relating to law; to amend section 83-1,110, Reissue
2 Revised Statutes of Nebraska, section 83-1,102, Revised Statutes
3 Cumulative Supplement, 2018, and section 43-2101, Revised Statutes
4 Supplement, 2019; to change provisions relating to age of majority;
5 to provide powers and duties with respect to the administration and
6 supervision of parole; to change provisions relating to eligibility
7 for parole and provide for applicability; and to repeal the original
8 sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2101, Revised Statutes Supplement, 2019, is
2 amended to read:

3 43-2101 (1) All persons under nineteen years of age are declared to
4 be minors, but in case any person marries under the age of nineteen
5 years, his or her minority ends.

6 (2) Upon becoming the age of majority, a person is considered an
7 adult and acquires all rights and responsibilities granted or imposed by
8 statute or common law, except that a person:

9 (a) Eighteen years of age or older and who is not a ward of the
10 state may:

11 (i) Enter into a binding contract or lease of whatever kind or
12 nature and shall be legally responsible for such contract or lease,
13 including legal responsibility to third parties;

14 (ii) Execute, sign, authorize, or otherwise authenticate (A) an
15 effective financing statement, (B) a promissory note or other instrument
16 evidencing an obligation to repay, or (C) a mortgage, trust deed,
17 security agreement, financing statement, or other security instrument to
18 grant a lien or security interest in real or personal property or
19 fixtures, and shall be legally responsible for such document, including
20 legal responsibility to third parties; and

21 (iii) Acquire or convey title to real property and shall have legal
22 responsibility for such acquisition or conveyance, including legal
23 responsibility to third parties;~~and~~

24 (b) Eighteen years of age or older may consent to mental health
25 services for himself or herself without the consent of his or her parent
26 or guardian; ~~and~~

27 (c) Eighteen years of age or older may make health care decisions
28 for himself or herself without the consent of his or her parent or
29 guardian; and

30 (d) Under nineteen years of age and who is committed to the
31 Department of Correctional Services for secure care may consent to, and

1 make decisions regarding, such person's medical care, mental health
2 services, and related services during the period of the person's
3 commitment to the department without the consent of such person's parent
4 or guardian except as required in section 71-6902.

5 Sec. 2. Section 83-1,102, Revised Statutes Cumulative Supplement,
6 2018, is amended to read:

7 83-1,102 The Director of Supervision and Services shall:

8 (1) Supervise and administer the Division of Parole Supervision;

9 (2) Establish and maintain policies, standards, and procedures for
10 the field parole service and the community supervision of sex offenders
11 pursuant to section 83-174.03. The policies, standards, and procedures
12 for the field parole service shall include specific caseload standards
13 for parole officers and specific policies, standards, and procedures for
14 the use of electronic monitoring of parolees;

15 (3) Divide the state into parole districts and appoint district
16 parole officers and such other employees as may be required to carry out
17 adequate parole supervision of all parolees, prescribe their powers and
18 duties, and obtain division offices for staff in each district as may be
19 necessary;

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

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

26 (6) Make recommendations to the Board of Parole or district judge in
27 cases of violation of the conditions of parole, issue warrants for the
28 arrest of parole violators when so instructed by the board or district
29 judge, notify the Director of Correctional Services of determinations
30 made by the board, and upon instruction of the board, issue certificates
31 of parole and of parole revocation to the facilities and certificates of

1 discharge from parole to parolees;

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

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

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

16 (10) Request adequate funding to ensure sufficient staffing levels
17 to comply with state law, including section 83-1,103, and all policies,
18 standards, and procedures;

19 (11) On or before January 1, 2021, and by each January 1 thereafter,
20 report ~~(10) Report annually~~ to the Governor and electronically to the
21 Clerk of the Legislature ~~beginning January 1, 2015,~~ the number of parole
22 revocations and the number of technical violations of parole for the
23 preceding calendar year. The report shall also include detailed
24 statistics on the caseloads of parole officers, including the number of
25 parolees supervised by each parole officer and the offense types and risk
26 assessment levels of parolees supervised by parole officers; and

27 (12) (11) Exercise all powers and perform all duties necessary and
28 proper in carrying out his or her responsibilities.

29 Sec. 3. Section 83-1,110, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 83-1,110 (1) Every committed offender shall be eligible for parole

1 when the offender has served one-half the minimum term of his or her
2 sentence as provided in sections 83-1,107 and 83-1,108 or two years prior
3 to the offender's mandatory discharge date, whichever is earlier. The
4 board shall conduct a parole review not later than sixty days prior to
5 the date a committed offender becomes eligible for parole as provided in
6 this subsection, except that if a committed offender is eligible for
7 parole upon his or her commitment to the department, a parole review
8 shall occur as early as is practical. No such reduction of sentence shall
9 be applied to any sentence imposing a mandatory minimum term.

10 (2) Every committed offender sentenced to consecutive terms, whether
11 received at the same time or at any time during the original sentence,
12 shall be eligible for release on parole when the offender has served the
13 total of one-half the minimum term as provided in sections 83-1,107 and
14 83-1,108 or two years prior to the offender's mandatory discharge date,
15 whichever is earlier. The maximum terms shall be added to compute the new
16 maximum term which, less good time, shall determine the date when
17 discharge from the custody of the state becomes mandatory.

18 (3) The changes made to this section by this legislative bill shall
19 not apply to any sentence imposed prior to the effective date of this
20 act.

21 Sec. 4. Original section 83-1,110, Reissue Revised Statutes of
22 Nebraska, section 83-1,102, Revised Statutes Cumulative Supplement, 2018,
23 and section 43-2101, Revised Statutes Supplement, 2019, are repealed.