

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 968

Introduced by McCollister, 20.

Read first time January 13, 2020

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend sections 83-1,127, 83-1,129, and 83-1,130, Reissue Revised
- 3 Statutes of Nebraska; to provide duties for the Board of Pardons
- 4 related to hearings, a report, and decisions; to harmonize
- 5 provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1,127, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 83-1,127 The Board of Pardons shall:

4 (1) Exercise the pardon authority as defined in section 83-170 for
5 all criminal offenses except treason and cases of impeachment;

6 (2) Make rules and regulations for its own administration and
7 operation;

8 (3) Appoint and remove its employees as prescribed by the State
9 Personnel System and delegate appropriate powers and duties to them;

10 (4) Hold a hearing at least every ninety days;

11 (5) ~~(4)~~ Consult with the Board of Parole concerning applications for
12 the exercise of pardon authority;

13 (6) ~~(5)~~ Consult with the Department of Motor Vehicles concerning
14 applications received from the department pursuant to section 60-6,209
15 for the exercise of pardon authority; and

16 (7) ~~(6)~~ Exercise all powers and perform all duties necessary and
17 proper in carrying out its responsibilities under the provisions of the
18 Nebraska Treatment and Corrections Act.

19 Sec. 2. Section 83-1,129, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 83-1,129 (1) Any person desiring the Board of Pardons to exercise
22 its pardon authority shall request an application from its secretary. The
23 application shall be returned to the secretary and shall state the
24 specific relief requested and such other information as is prescribed by
25 the board.

26 (2) Any person whose operator's license has been revoked pursuant to
27 a conviction for a violation of section 60-6,196 or 60-6,197 for a third
28 or subsequent time for a period of fifteen years and who desires the
29 Board of Pardons to exercise its pardon authority shall make application
30 pursuant to section 60-6,209.

31 (3) Any application filed pursuant to subsection (1) ~~or (2)~~ of this

1 section shall be set for hearing and considered with or without a hearing
2 by the board at its next regular scheduled meeting. Hearings on unrelated
3 applications shall not be combined.

4 (4) Any application filed pursuant to subsection (2) of this section
5 shall be considered with or without a hearing by the board at its next
6 regular scheduled meeting.

7 (5) Hearings ~~If a hearing is held under this section may , it shall~~
8 be conducted in an informal manner. A and a record of the proceedings
9 shall be made and preserved according to the guidelines of the board.

10 (6) On or before January 1, 2021, and on or before each January 1
11 thereafter, the board shall electronically submit to the Legislature a
12 report outlining pardons considered and granted in the preceding year.

13 Sec. 3. Section 83-1,130, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 83-1,130 (1) After individual consideration of each the application
16 and after such further investigations as it may deem appropriate, the
17 Board of Pardons shall either grant or deny the relief requested or grant
18 such other relief as may be justified. For an application under
19 subsection (1) of section 83-1,129, the board shall issue a written
20 decision that sets forth the relief requested, the specific facts
21 considered by the board, and the board's decision.

22 (2) The board may decline to accept further applications after the
23 initial application for pardon from an offender for any prescribed amount
24 of time, but in no case shall such time exceed two years. The board shall
25 notify the offender in writing of any restriction for subsequent
26 applications after the hearing on the initial application.

27 (3) ~~(2)~~ The Board of Pardons may, in appropriate cases when a person
28 has been convicted of a felony and has been granted a pardon by the
29 appropriate authority of this state or is hereafter granted a pardon for
30 a conviction occurring prior to, on, or subsequent to August 25, 1969,
31 empower the Governor to expressly authorize such person to receive,

1 possess, or transport in commerce a firearm.

2 ~~(4)~~ ~~(3)~~ All actions of the Board of Pardons shall be by majority
3 vote and shall be filed in the office of the Secretary of State or the
4 office designated by the Secretary of State.

5 Sec. 4. Original sections 83-1,127, 83-1,129, and 83-1,130, Reissue
6 Revised Statutes of Nebraska, are repealed.