

ONE HUNDRED SIXTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE RESOLUTION 197**

Introduced by Vargas, 7; Lathrop, 12.

PURPOSE: The purpose of this resolution is to conduct a comprehensive study of due process for inmates in restrictive housing and to make recommendations to support and improve due process for such population in Nebraska. The study shall include, but not be limited to, an examination of the following:

(1) Best practices regarding due process for inmates in restrictive housing;

(2) The length of time between when an inmate is placed in immediate segregation and when a determination is made regarding whether or not such inmate is to remain in long-term restrictive housing;

(3) The best system for due process in such circumstances, including examining the appropriate jurisdiction to hear such due process cases;

(4) The definition of restrictive housing;

(5) The definition of general population;

(6) The amount of structured and unstructured out-of-cell time an inmate is allowed, including the possibility of requirements that inmates placed on restrictive housing from fifteen days up to six months be allowed two hours of out-of-cell time, inmates placed on restrictive housing from six months to twelve months be allowed four hours of out-of-cell time, and after twelve months on restrictive housing, an inmate be allowed six hours of out-of-cell time each day;

(7) The rate at which minority populations are placed in restrictive housing compared to other populations;

(8) The extent to which restrictive housing is achieving the goal of rehabilitation;

(9) Best practices to train corrections staff to work with the population

in restrictive housing; and

(10) The programming available for inmates in restrictive housing.

The study committee shall seek input from interested stakeholders, including the Department of Corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH 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.