

Legislature - First Session - 2019

Introducer's Statement of Intent

LB376

Chairperson: Senator Steve Lathrop

Committee: Judiciary

Date of Hearing: February 06, 2019

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Prior to August 2017, county jail inmates being held on misdemeanor charges or sentences were allowed to be transferred to a Nebraska Department of Correctional Services (NDCS) facility for safekeeping in the event they needed a higher level of care or security than could be provided in a county jail. Due to a change in the interpretation of Neb.Rev.Stat. § 28-106, only pre-adjudicated jail inmates charged with a misdemeanor are currently allowed to be transferred to a prison facility for safekeeping. Post-adjudicated jail inmates serving misdemeanor sentences can no longer be held at NDCS facilities.

LB376 would require NDCS to again accept prisoners for safekeeping if the county jail is not staffed or equipped to safely keep the prisoner for any reason, including but not limited to the medical or mental health needs of the prisoner or because the prisoner presents a danger to himself, herself, or others. Counties would be responsible for the costs of keeping and maintaining the prisoner.

Principal Introducer: _____

Senator Curt Friesen