

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 471

Introduced by DeBoer, 10.

Read first time January 15, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to adult institutions; to amend section
- 2 83-4,114, Revised Statutes Cumulative Supplement, 2020; to extend
- 3 the termination date of the long-term restrictive housing work
- 4 group; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-4,114, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 83-4,114 (1) There shall be no corporal punishment or disciplinary
4 restrictions on diet.

5 (2) Disciplinary restrictions on clothing, bedding, mail,
6 visitations, use of toilets, washbowls, or scheduled showers shall be
7 imposed only for abuse of such privilege or facility and only as
8 authorized by written directives, guidance documents, and operational
9 manuals.

10 (3) No person shall be placed in solitary confinement.

11 (4) The director shall issue an annual report on or before September
12 15 to the Governor and the Clerk of the Legislature. The report to the
13 Clerk of the Legislature shall be issued electronically. For all inmates
14 who were held in restrictive housing during the prior year, the report
15 shall contain the race, gender, age, and length of time each inmate has
16 continuously been held in restrictive housing. Prior to releasing the
17 report, the director shall meet with the long-term restrictive housing
18 work group to share the contents of the report. The report shall also
19 contain:

20 (a) The number of inmates held in restrictive housing;

21 (b) The reason or reasons each inmate was held in restrictive
22 housing;

23 (c) The number of inmates held in restrictive housing who have been
24 diagnosed with a mental illness or behavioral disorder and the type of
25 mental illness or behavioral disorder by inmate;

26 (d) The number of inmates who were released from restrictive housing
27 directly to parole or into the general public and the reason for such
28 release;

29 (e) The number of inmates who were placed in restrictive housing for
30 his or her own safety and the underlying circumstances for each
31 placement;

1 (f) To the extent reasonably ascertainable, comparable statistics
2 for the nation and each of the states that border Nebraska pertaining to
3 subdivisions (4)(a) through (e) of this section; and

4 (g) The mean and median length of time for all inmates held in
5 restrictive housing.

6 (5)(a) There is hereby established within the department a long-term
7 restrictive housing work group. The work group shall consist of one
8 member of the Judiciary Committee of the Legislature appointed by the
9 Executive Board of the Legislative Council who shall be a nonvoting, ex
10 officio member and the following voting members:

11 (i) The director and all deputy directors who have oversight over
12 inmate health services or correctional facilities. The director or his or
13 her designee shall serve as the chairperson of the work group;

14 (ii) The behavioral health administrator within the department;

15 (iii) Two employees of the department who currently work with
16 inmates held in restrictive housing as designated by the director;

17 (iv) Additional department staff as designated by the director; and

18 (v) Six members appointed by the Governor who have demonstrated an
19 interest in correctional issues. Of these members at least one shall be
20 an individual who was previously incarcerated in Nebraska's correctional
21 system. The remaining members shall consist of individuals who are mental
22 health professionals, have been employed in a restrictive housing unit in
23 a correctional facility, have advocated for the rights of incarcerated
24 individuals, or have otherwise been engaged in activities related to
25 Nebraska's correctional system.

26 (b) The work group shall advise the department on policies and
27 procedures related to the proper treatment and care of offenders in long-
28 term restrictive housing.

29 (c) The director shall convene the work group's first meeting no
30 later than September 15, 2015, and the work group shall meet at least
31 semiannually thereafter. The chairperson shall schedule and convene the

1 work group's meetings.

2 (d) The director shall provide the work group with quarterly updates
3 on the department's policies related to the work group's subject matter
4 and with any other information related to long-term restrictive housing
5 that is requested by members of the work group.

6 (e) The work group shall terminate on December 31, 2025 ~~2021~~.

7 Sec. 2. Original section 83-4,114, Revised Statutes Cumulative
8 Supplement, 2020, is repealed.