

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 358

Introduced by Guereca, 7.

Read first time January 16, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-178, Reissue Revised Statutes of Nebraska; to
- 3 provide committed offenders access to certain records; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 83-178, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-178 (1) The director shall establish and maintain, in accordance
4 with the regulations of the department, an individual file for each
5 ~~person committed~~ offender to the department. Each individual file shall
6 include, when available and appropriate, the following information on
7 such person:

8 (a) His or her admission summary;

9 (b) His or her presentence investigation report;

10 (c) His or her classification report and recommendation;

11 (d) Official records of his or her conviction and commitment as well
12 as any earlier criminal records;

13 (e) Progress reports and admission-orientation reports;

14 (f) Reports of any disciplinary infractions and of their
15 disposition;

16 (g) His or her parole plan; and

17 (h) Other pertinent data concerning his or her background, conduct,
18 associations, and family relationships.

19 (2)(a) ~~(2)~~ Any decision concerning the classification,
20 reclassification, transfer to another facility, preparole preparation, or
21 parole release of a ~~person committed~~ offender to the department shall be
22 made only after his or her file has been reviewed.

23 (b) The content of the file shall be confidential and shall not be
24 subject to public inspection except by court order for good cause shown.
25 The content of the file and shall not be accessible to any person
26 committed offender, except that a committed offender shall be given
27 access to his or her own individual file upon written request to the
28 chief executive officer of the facility to the department.

29 (c) A committed offender ~~An inmate~~ may obtain access to his or her
30 medical records by request to the provider pursuant to sections 71-8401
31 to 71-8407 notwithstanding the fact that such medical records may be a

1 part of his or her individual department file. The department retains the
2 authority to withhold mental health and psychological records of the
3 committed offender inmate when appropriate.

4 (3) The program of each ~~person~~ committed offender ~~to the department~~
5 shall be reviewed at regular intervals and recommendations shall be made
6 to the chief executive officer of the facility concerning changes in such
7 person's program of treatment, training, employment, care, and custody as
8 are considered necessary or desirable.

9 (4) The chief executive officer of the facility shall have final
10 authority to determine matters of treatment classification within his or
11 her facility and to recommend to the director the transfer of any ~~person~~
12 committed offender ~~to the department~~ who is in his or her custody.

13 (5) The director may at any time order a ~~person~~ committed offender
14 ~~to the department~~ to undergo further examination and study for additional
15 recommendations concerning his or her classification, custodial control,
16 and rehabilitative treatment.

17 (6) Nothing in this section shall be construed to limit in any
18 manner the authority of the Public Counsel to inspect and examine the
19 records and documents of the department pursuant to sections 81-8,240 to
20 81-8,254, except that the Public Counsel's access to a committed
21 offender's an inmate's medical or mental health records shall be subject
22 to the committed offender's the inmate's consent. The office of Public
23 Counsel shall not disclose a committed offender's an inmate's medical or
24 mental health records to anyone else, including any other ~~person~~
25 committed offender ~~to the department~~, except as authorized by law.

26 **Sec. 2.** Original section 83-178, Reissue Revised Statutes of
27 Nebraska, is repealed.