

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 606

Introduced by Holdcroft, 36.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to correctional services; to amend sections
2 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 81-1401,
3 83-170, 83-171, 83-171.01, 83-173, 83-174.03, 83-174.04, 83-174.05,
4 83-192, 83-1,100, 83-1,100.02, 83-1,103, 83-1,103.01, 83-1,103.02,
5 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107, 83-1,107.01,
6 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02, 83-1,125,
7 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska, and
8 sections 28-322, 29-2246, 29-2252, 29-2261, 29-2935, 29-4019,
9 47-1102, 47-1103, 47-1104, 47-1105, 47-1106, 47-1107, 47-1108,
10 47-1109, 47-1110, 47-1111, 47-1113, 47-1114, 47-1115, 47-1116,
11 47-1117, 47-1119, 71-961, 71-3426, and 71-3430, Revised Statutes
12 Cumulative Supplement, 2024; to eliminate the Division of Parole
13 Supervision and the position of Director of Supervision and
14 Services; to provide powers and duties for the Department of
15 Correctional Services and the Director of Correctional Services; to
16 change provisions relating to correctional system overcrowding
17 emergencies; to eliminate obsolete provisions; to harmonize
18 provisions; to repeal the original sections; and to outright repeal
19 sections 83-1,101 and 83-1,102, Reissue Revised Statutes of
20 Nebraska.
21 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 28-322, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-322 For purposes of sections 28-322 to 28-322.03:

4 (1) Inmate or parolee means any individual confined in a facility
5 operated by the Department of Correctional Services or a city or county
6 correctional or jail facility or under parole supervision; and

7 (2) Person means (a) an individual employed by the Department of
8 Correctional Services ~~or by the Division of Parole Supervision~~, including
9 any individual working in central administration of the department, any
10 individual working under contract with the department, and any
11 individual, other than an inmate's spouse, to whom the department has
12 authorized or delegated control over an inmate or an inmate's activities,
13 (b) an individual employed by a city or county correctional or jail
14 facility, including any individual working in central administration of
15 the city or county correctional or jail facility, any individual working
16 under contract with the city or county correctional or jail facility, and
17 any individual, other than an inmate's spouse, to whom the city or county
18 correctional or jail facility has authorized or delegated control over an
19 inmate or an inmate's activities, and (c) an individual employed by the
20 Office of Probation Administration who performs official duties within
21 any facility operated by the Department of Correctional Services or a
22 city or county correctional or jail facility.

23 **Sec. 2.** Section 29-2246, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 29-2246 For purposes of the Nebraska Probation Administration Act
26 ~~and sections 43-2,123.01 and 83-1,102 to 83-1,104~~, unless the context
27 otherwise requires:

28 (1) Association means the Nebraska District Court Judges
29 Association;

30 (2) Court means a district court, county court, or juvenile court as
31 defined in section 43-245;

1 (3) Office means the Office of Probation Administration;

2 (4) Probation means a sentence under which a person found guilty of
3 a crime upon verdict or plea or adjudicated delinquent or in need of
4 special supervision is released by a court subject to conditions imposed
5 by the court and subject to supervision. Probation includes post-release
6 supervision and supervision ordered by a court pursuant to a deferred
7 judgment under section 29-2292 or 29-4803;

8 (5) Probationer means a person sentenced to probation or post-
9 release supervision;

10 (6) Probation officer means an employee of the system who supervises
11 probationers and conducts presentence, predisposition, or other
12 investigations as may be required by law or directed by a court in which
13 he or she is serving or performs such other duties as authorized pursuant
14 to section 29-2258, except unpaid volunteers from the community;

15 (7) Juvenile probation officer means any probation officer who
16 supervises probationers of a separate juvenile court;

17 (8) Juvenile intake probation officer means an employee of the
18 system who is called upon by a law enforcement officer in accordance with
19 section 43-250 to make a decision regarding the furtherance of a
20 juvenile's detention;

21 (9) Chief probation officer means the probation officer in charge of
22 a probation district;

23 (10) System means the Nebraska Probation System;

24 (11) Administrator means the probation administrator;

25 (12) Non-probation-based program or service means a program or
26 service established within the district, county, or juvenile courts and
27 provided to individuals not sentenced to probation who have been charged
28 with or convicted of a crime for the purpose of diverting the individual
29 from incarceration or to provide treatment for issues related to the
30 individual's criminogenic needs. Non-probation-based programs or services
31 include, but are not limited to, problem solving courts established

1 pursuant to section 24-1302 and the treatment of problems relating to
2 substance abuse, mental health, sex offenses, or domestic violence;

3 (13) Post-release supervision means the portion of a split sentence
4 following a period of incarceration under which a person found guilty of
5 a crime upon verdict or plea is released by a court subject to conditions
6 imposed by the court and subject to supervision by the office; and

7 (14) Rules and regulations means policies and procedures written by
8 the office and approved by the Supreme Court.

9 **Sec. 3.** Section 29-2252, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 29-2252 The administrator shall:

12 (1) Supervise and administer the office;

13 (2) Establish and maintain policies, standards, and procedures for
14 the system, with the concurrence of the Supreme Court;

15 (3) Prescribe and furnish such forms for records and reports for the
16 system as shall be deemed necessary for uniformity, efficiency, and
17 statistical accuracy;

18 (4) Establish minimum qualifications for employment as a probation
19 officer in this state and establish and maintain such additional
20 qualifications as he or she deems appropriate for appointment to the
21 system. Qualifications for probation officers shall be established in
22 accordance with subsection (4) of section 29-2253. An ex-offender
23 released from a penal complex or a county jail may be appointed to a
24 position of deputy probation or parole officer. Such ex-offender shall
25 maintain a record free of arrests, except for minor traffic violations,
26 for one year immediately preceding his or her appointment;

27 (5) Establish and maintain advanced periodic inservice training
28 requirements for the system;

29 (6) Cooperate with all agencies, public or private, which are
30 concerned with treatment or welfare of persons on probation. All
31 information provided to the Nebraska Commission on Law Enforcement and

1 Criminal Justice for the purpose of providing access to such information
2 to law enforcement agencies through the state's criminal justice
3 information system shall be provided in a manner that allows such
4 information to be readily accessible through the main interface of the
5 system;

6 (7) Organize and conduct training programs for probation officers.
7 Training shall include the proper use of a risk and needs assessment,
8 risk-based supervision strategies, relationship skills, cognitive
9 behavioral interventions, community-based resources, criminal risk
10 factors, and targeting criminal risk factors to reduce recidivism and the
11 proper use of a matrix of administrative sanctions, custodial sanctions,
12 and rewards developed pursuant to subdivision (18) of this section. All
13 probation officers employed on or after August 30, 2015, shall complete
14 the training requirements set forth in this subdivision;

15 (8) Collect, develop, and maintain statistical information
16 concerning probationers, probation practices, and the operation of the
17 system and provide the Community Corrections Division of the Nebraska
18 Commission on Law Enforcement and Criminal Justice with the information
19 needed to compile the report required in section 47-624;

20 (9) Interpret the probation program to the public with a view toward
21 developing a broad base of public support;

22 (10) Conduct research for the purpose of evaluating and improving
23 the effectiveness of the system. Subject to the availability of funding,
24 the administrator shall contract with an independent contractor or
25 academic institution for evaluation of existing community corrections
26 facilities and programs operated by the office;

27 (11) Adopt and promulgate such rules and regulations as may be
28 necessary or proper for the operation of the office or system. The
29 administrator shall adopt and promulgate rules and regulations for
30 transitioning individuals on probation across levels of supervision and
31 discharging them from supervision consistent with evidence-based

1 practices. The rules and regulations shall ensure supervision resources
2 are prioritized for individuals who are high risk to reoffend, require
3 transitioning individuals down levels of supervision intensity based on
4 assessed risk and months of supervision without a reported major
5 violation, and establish incentives for earning discharge from
6 supervision based on compliance;

7 (12) Transmit a report during each even-numbered year to the Supreme
8 Court on the operation of the office for the preceding two calendar years
9 which shall include a historical analysis of probation officer workload,
10 including participation in non-probation-based programs and services. The
11 report shall be transmitted by the Supreme Court to the Governor and the
12 Clerk of the Legislature. The report submitted to the Clerk of the
13 Legislature shall be submitted electronically;

14 (13) Administer the payment by the state of all salaries, travel,
15 and expenses authorized under section 29-2259 incident to the conduct and
16 maintenance of the office;

17 (14) Use the funds provided under section 29-2262.07 to augment
18 operational or personnel costs associated with the development,
19 implementation, and evaluation of enhanced probation-based programs and
20 non-probation-based programs and services in which probation personnel or
21 probation resources are utilized pursuant to an interlocal agreement
22 authorized by subdivision (16) of this section and to purchase services
23 to provide such programs aimed at enhancing adult probationer or non-
24 probation-based program participant supervision in the community and
25 treatment needs of probationers and non-probation-based program
26 participants. Enhanced probation-based programs include, but are not
27 limited to, specialized units of supervision, related equipment purchases
28 and training, and programs that address a probationer's vocational,
29 educational, mental health, behavioral, or substance abuse treatment
30 needs;

31 (15) Ensure that any risk or needs assessment instrument utilized by

1 the system be periodically validated;

2 (16) Have the authority to enter into interlocal agreements in which
3 probation resources or probation personnel may be utilized in conjunction
4 with or as part of non-probation-based programs and services. Any such
5 interlocal agreement shall comply with section 29-2255;

6 (17) Collaborate with the Community Corrections Division of the
7 Nebraska Commission on Law Enforcement and Criminal Justice and the
8 Department of Correctional Services ~~Division of Parole Supervision~~ to
9 develop rules governing the participation of parolees in community
10 corrections programs operated by the Office of Probation Administration;

11 (18) Develop a matrix of rewards for compliance and positive
12 behaviors and graduated administrative sanctions and custodial sanctions
13 for use in responding to and deterring substance abuse violations and
14 technical violations. As applicable under sections 29-2266.02 and
15 29-2266.03, custodial sanctions of up to thirty days in jail shall be
16 designated as the most severe response to a violation in lieu of
17 revocation and custodial sanctions of up to three days in jail shall be
18 designated as the second most severe response;

19 (19) Adopt and promulgate rules and regulations for the creation of
20 individualized post-release supervision plans, collaboratively with the
21 Department of Correctional Services and county jails, for probationers
22 sentenced to post-release supervision; and

23 (20) Exercise all powers and perform all duties necessary and proper
24 to carry out his or her responsibilities.

25 Each member of the Legislature shall receive an electronic copy of
26 the report required by subdivision (12) of this section by making a
27 request for it to the administrator.

28 **Sec. 4.** Section 29-2261, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 29-2261 (1) Unless it is impractical to do so, when an offender has
31 been convicted of a felony other than murder in the first degree, the

1 court shall not impose sentence without first ordering a presentence
2 investigation of the offender and according due consideration to a
3 written report of such investigation. When an offender has been convicted
4 of murder in the first degree and (a) a jury renders a verdict finding
5 the existence of one or more aggravating circumstances as provided in
6 section 29-2520 or (b)(i) the information contains a notice of
7 aggravation as provided in section 29-1603 and (ii) the offender waives
8 his or her right to a jury determination of the alleged aggravating
9 circumstances, the court shall not commence the sentencing determination
10 proceeding as provided in section 29-2521 without first ordering a
11 presentence investigation of the offender and according due consideration
12 to a written report of such investigation.

13 (2) A court may order a presentence investigation in any case,
14 except in cases in which an offender has been convicted of a Class IIIA
15 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
16 infraction, or any corresponding city or village ordinance.

17 (3) The presentence investigation and report shall include, when
18 available, an analysis of the circumstances attending the commission of
19 the crime, the offender's history of delinquency or criminality, physical
20 and mental condition, family situation and background, economic status,
21 education, occupation, and personal habits, and any other matters that
22 the probation officer deems relevant or the court directs to be included.
23 All local and state police agencies and Department of Correctional
24 Services adult correctional facilities shall furnish to the probation
25 officer copies of such criminal records, in any such case referred to the
26 probation officer by the court of proper jurisdiction, as the probation
27 officer shall require without cost to the court or the probation officer.

28 Such investigation shall also include:

29 (a) Any written statements submitted to the county attorney by a
30 victim; and

31 (b) Any written statements submitted to the probation officer by a

1 victim.

2 (4) If there are no written statements submitted to the probation
3 officer, he or she shall certify to the court that:

4 (a) He or she has attempted to contact the victim; and

5 (b) If he or she has contacted the victim, such officer offered to
6 accept the written statements of the victim or to reduce such victim's
7 oral statements to writing.

8 For purposes of subsections (3) and (4) of this section, the term
9 victim shall be as defined in section 29-119.

10 (5) Before imposing sentence, the court may order the offender to
11 submit to psychiatric observation and examination for a period of not
12 exceeding sixty days or such longer period as the court determines to be
13 necessary for that purpose. The offender may be remanded for this purpose
14 to any available clinic or mental hospital, or the court may appoint a
15 qualified psychiatrist to make the examination. The report of the
16 examination shall be submitted to the court.

17 (6)(a) Any presentence report, substance abuse evaluation, or
18 psychiatric examination shall be privileged and shall not be disclosed
19 directly or indirectly to anyone other than a judge; probation officers
20 to whom an offender's file is duly transferred; the probation
21 administrator or his or her designee; alcohol and drug counselors, mental
22 health practitioners, psychiatrists, and psychologists licensed or
23 certified under the Uniform Credentialing Act to conduct substance abuse
24 evaluations and treatment; or others entitled by law to receive such
25 information, including personnel and mental health professionals for the
26 Nebraska State Patrol specifically assigned to sex offender registration
27 and community notification for the sole purpose of using such report,
28 evaluation, or examination for assessing risk and for community
29 notification of registered sex offenders.

30 (b) For purposes of this subsection, mental health professional
31 means (i) a practicing physician licensed to practice medicine in this

1 state under the Medicine and Surgery Practice Act, (ii) a practicing
2 psychologist licensed to engage in the practice of psychology in this
3 state as provided in section 38-3111 or as provided under similar
4 provisions of the Psychology Interjurisdictional Compact, (iii) a
5 practicing mental health professional licensed or certified in this state
6 as provided in the Mental Health Practice Act, or (iv) a practicing
7 professional counselor holding a privilege to practice in Nebraska under
8 the Licensed Professional Counselors Interstate Compact.

9 (7) The court shall permit inspection of the presentence report,
10 substance abuse evaluation, or psychiatric examination or parts of the
11 report, evaluation, or examination, as determined by the court, by the
12 prosecuting attorney and defense counsel. Such inspection shall be by
13 electronic access only unless the court determines such access is not
14 available to the prosecuting attorney or defense counsel. The State Court
15 Administrator shall determine and develop the means of electronic access
16 to such presentence reports, evaluations, and examinations. Upon
17 application by the prosecuting attorney or defense counsel, the court may
18 order that addresses, telephone numbers, and other contact information
19 for victims or witnesses named in the report, evaluation, or examination
20 be redacted upon a showing by a preponderance of the evidence that such
21 redaction is warranted in the interests of public safety. The court may
22 permit inspection of the presentence report, substance abuse evaluation,
23 or psychiatric examination or examination of parts of the report,
24 evaluation, or examination by any other person having a proper interest
25 therein whenever the court finds it is in the best interest of a
26 particular offender. The court may allow fair opportunity for an offender
27 to provide additional information for the court's consideration.

28 (8) If an offender is sentenced to imprisonment, a copy of the
29 report of any presentence investigation, substance abuse evaluation, or
30 psychiatric examination shall be transmitted immediately to the
31 Department of Correctional Services. Upon request, the department shall

1 provide a copy of the report to the Board of Parole, ~~the Division of~~
2 ~~Parole Supervision~~, and the Board of Pardons.

3 (9) Notwithstanding subsections (6) and (7) of this section, the
4 Supreme Court or an agent of the Supreme Court acting under the direction
5 and supervision of the Chief Justice shall have access to psychiatric
6 examinations, substance abuse evaluations, and presentence investigations
7 and reports for research purposes. The Supreme Court and its agent shall
8 treat such information as confidential, and nothing identifying any
9 individual shall be released.

10 **Sec. 5.** Section 29-2935, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 29-2935 For purposes of evaluating the treatment process, ~~the~~
13 ~~Division of Parole Supervision~~, the Department of Correctional Services,
14 the Board of Parole, and the designated aftercare treatment programs
15 shall allow appropriate access to data and information as requested by
16 the Department of Health and Human Services.

17 **Sec. 6.** Section 29-4019, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 29-4019 (1) When sentencing a person convicted of an offense which
20 requires lifetime community supervision upon release pursuant to section
21 83-174.03, the sentencing court shall:

22 (a) Provide written notice to the defendant that he or she shall be
23 subject to lifetime community supervision by the Department of
24 Correctional Services ~~Division of Parole Supervision~~ upon release from
25 incarceration or civil commitment. The written notice shall inform the
26 defendant (i) that he or she shall be subject to lifetime community
27 supervision by the department ~~division~~ upon release and that the
28 department ~~division~~ shall conduct a risk assessment and evaluation to
29 determine the conditions of community supervision which will minimize, in
30 the least restrictive manner that is compatible with public safety, the
31 risk of the defendant committing additional offenses, (ii) that a

1 violation of any of the conditions of community supervision imposed by
2 the department ~~division~~ may result in the revision of existing
3 conditions, the addition of new conditions, a recommendation that civil
4 commitment proceedings should be instituted, or criminal prosecution, and
5 (iii) of his or her right to challenge the determination of the
6 conditions of community supervision by the department ~~division~~ and the
7 right to a periodic review of the conditions of community supervision
8 pursuant to section 83-174.03 to determine if the conditions are still
9 necessary to protect the public;

10 (b) Require the defendant to read and sign a form stating that the
11 duty of the defendant to comply with the conditions of community
12 supervision and his or her rights to challenge the conditions of
13 community supervision imposed by the department ~~division~~ has been
14 explained; and

15 (c) Retain a copy of the written notification signed by the
16 defendant.

17 (2) Prior to the release of a person serving a sentence for an
18 offense requiring lifetime community supervision ~~by the Division of~~
19 ~~Parole Supervision~~ pursuant to section 83-174.03, the Department of
20 Correctional Services, the Department of Health and Human Services, or a
21 city or county correctional or jail facility shall:

22 (a) Provide written notice to the person that he or she shall be
23 subject to lifetime community supervision by the Department of
24 Correctional Services ~~division~~ upon release from incarceration. The
25 written notice shall inform the person (i) that he or she shall be
26 subject to lifetime community supervision by the department ~~division~~ upon
27 release and that the department ~~division~~ shall conduct a risk assessment
28 and evaluation of the defendant to determine the conditions of community
29 supervision which will minimize, in the least restrictive manner that is
30 compatible with public safety, the risk of the person committing
31 additional offenses, (ii) that a violation of any of the conditions of

1 community supervision imposed by the department ~~division~~ may result in
2 the revision of existing conditions, the addition of new conditions, a
3 recommendation that civil commitment proceedings should be instituted, or
4 criminal prosecution, and (iii) of his or her right to challenge the
5 determination of the conditions of community supervision by the
6 department ~~division~~ and the right to a periodic review of the conditions
7 of community supervision pursuant to section 83-174.03 to determine if
8 the conditions are still necessary to protect the public;

9 (b) Require the defendant to read and sign a form stating that the
10 duty of the defendant to comply with the conditions of community
11 supervision and his or her right to challenge the conditions of community
12 supervision imposed by the department ~~division~~ has been explained; and

13 (c) Retain a copy of the written notification signed by the person.

14 **Sec. 7.** Section 47-624, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 47-624 The division shall:

17 (1) Collaborate with the Office of Probation Administration, ~~the~~
18 ~~Division of Parole Supervision,~~ and the Department of Correctional
19 Services to develop and implement a plan to establish statewide operation
20 and use of a continuum of community correctional facilities and programs;

21 (2) Develop, in consultation with the probation administrator and
22 the Director of Correctional Supervision ~~and Services of the Division of~~
23 ~~Parole Supervision,~~ standards for the use of community correctional
24 facilities and programs by the Nebraska Probation System and the parole
25 system;

26 (3) Collaborate with the Office of Probation Administration, ~~the~~
27 ~~Division of Parole Supervision,~~ and the Department of Correctional
28 Services on the development of additional reporting centers as set forth
29 in section 47-624.01;

30 (4) Analyze and promote the consistent use of offender risk
31 assessment tools;

1 (5) Educate the courts, the Board of Parole, criminal justice system
2 stakeholders, and the general public about the availability, use, and
3 benefits of community correctional facilities and programs;

4 (6) Enter into and administer contracts, if necessary, to carry out
5 the purposes of the Community Corrections Act;

6 (7) In order to ensure adequate funding for substance abuse
7 treatment programs, consult with the probation administrator and the
8 Director of Correctional Supervision and Services of the ~~Division of~~
9 ~~Parole Supervision~~ and develop or assist with the development of programs
10 as provided in subdivision (14) of section 29-2252 and subdivision (20)
11 ~~(8)~~ of section 83-173 ~~83-1,102~~;

12 (8) Study substance abuse and mental health treatment services in
13 and related to the criminal justice system, recommend improvements, and
14 evaluate the implementation of improvements;

15 (9) Research and evaluate existing community correctional facilities
16 and programs, within the limits of available funding;

17 (10) Develop standardized definitions of outcome measures for
18 community correctional facilities and programs, including, but not
19 limited to, recidivism, employment, and substance abuse;

20 (11) Report annually to the Legislature and the Governor on the
21 development and performance of community correctional facilities and
22 programs. The report submitted to the Legislature shall be submitted
23 electronically. The report shall include, but not be limited to, the
24 following:

25 (a) A description of community correctional facilities and programs
26 currently serving offenders in Nebraska, which includes the following
27 information:

28 (i) The target population and geographic area served by each
29 facility or program, eligibility requirements, and the total number of
30 offenders utilizing the facility or program over the past year;

31 (ii) Services, programs, assessments, case management, supervision,

1 and tools provided for offenders at the facility, in the program, or
2 under the supervision of a governmental agency in any capacity;

3 (iii) The costs of operating the facility or program and the cost
4 per offender; and

5 (iv) The funding sources for the facility or program;

6 (b) The progress made in expanding community correctional facilities
7 and programs statewide and an analysis of the need for additional
8 community corrections services;

9 (c) An analysis of the impact community correctional facilities and
10 programs have on the number of offenders incarcerated within the
11 Department of Correctional Services; and

12 (d) The recidivism rates and outcome data for probationers,
13 parolees, and problem-solving-court clients participating in community
14 corrections programs;

15 (12) Grant funds to entities including local governmental agencies,
16 nonprofit organizations, and behavioral health services which will
17 support the intent of the Community Corrections Act act;

18 (13) Manage all offender data acquired by the division in a
19 confidential manner and develop procedures to ensure that identifiable
20 information is not released;

21 (14) Establish and administer grants, projects, and programs for the
22 operation of the division; and

23 (15) Perform such other duties as may be necessary to carry out the
24 policy of the state established in the act.

25 **Sec. 8.** Section 47-624.01, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 47-624.01 (1) The division shall collaborate with the Office of
28 Probation Administration, ~~the Division of Parole Supervision,~~ and the
29 Department of Correctional Services in developing a plan for the
30 implementation and funding of reporting centers in Nebraska.

31 (2) The plan shall include recommended locations for at least one

1 reporting center in each district court judicial district that currently
2 lacks such a center and shall prioritize the recommendations for
3 additional reporting centers based upon need.

4 (3) The plan shall also identify and prioritize the need for
5 expansion of reporting centers in those district court judicial districts
6 which currently have a reporting center but have an unmet need for
7 additional reporting center services due to capacity, distance, or
8 demographic factors.

9 **Sec. 9.** Section 47-627, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 47-627 The director shall develop and maintain a uniform crime data
12 analysis system in Nebraska which shall include, but need not be limited
13 to, the number of offenses, arrests, charges, probation admissions,
14 probation violations, probation discharges, participants in specialized
15 community corrections programs, admissions to and discharges from
16 problem-solving courts, admissions to and discharges from the Department
17 of Correctional Services, parole reviews, parole hearings, releases on
18 parole, parole violations, and parole discharges. The data shall be
19 categorized by statutory crime. The data shall be collected from the
20 Board of Parole, the State Court Administrator, the Department of
21 Correctional Services, ~~the Division of Parole Supervision,~~ the Office of
22 Probation Administration, the Nebraska State Patrol, counties, local law
23 enforcement, and any other entity associated with criminal justice. The
24 division and the Supreme Court shall have access to such data to
25 implement the Community Corrections Act.

26 **Sec. 10.** Section 47-629, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 47-629 (1) The Board of Parole may parole an offender to a community
29 correctional facility or program pursuant to guidelines developed by the
30 division.

31 (2) The Department of Correctional Services ~~and the Division of~~

1 ~~Parole Supervision~~ shall utilize community correctional facilities and
2 programs as appropriate.

3 **Sec. 11.** Section 47-903, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 47-903 For purposes of the Office of Inspector General of the
6 Nebraska Correctional System Act, the following definitions apply:

7 (1) Administrator means a person charged with administration of a
8 program, an office, or a division of the department or administration of
9 a private agency;

10 (2) Department means the Department of Correctional Services;

11 (3) Director means the Director of Correctional Services;

12 ~~(4) Division of Parole Supervision means the division created~~
13 ~~pursuant to section 83-1,100;~~

14 (4) ~~(5)~~ Inspector General means the Inspector General of the
15 Nebraska Correctional System appointed under section 47-904;

16 (5) ~~(6)~~ Malfeasance means a wrongful act that the actor has no legal
17 right to do or any wrongful conduct that affects, interrupts, or
18 interferes with performance of an official duty;

19 (6) ~~(7)~~ Management means supervision of subordinate employees;

20 (7) ~~(8)~~ Misfeasance means the improper performance of some act that
21 a person may lawfully do;

22 (8) ~~(9)~~ Obstruction means hindering an investigation, preventing an
23 investigation from progressing, stopping or delaying the progress of an
24 investigation, or making the progress of an investigation difficult or
25 slow;

26 (9) ~~(10)~~ Office means the office of Inspector General of the
27 Nebraska Correctional System and includes the Inspector General and other
28 employees of the office;

29 (10) ~~(11)~~ Private agency means an entity that contracts with the
30 department or contracts to provide services to another entity that
31 contracts with the department; and

1 (11) ~~(12)~~ Record means any recording in written, audio, electronic
2 transmission, or computer storage form, including, but not limited to, a
3 draft, memorandum, note, report, computer printout, notation, or message,
4 and includes, but is not limited to, medical records, mental health
5 records, case files, clinical records, financial records, and
6 administrative records.

7 **Sec. 12.** Section 47-908, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 47-908 All employees of the department ~~, all employees of the~~
10 ~~Division of Parole Supervision,~~ and all owners, operators, managers,
11 supervisors, and employees of private agencies shall cooperate with the
12 office. Cooperation includes, but is not limited to, the following:

13 (1) Provision of full access to and production of records and
14 information. Providing access to and producing records and information
15 for the office is not a violation of confidentiality provisions under any
16 statute, rule, or regulation if done in good faith for purposes of an
17 investigation under the Office of Inspector General of the Nebraska
18 Correctional System Act;

19 (2) Fair and honest disclosure of records and information reasonably
20 requested by the office in the course of an investigation under the act;

21 (3) Encouraging employees to fully comply with reasonable requests
22 of the office in the course of an investigation under the act;

23 (4) Prohibition of retaliation by owners, operators, or managers
24 against employees for providing records or information or filing or
25 otherwise making a complaint to the office;

26 (5) Not requiring employees to gain supervisory approval prior to
27 filing a complaint with or providing records or information to the
28 office;

29 (6) Provision of complete and truthful answers to questions posed by
30 the office in the course of an investigation; and

31 (7) Not willfully interfering with or obstructing the investigation.

1 **Sec. 13.** Section 47-919, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 47-919 The department ~~Division of Parole Supervision~~ shall provide
4 the Public Counsel and the Inspector General with direct computer access
5 to all computerized records, reports, and documents maintained in
6 connection with administration of the Nebraska parole system, except that
7 access for the Public Counsel and the Inspector General to a parolee's
8 medical or mental health records shall be subject to the parolee's
9 consent.

10 **Sec. 14.** Section 47-1102, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 47-1102 (1) The Legislature finds that studies have shown that post-
13 prison outcomes tend to be better for committed offenders who participate
14 in work release programs prior to discharge from custody. Specifically,
15 findings indicate that committed offenders who participated in work
16 release programs had a higher likelihood of obtaining post-release
17 employment within the first calendar quarter after release and also had a
18 significantly lower rate of recidivism than committed offenders who did
19 not participate in work release programs prior to discharge from custody.
20 In addition, studies indicate that committed offenders who participated
21 in privately operated work release programs were significantly more
22 likely to become employed after release.

23 (2) In light of these findings, and in order to give the Board of
24 Parole and the Department of Correctional Services additional options for
25 the placement of committed offenders, it is the intent of the
26 Legislature:

27 (a) To increase the number of committed offenders in the Nebraska
28 correctional system who are exposed to work release prior to discharge
29 from custody; and

30 (b) To do so in settings that also offer therapy, programming,
31 treatment, vocational training, and educational classes.

1 (3) To achieve these goals, the purpose of the Community Work
2 Release and Reentry Centers Act is to empower the ~~Division of Parole~~
3 ~~Supervision and the~~ Department of Correctional Services to contract with
4 private providers to establish community work release and reentry centers
5 at various locations throughout the State of Nebraska.

6 **Sec. 15.** Section 47-1103, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 47-1103 For purposes of the Community Work Release and Reentry
9 Centers Act:

10 (1) Advisory board means the Reentry Continuity Advisory Board
11 established in section 47-1117;

12 (2) Board means the Board of Parole;

13 (3) Committed offender has the same meaning as in section 83-170;

14 (4) Community work release and reentry center or center means a
15 residential home, halfway house, or other facility operated by a private
16 provider pursuant to an agreement in writing ~~either with the division or~~
17 ~~the~~ department for providing housing and supervision of committed
18 offenders placed in the center by the department ~~division~~ for work
19 release and for vocational training, education, programming, or
20 behavioral health or mental health treatment;

21 (5) Department means the Department of Correctional Services;

22 ~~(6) Division means the Division of Parole Supervision;~~

23 (6) ~~(7)~~ Individualized release plan means a detailed written plan
24 outlining a committed offender's future vocational goals, training,
25 employment, and needed treatment services following the committed
26 offender's release from a community work release and reentry center;

27 (7) ~~(8)~~ Private provider means a partnership, corporation,
28 association, joint venture, organization, or similar entity which is
29 operated on a nonprofit basis and which, under a contract with ~~either the~~
30 ~~division or~~ the department, has agreed to operate a community work
31 release and reentry center pursuant to the act;

1 (8) ~~(9)~~ Probation administration means the Office of Probation
2 Administration;

3 (9) ~~(10)~~ Reentering person means an individual who is subject to
4 supervision by the board ~~division~~ or probation administration, not
5 including juvenile probation, or who was recently in the custody of the
6 department or a county jail and was released with no supervision;

7 (10) ~~(11)~~ Reentry housing means temporary housing for reentering
8 persons, generally in the first year following a period of incarceration;
9 and

10 (11)(a) ~~(12)(a)~~ Reentry housing facility means a facility which is
11 owned or operated by a private organization, whether nonprofit or for-
12 profit, that receives direct payment from the board, ~~division~~, probation
13 administration, or department to provide reentry housing.

14 (b) Reentry housing facility includes, but is not limited to, a
15 community work release and reentry center.

16 (c) Reentry housing facility does not include a health care facility
17 as defined in section 71-413.

18 **Sec. 16.** Section 47-1104, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 47-1104 (1) The department ~~division~~ may place a parole-eligible
21 committed offender at a community work release and reentry center as
22 provided in the Community Work Release and Reentry Centers Act.

23 (2) Any parole-eligible committed offender placed at a community
24 work release and reentry center pursuant to the act:

25 (a) Shall be under the continuing jurisdiction and authority of the
26 department and board as if the committed offender was selected for
27 release on ordinary parole status as provided for in section 83-192; and

28 (b) May be subsequently released by the board on ordinary parole
29 status as provided for in section 83-192.

30 (3) The department may place a committed offender whose sentence
31 includes a term of post-release supervision and who is within three years

1 of his or her release date at a community work release and reentry center
2 as provided in the act. Any such committed offender placed at a center
3 shall be under the continuing jurisdiction and authority of the
4 department.

5 **Sec. 17.** Section 47-1105, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 47-1105 (1) The ~~division and the~~ department may exercise all powers
8 and perform all duties necessary and proper for carrying out their
9 responsibilities under the Community Work Release and Reentry Centers
10 Act.

11 (2) The ~~division and the~~ department may use designated funds
12 provided by the Legislature to enter into agreements with private
13 providers for the development and operation of community work release and
14 reentry centers to be established at various locations throughout the
15 state. Any such agreement shall require a private provider to:

16 (a) Establish a contract with public or private employers to provide
17 employment for committed offenders placed at the center;

18 (b) Assist any committed offender placed at the center to obtain and
19 maintain employment in the community;

20 (c) Provide vocational training, education, programming, and
21 treatment for issues related to the criminogenic needs of any committed
22 offender placed at the center; and

23 (d) Otherwise direct and supervise the activities and behavior of
24 any committed offender placed at the center as provided in the act.

25 (3) In an agreement under this section, the ~~division or the~~
26 department may include contractual requirements that obligate the private
27 provider to offer to any committed offender placed at the center:

28 (a) Specialized educational or vocational training; and

29 (b) Other programming that will address the mental health,
30 behavioral health, or substance abuse treatment needs of such committed
31 offender.

1 (4) An agreement under this section shall require the community work
2 release and reentry center to establish programs, rules, and enforcement
3 systems:

4 (a) Regarding the behavior of committed offenders;

5 (b) To ensure that committed offenders seek and retain continuous
6 employment;

7 (c) For the treatment of committed offenders for substance abuse;

8 (d) To ensure that committed offenders only leave the center for
9 purposes of work or for other specified and approved activities,
10 including, but not limited to, job interviews, medical appointments,
11 treatment, and outings to visit family;

12 (e) To ensure that committed offenders consistently participate in
13 all necessary therapy, programming, treatment, vocational training, and
14 educational classes; and

15 (f) To ensure that committed offenders maintain their scheduled work
16 hours.

17 **Sec. 18.** Section 47-1106, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 47-1106 The ~~division and the~~ department shall set standards for the
20 appropriate staffing levels of community work release and reentry
21 centers. The ~~division and the~~ department shall require each center to:

22 (1) Be under the supervision and control of a designated center
23 director approved by the ~~division or the~~ department;

24 (2) Be adequately staffed twenty-four hours per day, including on
25 weekends and holidays; and

26 (3) Assign an individual counselor to each committed offender
27 assigned to the center.

28 **Sec. 19.** Section 47-1107, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 47-1107 (1) The ~~division and the~~ department shall require each
31 community work release and reentry center to establish an individualized

1 release plan for each committed offender assigned to the center. The
2 staff of a center shall assist ~~the division~~ and the department in making
3 reasonable advance preparations for the release of such committed
4 offenders.

5 (2) If a parole-eligible committed offender is released from a
6 center, the offender shall be subject to parole conditions set by the
7 board and under the supervision of a district parole officer assigned by
8 ~~the division~~ pursuant to section 83-1,104. The individualized release
9 plan for a parole-eligible committed offender shall be developed in
10 coordination with the assigned district parole officer.

11 (3) If a committed offender whose sentence includes a term of post-
12 release supervision is released from a center, the offender shall be
13 subject to the conditions of his or her order of post-release supervision
14 and under the supervision of a district probation officer. The
15 individualized release plan for such an offender shall be developed in
16 coordination with the assigned district probation officer.

17 **Sec. 20.** Section 47-1108, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 47-1108 (1) The ~~division~~ and the department shall set requirements
20 for the maintenance of the individual records of committed offenders
21 assigned to a community work release and reentry center.

22 (2) The ~~division~~ and the department shall require each community
23 work release and reentry center to make periodic reports to ~~the division~~
24 and the department on the performance of each committed offender assigned
25 to the center.

26 **Sec. 21.** Section 47-1109, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 47-1109 The ~~division~~ and the department shall establish an internal
29 system for assessing the achievements of community work release and
30 reentry centers and the effectiveness of the Community Work Release and
31 Reentry Centers Act as a whole. The ~~division~~ and the department shall

1 develop and maintain measurable goals and objectives for such assessment.

2 **Sec. 22.** Section 47-1110, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 47-1110 (1) The department ~~division~~ shall designate a parole officer
5 to monitor the performance of each parole-eligible committed offender who
6 is assigned to a community work release and reentry center. The
7 designated parole officer shall be required to periodically report to the
8 department ~~division~~ on the progress of the committed offender.

9 (2) The department shall designate a correctional officer to monitor
10 the performance of each committed offender who is assigned to a community
11 work release and reentry center under subsection (3) of section 47-1104.
12 The designated correctional officer shall be required to periodically
13 report to the department on the progress of the committed offender.

14 **Sec. 23.** Section 47-1111, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 47-1111 The ~~division and the~~ department shall develop an internal
17 program to conduct annual reviews of the performance of each community
18 work release and reentry center. A senior staff person of ~~the division~~
19 ~~and~~ the department shall visit each center at least twice each year.

20 **Sec. 24.** Section 47-1113, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 47-1113 The ~~division and the~~ department may allow a community work
23 release and reentry center to have access to all of the records,
24 documents, and reports in the custody of ~~the division or~~ the department,
25 other than presentence investigation reports, that relate to any
26 committed offender who is assigned to the center.

27 **Sec. 25.** Section 47-1114, Revised Statutes Cumulative Supplement,
28 2024, is amended to read:

29 47-1114 (1) By July 1, 2026, ~~the division and~~ the department shall
30 develop a strategic plan and procedure to allow private providers to bid
31 on agreements to establish community work release and reentry centers

1 pursuant to the Community Work Release and Reentry Centers Act.

2 (2) It is the intent of the Legislature to appropriate one million
3 dollars from the General Fund to carry out the Community Work Release and
4 Reentry Centers Act.

5 **Sec. 26.** Section 47-1115, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 47-1115 (1) The department, with the assistance of the board, shall
8 establish a program to encourage the development of reentry housing,
9 coordinate the provisions of reentry services, and provide standards for
10 reentry housing. Through this program, the department shall:

11 (a) Establish minimum standards for reentry housing facilities,
12 including requirements related to health and safety, insurance,
13 evaluations, and inspections, with input from the advisory committee;

14 (b) Monitor compliance with these minimum standards and investigate
15 suspected violations;

16 (c) Coordinate evaluations of reentry housing facilities based on
17 living conditions, staffing, programming, and other criteria;

18 (d) Communicate with relevant agencies regarding evaluation results
19 and compliance with minimum standards;

20 (e) Facilitate communication between the department, ~~division,~~
21 board, probation administration, and reentry housing facilities regarding
22 reentering persons in need of housing and the availability of housing to
23 meet such needs;

24 (f) Engage in regular discussions with entities which organize and
25 prioritize housing services for people experiencing homelessness or at
26 risk of homelessness in Nebraska;

27 (g) Track data on costs, utilization, and outcomes for reentry
28 housing within the state and use this data to determine trends and
29 project future needs and costs; and

30 (h) Electronically submit an annual report to the Legislature, the
31 Supreme Court, and the Governor which describes the status of housing for

1 reentering persons in Nebraska. The report shall include details on
2 housing-related expenditures, characteristics of reentry housing
3 facilities and other places which provide housing for reentering persons,
4 characteristics of the individuals receiving financial assistance for
5 housing, and recommendations for improving the quality and availability
6 of housing for reentering persons in the state.

7 (2) The department and board may use available funds to encourage
8 development of quality, safe reentry housing and to assist existing
9 reentry housing facilities in making improvements for the benefit of
10 reentering persons and public safety.

11 **Sec. 27.** Section 47-1116, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 47-1116 (1) Reentry housing facilities shall cooperate with
14 investigations and evaluations conducted pursuant to the Community Work
15 Release and Reentry Centers Act and shall provide the department, board,
16 ~~division,~~ probation administration, and the Office of Public Counsel with
17 reasonable access to facilities and records related to the provision of
18 reentry housing.

19 (2) The department or board may request the State Fire Marshal to
20 investigate any reentry housing facility for fire safety under section
21 81-502. The State Fire Marshal shall assess a fee for such inspection
22 under section 81-505.01 payable by the facility. The State Fire Marshal
23 may delegate the authority to make such inspections to qualified local
24 fire prevention personnel under section 81-502.

25 (3) The department or board may request a county, city, or village
26 to inspect any reentry housing facility for the purpose of administering
27 or enforcing the state building code or an applicable local building or
28 construction code enacted pursuant to the Building Construction Act, if
29 the county, city, or village has taken on the responsibility of code
30 enforcement. A county, city, or village may assess fees for such an
31 inspection under section 71-6406.

1 (4) The department or board shall promptly notify a reentry housing
2 facility and relevant agencies if there is reason to believe conditions
3 in the facility present an imminent threat to the health or safety of
4 reentering persons residing at the facility.

5 (5) The department shall work with the board, ~~division~~, probation
6 administration, and the advisory board to establish a speedy process by
7 which reentry housing facilities may contest the findings of any
8 investigation or evaluation pursuant to the Community Work Release and
9 Reentry Centers Act.

10 **Sec. 28.** Section 47-1117, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 47-1117 (1) The Reentry Continuity Advisory Board is created. The
13 board shall include the following members:

- 14 (a) The Inspector General of the Nebraska Correctional System;
15 (b) The Director of Correctional Services or his or her designee;
16 (c) The chairperson of the Board of Parole or his or her designee;
17 (d) The probation administrator or his or her designee; and
18 (e) Five additional members to be appointed by the Governor. Such
19 members shall include:

20 (i) An individual with experience in reentry and restorative justice
21 service delivery;

22 (ii) A victims' rights representative;

23 (iii) A formerly incarcerated individual;

24 (iv) An individual with expertise in mental or behavioral health;

25 and

26 (v) An individual with experience in public policy.

27 (2) The advisory board shall select a chairperson from among its
28 members.

29 (3) The advisory board shall identify areas for improving continuity
30 and collaboration among the department, ~~the division~~, the board,
31 probation administration, and any other relevant criminal justice

1 entities and offer advice on practices that will enhance the continuity
2 of reentry services and reentry housing for individuals in the criminal
3 justice system.

4 (4) The advisory board shall:

5 (a) Conduct regular meetings;

6 (b) Provide advice and assistance to the department and board
7 relating to reentry housing in Nebraska;

8 (c) Promote the interests of reentering persons and their families;

9 (d) Promote public safety through effective reintegration into the
10 community;

11 (e) Provide input on the process of evaluating reentry housing
12 facilities;

13 (f) Engage with neighborhood groups and other stakeholders;

14 (g) Provide reports as requested by the department and board; and

15 (h) Engage in other activities as requested by the department and
16 board.

17 (5) The advisory board shall convene at least quarterly. The members
18 described in subdivisions (1)(b), (c), and (d) of this section shall
19 attend each meeting of the advisory board and share and present
20 information relevant to the mission of the advisory board.

21 (6) The department, ~~division~~, board, and probation administration
22 shall provide information requested by the advisory board related to its
23 mission. This shall include, but is not limited to, information
24 regarding:

25 (a) The use of evidence-based risk assessments and evidence-based
26 programming;

27 (b) Participation in rehabilitation and education programs;

28 (c) Treatment and programming offered, including vocational
29 training, substance abuse treatment, cognitive-behavioral therapy, and
30 mental health counseling;

31 (d) Population and demographic data;

- 1 (e) Use of and need for transitional housing and reentry housing;
- 2 (f) Identified gaps in services;
- 3 (g) Recidivism;
- 4 (h) Institutional conduct; and
- 5 (i) Post-release and reentry planning and services;

6 (7) The advisory board shall conduct periodic evaluations of the
7 effectiveness of the collaborative efforts and reentry programs offered
8 by the department, ~~division~~, board, probation administration, and other
9 criminal justice agencies. Such evaluation shall be accomplished using an
10 integrated reentry and rehabilitation framework, which shall include an
11 examination of:

12 (a) The extent to which agencies are conducting comprehensive
13 assessments of criminal justice-involved individuals' needs and risks,
14 including education, employment, housing, mental health, substance abuse,
15 and family support;

16 (b) Whether the agencies are providing individualized reentry
17 planning tailored to the specific needs and circumstances of such
18 individuals, with a focus on addressing criminogenic factors and
19 promoting positive behavioral change;

20 (c) Whether such individuals have access to evidence-based
21 interventions, programs, and services both during and following
22 incarceration, including education, vocational training, mental health
23 treatment, substance abuse counseling, and life skills development; and

24 (d) The extent of collaboration and coordination between the
25 department, parole, probation, other criminal justice agencies,
26 community-based organizations, and other stakeholders.

27 (8) The advisory board shall assist probation administration and ~~and~~
28 the department ~~, and the division~~ in implementing performance metrics for
29 staff as provided in sections 29-2243 and 83-171.01. The advisory board
30 shall regularly review such agencies' implementation and use of such
31 performance metrics and offer updated guidance to ensure that such

1 metrics are aligned with best practices, stakeholder input, and the
2 evolving goals and priorities of the criminal justice system.

3 (9) On or before October 1, 2025, and on or before each October 1
4 thereafter, the advisory board shall electronically submit a report to
5 the Judiciary Committee of the Legislature. The report shall include data
6 regarding baselines, goals, efforts undertaken to achieve such goals, and
7 action steps outlined to meet such goals and set objectives. The report
8 shall detail the outcomes of parole decisions, reentry efforts,
9 recidivism rates, and any challenges encountered. The report shall
10 provide stakeholders with a clear understanding of the progress made,
11 challenges faced, and strategies employed throughout the reporting
12 period.

13 **Sec. 29.** Section 47-1119, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 47-1119 The department ~~,—division,~~ and board may adopt and
16 promulgate rules and regulations to carry out the Community Work Release
17 and Reentry Centers Act.

18 **Sec. 30.** Section 71-961, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 71-961 (1) All records kept on any subject shall remain confidential
21 except as otherwise provided by law. Such records shall be accessible to
22 (a) the subject, except as otherwise provided in subsection (2) of this
23 section, (b) the subject's legal counsel, (c) the subject's guardian or
24 conservator, if any, (d) the mental health board having jurisdiction over
25 the subject, (e) persons authorized by an order of a judge or court, (f)
26 persons authorized by written permission of the subject, (g) agents or
27 employees of the Department of Health and Human Services upon delivery of
28 a subpoena from the department in connection with a licensing or
29 licensure investigation by the department, (h) individuals authorized to
30 receive notice of the release of a sex offender pursuant to section
31 83-174, (i) the Nebraska State Patrol or the department pursuant to

1 section 69-2409.01, (j) the Department of Correctional Services Division
2 ~~of Parole Supervision~~ if the subject meets the requirements for lifetime
3 community supervision pursuant to section 83-174.03, and (k) any tribal
4 court having jurisdiction over a subject who is domiciled in Indian
5 country and committed for treatment as provided in section 71-964.

6 (2) Upon application by the county attorney or by the administrator
7 of the treatment facility where the subject is in custody and upon a
8 showing of good cause therefor, a judge of the district court of the
9 county where the mental health board proceedings were held or of the
10 county where the treatment facility is located may order that the records
11 not be made available to the subject if, in the judgment of the court,
12 the availability of such records to the subject will adversely affect his
13 or her mental illness or personality disorder and the treatment thereof.

14 (3) When a subject is absent without authorization from a treatment
15 facility or program described in section 71-939 or 71-1223 and is
16 considered to be dangerous to others, the subject's name and description
17 and a statement that the subject is believed to be considered dangerous
18 to others may be disclosed in order to aid in the subject's apprehension
19 and to warn the public of such danger.

20 **Sec. 31.** Section 71-3426, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 71-3426 (1) A lead organization may establish a local team for the
23 lead organization's jurisdiction or for a group of cities, counties, or
24 districts, pursuant to an agreement between multiple lead organizations.
25 If multiple lead organizations decide to form a local team, only one
26 shall fulfill the role of lead organization. The lead organization shall
27 select the members of the local team.

28 (2) A local team shall consist of the core members that may include
29 one or more members from the following backgrounds:

30 (a) Officials from the lead organization or from another local
31 public health department or such officials' designees;

- 1 (b) Behavioral health providers or officials;
- 2 (c) Law enforcement personnel;
- 3 (d) Representatives of jails or detention centers;
- 4 (e) The coroner or the coroner's designee;
- 5 (f) Health care providers who specialize in the prevention,
6 diagnosis, and treatment of substance use disorders;
- 7 (g) Mental health providers who specialize in substance use
8 disorders;
- 9 (h) Representatives of emergency medical services providers in the
10 county;
- 11 (i) The Director of Children and Family Services of the Division of
12 Children and Family Services of the Department of Health and Human
13 Services or the director's designee; and
- 14 (j) Representatives from the Board of Parole, the Office of
15 Probation Administration, the Department of Correctional Services
16 ~~Division of Parole Supervision~~, or the Community Corrections Division of
17 the Nebraska Commission on Law Enforcement and Criminal Justice.
- 18 (3) A local team may also include, either as permanent or temporary
19 members:
- 20 (a) A local school superintendent or the superintendent's designee;
- 21 (b) A representative of a local hospital;
- 22 (c) A health care provider who specializes in emergency medicine;
- 23 (d) A health care provider who specializes in pain management;
- 24 (e) A pharmacist with a background in prescription drug misuse and
25 diversion;
- 26 (f) A substance use disorder treatment provider from a licensed
27 substance use disorder treatment program;
- 28 (g) A poison control center representative;
- 29 (h) A mental health provider who is a generalist;
- 30 (i) A prescription drug monitoring program administrator or such
31 administrator's designee;

1 (j) A representative from a harm reduction provider;

2 (k) A recovery coach, peer support worker, or other representative
3 of the recovery community;

4 (l) A representative from the local drug court; and

5 (m) Any other individual necessary for the work of the local team.

6 (4) The lead organization shall select a chairperson for the local
7 team. The chairperson shall be an official of the lead organization or
8 such official's designee. The chairperson shall:

9 (a) Solicit and recruit members and appoint replacement members to
10 fill vacancies that may arise on the team. In carrying out this
11 responsibility, the chairperson shall, at a minimum, attempt to appoint
12 at least one member from each of the backgrounds or positions described
13 in subsection (2) of this section;

14 (b) Facilitate local team meetings and implement the protocols and
15 procedures of the local team;

16 (c) Request and collect the records and information needed for the
17 local team's case review. The chairperson shall remove all personal
18 identifying information from any records or information prior to
19 providing it to the local team;

20 (d) Gather, store, and distribute the necessary records and
21 information for reviews conducted by the team. The chairperson shall
22 carry out such duties in compliance with all local, state, and federal
23 confidentiality laws and regulations;

24 (e) Ensure that team members receive timely notification of upcoming
25 meetings;

26 (f) Ensure the team fulfills the requirements of section 71-3427 to
27 publish an annual report, including recommendations to prevent future
28 drug overdose deaths;

29 (g) Ensure that all members of the local team and all guest
30 observers and participants sign confidentiality forms as required under
31 section 71-3433;

1 (h) Oversee compliance with the Overdose Fatality Review Teams Act
2 and the protocols developed by the team;

3 (i) Serve as a liaison for the local team; and

4 (j) Perform such other duties as the team deems appropriate.

5 (5) Members of the local team shall not receive compensation for
6 their services as team members.

7 **Sec. 32.** Section 71-3430, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 71-3430 (1) Except as provided in subsection (4) of this section, on
10 written request of the lead organization, and as necessary to carry out
11 the purpose and duties of the local team, the lead organization shall be
12 provided with the following information:

13 (a) Nonprivileged information and records regarding the physical
14 health, mental health, and treatment for any substance use disorder
15 maintained by a health care provider, substance use disorder treatment
16 provider, hospital, or health system for an individual whose death is
17 being reviewed by the local team; and

18 (b) Information and records maintained by a state or local
19 government agency or entity, including, but not limited to, death
20 investigative information, coroner investigative information, law
21 enforcement investigative information, emergency medical services
22 reports, fire department records, prosecutorial records, parole and
23 probation information and records, court records, school records, and
24 information and records of a social services agency, including the
25 department, if the agency or entity provided services to an individual
26 whose death is being reviewed by the local team.

27 (2) Except as provided in subsection (4) of this section, the
28 following persons shall comply with a records request by the lead
29 organization made pursuant to subsection (1) of this section:

30 (a) A coroner;

31 (b) A fire department;

1 (c) A health system;

2 (d) A hospital;

3 (e) A law enforcement agency;

4 (f) A local or state governmental agency, including, but not limited
5 to, the department, local public health authorities, the Attorney
6 General, county attorneys, public defenders, the Commission on Public
7 Advocacy, the Department of Correctional Services, and the Office of
8 Probation Administration ~~, and the Division of Parole Supervision;~~

9 (g) A mental health provider;

10 (h) A health care provider;

11 (i) A substance use disorder treatment provider;

12 (j) A school, including a public or private elementary, secondary,
13 or postsecondary institution;

14 (k) An emergency medical services provider;

15 (l) A social services provider; and

16 (m) Any other person who is in possession of records pertinent to
17 the local team's investigation of an overdose fatality.

18 (3) A person subject to a records request by a lead organization
19 under subsection (1) of this section may charge the lead organization a
20 reasonable fee for the service of duplicating any records requested by
21 the lead organization, not to exceed the actual cost of duplication.

22 (4)(a) Compliance with any records request under this section is
23 subject to the federal Health Insurance Portability and Accountability
24 Act of 1996, Public Law 104-191, and regulations promulgated thereunder;
25 42 U.S.C. 290dd-2; 42 C.F.R. part 2; and the Child Protection and Family
26 Safety Act.

27 (b) The department is not required to comply with a records request
28 under subsection (2) of this section to the extent the information
29 requested:

30 (i) Was obtained by the prescription drug monitoring program created
31 under section 71-2454;

1 (ii) Is covered by section 68-313; or

2 (iii) Is covered by 42 C.F.R. 431.300 et seq.

3 (c) The disclosure or redisclosure of a medical record developed in
4 connection with the provision of substance abuse treatment services,
5 without the authorization of a person in interest, is subject to any
6 limitations that exist under the federal Health Insurance Portability and
7 Accountability Act of 1996, Public Law 104-191, and regulations
8 promulgated thereunder; 42 U.S.C. 290dd-2; and 42 C.F.R. part 2.

9 (5) Information requested by the lead organization shall be provided
10 within thirty calendar days after receipt of the written request, unless
11 an extension is granted by the chairperson. Written request includes a
12 request submitted via email or facsimile transmission.

13 (6)(a) A county attorney or the Attorney General may, upon request
14 by a lead organization, issue subpoenas to compel production of any of
15 the records and information specified in this section.

16 (b) Any willful failure to comply with such a subpoena may be
17 certified by the county attorney or Attorney General to the district
18 court for enforcement or punishment for contempt of court.

19 **Sec. 33.** Section 81-1401, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
22 context otherwise requires:

23 (1) Class I railroad means a rail carrier classified as Class I
24 pursuant to 49 C.F.R. part 1201 1-1;

25 (2) Commission means the Nebraska Commission on Law Enforcement and
26 Criminal Justice;

27 (3) Council means the Nebraska Police Standards Advisory Council;

28 (4) Director means the director of the Nebraska Law Enforcement
29 Training Center;

30 (5) Felony means a crime punishable by imprisonment for a term of
31 more than one year or a crime committed outside of Nebraska which would

1 be punishable by imprisonment for a term of more than one year if
2 committed in Nebraska;

3 (6) Handgun means any firearm with a barrel less than sixteen inches
4 in length or any firearm designed to be held and fired by the use of a
5 single hand;

6 (7) Law enforcement agency means the police department or the town
7 marshal in incorporated municipalities, the office of sheriff in
8 unincorporated areas, the Nebraska State Patrol, and Class I railroad
9 police departments;

10 (8)(a) Law enforcement officer means any person who has successfully
11 completed an entry-level law enforcement certification from a training
12 academy and who is responsible for the prevention or detection of crime
13 or the enforcement of the penal, traffic, or highway laws of the state or
14 any political subdivision of the state for more than one hundred hours
15 per year and is authorized by law to make arrests and includes, but is
16 not limited to:

17 (i) A full-time or part-time member of the Nebraska State Patrol;

18 (ii) A county sheriff;

19 (iii) A full-time or part-time employee of a county sheriff's
20 office;

21 (iv) A full-time or part-time employee of a municipal or village
22 police agency;

23 (v) A full-time or part-time Game and Parks Commission conservation
24 officer;

25 (vi) A full-time or part-time deputy state sheriff;

26 (vii) A full-time employee of an organized and paid fire department
27 of any city of the metropolitan class who is an authorized arson
28 investigator and whose duties consist of determining the cause, origin,
29 and circumstances of fires or explosions while on duty in the course of
30 an investigation;

31 (viii) A member of a law enforcement reserve force appointed in

1 accordance with section 81-1438; or

2 (ix) A full-time Class I railroad police officer;

3 (b) Law enforcement officer includes a noncertified conditional
4 officer;

5 (c) Law enforcement officer does not include employees of the
6 Department of Correctional Services, probation officers under the
7 Nebraska Probation System, parole officers appointed by the Director of
8 Correctional Supervision and Services of the ~~Division of Parole~~
9 ~~Supervision~~, or employees of the Department of Revenue under section
10 77-366; and

11 (d) Except for a noncertified conditional officer, a law enforcement
12 officer shall possess a valid law enforcement officer certificate or
13 diploma, as established by the council, in order to be vested with the
14 authority of this section;

15 (9) Misdemeanor crime of domestic violence has the same meaning as
16 in section 28-1206;

17 (10) Noncertified conditional officer means a person appointed
18 pursuant to subsection (6) of section 81-1414;

19 (11) Serious misconduct means improper or illegal actions taken by a
20 law enforcement officer that have a rational connection with the person's
21 fitness or capacity to serve as a law enforcement officer and includes,
22 but is not limited to:

23 (a) Conviction of a felony or misdemeanor crime of domestic
24 violence;

25 (b) Fabrication of evidence;

26 (c) Repeated substantiated allegations of the use of excessive
27 force;

28 (d) Acceptance of a bribe;

29 (e) Commission of fraud or perjury; or

30 (f) Sexual assault;

31 (12) Training academy means:

1 (a) The training center; or

2 (b) Another council-approved law enforcement training facility
3 which:

4 (i) Offers certification training that meets or exceeds the
5 certification training curriculum of the training center; and

6 (ii) Is operated and maintained by a law enforcement agency or by
7 multiple law enforcement agencies pursuant to the Interlocal Cooperation
8 Act;

9 (13) Training center means the Nebraska Law Enforcement Training
10 Center; and

11 (14) Training school means a public or private institution of higher
12 education, including the University of Nebraska, the Nebraska state
13 colleges, and the community colleges of this state, that offers training
14 in a council-approved pre-certification course.

15 **Sec. 34.** Section 83-170, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 83-170 As used in the Nebraska Treatment and Corrections Act, unless
18 the context otherwise requires:

19 (1) Board means the Board of Parole;

20 (2) Committed offender means any person who, under any provision of
21 law, is sentenced or committed to a facility operated by the department
22 or is sentenced or committed to the department other than a person
23 adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of
24 section 43-247 by a juvenile court;

25 (3) Department means the Department of Correctional Services;

26 (4) Director means the Director of Correctional Services;

27 ~~(5) Director of Supervision and Services means the Director of~~
28 ~~Supervision and Services appointed pursuant to section 83-1,101;~~

29 (5) (6) Facility means any prison, reformatory, training school,
30 reception center, community guidance center, group home, or other
31 institution operated by the department;

1 ~~(6)~~ ~~(7)~~ Good time means any reduction of sentence granted pursuant
2 to sections 83-1,107 and 83-1,108;

3 ~~(7)~~ ~~(8)~~ Maximum term means the maximum sentence provided by law or
4 the maximum sentence imposed by a court, whichever is shorter;

5 ~~(8)~~ ~~(9)~~ Minimum term means the minimum sentence provided by law or
6 the minimum sentence imposed by a court, whichever is longer;

7 ~~(9)~~ ~~(10)~~ Pardon authority means the power to remit fines and
8 forfeitures and to grant respites, reprieves, pardons, or commutations;

9 ~~(10)~~ ~~(11)~~ Parole term means the time from release on parole to the
10 completion of the maximum term, reduced by good time;

11 ~~(11)~~ ~~(12)~~ Person committed to the department means any person
12 sentenced or committed to a facility within the department;

13 ~~(12)~~ ~~(13)~~ Restrictive housing means conditions of confinement that
14 provide limited contact with other offenders, strictly controlled
15 movement while out of cell, and out-of-cell time of less than twenty-four
16 hours per week; and

17 ~~(13)~~ ~~(14)~~ Solitary confinement means the status of confinement of an
18 inmate in an individual cell having solid, soundproof doors and which
19 deprives the inmate of all visual and auditory contact with other
20 persons.

21 **Sec. 35.** Section 83-171, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 83-171 There is hereby created a Department of Correctional Services
24 which shall:

25 (1) Maintain and administer facilities required for the custody,
26 control, correctional treatment, and rehabilitation of persons committed
27 to the department and for the safekeeping of such other persons as may be
28 remanded to the department in accordance with law;

29 (2) Develop policies and programs for the correctional treatment and
30 rehabilitation of persons committed to the department;

31 (3) Supervise parolees who have been committed to the department;

1 and

2 (4) Administer parole services in the facilities and in the
3 community; and -

4 (5) Maintain all records and files associated with the Board of
5 Parole, including relating to individuals subject to lifetime community
6 supervision under section 83-174.03. This section shall not be construed
7 to prohibit the department from maintaining daily records and files
8 associated with the Board of Pardons.

9 **Sec. 36.** Section 83-171.01, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 83-171.01 The department ~~and the Division of Parole Supervision~~
12 shall establish performance metrics for corrections and parole staff.
13 Such metrics shall measure staff efficacy in providing rehabilitative and
14 reentry services to committed offenders and parolees. Such metrics shall:

15 (1) Reflect a balanced approach that considers both compliance and
16 enforcement measures as well as outcomes related to rehabilitation,
17 reintegration, and public safety;

18 (2) Include indicators of progress for committed offenders and
19 parolees, such as successful completion of treatment programs,
20 educational attainment, employment status, and compliance with conditions
21 of supervision;

22 (3) Emphasize the importance of providing supportive services,
23 fostering positive relationships with committed offenders and parolees,
24 and promoting successful community reentry; and

25 (4) Be aligned with best practices, stakeholder input, and the
26 evolving goals and priorities of the criminal justice system.

27 **Sec. 37.** Section 83-173, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 83-173 The Director of Correctional Services shall:

30 (1) Supervise and be responsible for the administration of the
31 Department of Correctional Services;

1 (2) Establish, consolidate, or abolish any administrative
2 subdivision within the department and appoint and remove for cause the
3 heads thereof and delegate appropriate powers and duties to them;

4 (3) Establish and administer policies and programs for the operation
5 of the facilities in the department and for the custody, control, safety,
6 correction, and rehabilitation of persons committed to the department;

7 (4) Appoint and remove the chief executive officer of each facility
8 and delegate appropriate powers and duties to him or her;

9 (5) Appoint and remove employees of the department and delegate
10 appropriate powers and duties to them;

11 (6) Adopt and promulgate rules and regulations for the management,
12 correctional treatment, and rehabilitation of persons committed to the
13 department, the administration of facilities, and the conduct of officers
14 and employees under his or her jurisdiction;

15 (7) Designate the place of confinement of persons committed to the
16 department subject to section 83-176;

17 (8) Establish and administer policies that ensure that complete and
18 up-to-date electronic records are maintained for each person committed to
19 the department and which also ensure privacy protections. Electronic
20 records shall include programming recommendations, program completions,
21 time spent in housing other than general population, and medical records,
22 including mental and behavioral health records;

23 (9) Collect, develop, and maintain statistical information
24 concerning persons committed to the department, sentencing practices, and
25 correctional treatment as may be useful in penological research or in the
26 development of treatment programs;

27 (10) Provide training programs designed to equip employees for duty
28 in the facilities and related services of the department and to raise and
29 maintain the educational standards, level of performance, and safety of
30 such employees;

31 (11) Notify law enforcement agencies of upcoming furloughs as

1 required by section 83-173.01;

2 (12) Issue or authorize the issuance of a warrant for the arrest of
3 any person committed to the department who has escaped from the custody
4 of the department; ~~and~~

5 (13) Supervise and be responsible for administration of parole
6 services in the community, including administration of the Community Work
7 Release and Reentry Centers Act;

8 (14) Establish and maintain policies, standards, and procedures for
9 the field parole service and the community supervision of sex offenders
10 pursuant to section 83-174.03;

11 (15) Divide the state into parole districts and appoint district
12 parole officers and such other employees as may be required to carry out
13 adequate parole supervision of all parolees, prescribe their powers and
14 duties, and obtain division offices for staff in each district as may be
15 necessary;

16 (16) Cooperate with the Board of Parole, the courts, the Community
17 Corrections Division of the Nebraska Commission on Law Enforcement and
18 Criminal Justice, and all other agencies, public and private, which are
19 concerned with the treatment or welfare of persons on parole;

20 (17) Provide the Board of Parole and district judges with any record
21 of a parolee that the board or such judges may require;

22 (18) Make recommendations to the Board of Parole or district judge
23 in cases of violation of the conditions of parole, issue warrants for the
24 arrest of parole violators when so instructed by the board or district
25 judge, and upon instruction of the board, issue certificates of parole
26 and of parole revocation to the facilities and certificates of discharge
27 from parole to parolees;

28 (19) Organize and conduct training programs for the district parole
29 officers and other employees;

30 (20) Use the funds provided under section 83-1,107.02 to augment
31 operational or personnel costs associated with the development,

1 implementation, and evaluation of enhanced parole-based programs and
2 purchase services to provide such programs aimed at enhancing adult
3 parolee supervision in the community and treatment needs of parolees.
4 Such enhanced parole-based programs include, but are not limited to,
5 specialized units of supervision, related equipment purchases and
6 training, and programs that address a parolee's vocational, educational,
7 mental health, behavioral, or substance abuse treatment needs, including
8 evidence-based peer and family support programs;

9 (21) Ensure that any risk or needs assessment instrument utilized by
10 the department be periodically validated;

11 (22) Each January 1, report to the Governor and electronically to
12 the Clerk of the Legislature the number of parole revocations and the
13 number of technical violations of parole;

14 (23) Take all actions necessary to assist the board in carrying out
15 its duties under section 83-962 during a correctional system overcrowding
16 emergency;

17 (24) Administer the Interstate Compact for Adult Offender
18 Supervision; and

19 (25) ~~(13)~~ Exercise all powers and perform all duties necessary and
20 proper in carrying out his or her responsibilities.

21 **Sec. 38.** Section 83-174.03, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
24 convicted of or completes a term of incarceration for a registrable
25 offense under section 29-4003 and has a previous conviction for a
26 registrable offense under such section, (b) is convicted of sexual
27 assault of a child in the first degree pursuant to section 28-319.01, or
28 (c) is convicted of or completes a term of incarceration for an
29 aggravated offense as defined in section 29-4001.01, shall, upon
30 completion of his or her term of incarceration or release from civil
31 commitment, be supervised in the community by the department ~~Division~~ of

1 ~~Parole Supervision~~ for the remainder of his or her life.

2 (2) Notice shall be provided to the department ~~division~~ by an agency
3 or political subdivision which has custody of an individual required to
4 be supervised in the community pursuant to subsection (1) of this section
5 at least sixty days prior to the release of such individual from custody.

6 (3) Individuals required to be supervised in the community pursuant
7 to subsection (1) of this section shall undergo a risk assessment and
8 evaluation by the department ~~division~~ to determine the conditions of
9 community supervision to be imposed to best protect the public from the
10 risk that the individual will reoffend.

11 (4) Conditions of community supervision imposed on an individual by
12 the department ~~division~~ may include the following:

13 (a) Drug and alcohol testing if the conviction resulting in the
14 imposition of community supervision involved the use of drugs or alcohol;

15 (b) Restrictions on employment and leisure activities necessary to
16 minimize interaction with potential victims;

17 (c) Requirements to report regularly to the individual's community
18 supervision officer;

19 (d) Requirements to reside at a specified location and notify the
20 individual's community supervision officer of any change in address or
21 employment;

22 (e) A requirement to allow the department ~~division~~ access to medical
23 records from the individual's current and former providers of treatment;

24 (f) A requirement that the individual submit himself or herself to
25 available medical, psychological, psychiatric, or other treatment,
26 including, but not limited to, polygraph examinations; or

27 (g) Any other conditions designed to minimize the risk of
28 recidivism, including, but not limited to, the use of electronic
29 monitoring, which are not unduly restrictive.

30 **Sec. 39.** Section 83-174.04, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-174.04 An individual who violates one or more of the conditions
2 of community supervision established for him or her pursuant to section
3 83-174.03 shall undergo a review by the department ~~Division of Parole~~
4 ~~Supervision~~ to evaluate the risk posed to the public by the violation in
5 question. The department ~~division~~ may take any of the following actions
6 in response to a violation of conditions of community supervision:

7 (1) Revise or impose additional conditions of community supervision
8 in order to minimize the risk to the public from the continued presence
9 of the individual in the community;

10 (2) Forward to the Attorney General or the county attorney in the
11 county where the individual resides a request to initiate a criminal
12 prosecution for failure to comply with the terms of community
13 supervision; or

14 (3) Forward to the county attorney or Attorney General a
15 recommendation that civil commitment proceedings be instituted with
16 respect to the individual.

17 **Sec. 40.** Section 83-174.05, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 83-174.05 Failure to comply with the conditions of community
20 supervision imposed by the department ~~Division of Parole Supervision~~ is a
21 Class IV felony for the first offense and a Class III felony for any
22 subsequent offense.

23 **Sec. 41.** Section 83-192, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-192 (1) The Board of Parole shall:

26 (a) Determine the time of release on parole of committed offenders
27 eligible for such release;

28 (b) Fix the conditions of parole, revoke parole, issue or authorize
29 the issuance of warrants for the arrest of parole violators, and impose
30 other sanctions short of revocation for violation of conditions of
31 parole;

1 (c) Determine the time of mandatory discharge from parole;

2 (d) Visit and inspect any facility, state or local, for the
3 detention of persons charged with or convicted of an offense and for the
4 safekeeping of such other persons as may be remanded to such facility in
5 accordance with law;

6 (e) ~~Implement within two years after July 1, 2006, implement~~ the
7 utilization of a validated risk and needs assessment in coordination with
8 the Department of Correctional Services ~~and the Division of Parole~~
9 ~~Supervision~~. The assessment shall be prepared and completed by the
10 department ~~or the division~~ for use by the board in determining release on
11 parole;

12 (f) Review the record of every parole-eligible committed offender
13 annually when he or she is within three years of his or her earliest
14 parole eligibility date.

15 The review schedule shall be based on court-imposed sentences or
16 statutory minimum sentences, whichever are greater. The board is not
17 required to review the record of a committed offender when the committed
18 offender's parole eligibility date is within one month of his or her
19 mandatory discharge date. Nothing in such schedule shall prohibit the
20 board from reviewing a committed offender's case at any time;

21 (g) Appoint and remove all employees of the board as prescribed by
22 the State Personnel System and delegate appropriate powers and duties to
23 them;

24 (h) Carry out its duties under section 83-962 during a correctional
25 system overcrowding emergency;

26 (i) Adopt and promulgate rules and regulations; and

27 (j) Exercise all powers and perform all duties necessary and proper
28 in carrying out its responsibilities under the Nebraska Treatment and
29 Corrections Act.

30 (2) The chairperson of the board shall:

31 (a) Supervise the administration and operation of the board;

1 (b) Serve in an advisory capacity to the director in administering
2 parole services within any facility;

3 (c) Interpret the parole program to the public with a view toward
4 developing a broad base of public support;

5 (d) Conduct research for the purpose of evaluating and improving the
6 effectiveness of the parole system;

7 (e) Recommend parole legislation to the Governor;

8 (f) Adopt and promulgate rules and regulations for the
9 administration and operation of the board;

10 (g) Take all actions necessary to assist the board in carrying out
11 its duties under section 83-962 during a correctional system overcrowding
12 emergency; and

13 (h) Exercise all other powers and perform all other duties necessary
14 and proper in carrying out his or her responsibilities as chairperson.

15 (3) This section does not prohibit a committed offender from
16 requesting that the board review his or her record. The board is not
17 required to review a committed offender's record more than once a year,
18 except as otherwise required by statute, including section 83-962.

19 **Sec. 42.** Section 83-1,100, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 ~~83-1,100 (1) There is hereby created the Division of Parole~~
22 ~~Supervision within the department. The employees of the division shall~~
23 ~~consist of the Director of Supervision and Services, the field parole~~
24 ~~service officers, and all other division staff. The division shall be~~
25 ~~responsible for the following:~~

26 ~~(a) The administration of parole services in the community,~~
27 ~~including administration of the Community Work Release and Reentry~~
28 ~~Centers Act;~~

29 ~~(b) The maintenance of all records and files associated with the~~
30 ~~Board of Parole;~~

31 ~~(c) The daily supervision and training of staff members of the~~

1 ~~division, including training regarding evidence-based practices in~~
2 ~~supervision pursuant to section 83-1,100.02; and~~

3 ~~(d) The assessment, evaluation, and supervision of individuals who~~
4 ~~are subject to parole supervision, including lifetime community~~
5 ~~supervision pursuant to section 83-174.03.~~

6 (2) Parole officers shall be compensated with salaries substantially
7 equal to other state employees who have similar responsibilities,
8 including employees of the Office of Probation Administration. This
9 ~~section subsection~~ shall apply only to field parole service officers and
10 support staff and shall not apply to the ~~director~~ Director of Supervision
11 and Services or any other management-level position.

12 (3) ~~This section does not prohibit the division from maintaining~~
13 ~~daily records and files associated with the Board of Pardons.~~

14 **Sec. 43.** Section 83-1,100.02, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 83-1,100.02 (1) For purposes of this section:

17 (a) Levels of supervision means the determination of the following
18 for each person on parole:

19 (i) Supervision contact requirements, including the frequency,
20 location, methods, and nature of contact with the parole officer;

21 (ii) Substance abuse testing requirements and frequency;

22 (iii) Contact restrictions;

23 (iv) Curfew restrictions;

24 (v) Access to available programs and treatment, with priority given
25 to moderate-risk and high-risk parolees; and

26 (vi) Severity of graduated responses to violations of supervision
27 conditions;

28 (b) Responsivity factors means characteristics of a parolee that
29 affect the parolee's ability to respond favorably or unfavorably to any
30 treatment goals; and

31 (c) Risk and needs assessment means an actuarial tool that has been

1 validated in Nebraska to determine the likelihood of the parolee engaging
2 in future criminal behavior.

3 (2) The department ~~Division of Parole Supervision~~ shall establish an
4 evidence-based process that utilizes a risk and needs assessment to
5 measure criminal risk factors, specific individual needs, and
6 responsivity factors.

7 (3) The risk and needs assessment shall be performed at the
8 commencement of the parole term and every six months thereafter by
9 department ~~division~~ staff trained and certified in the use of the risk
10 and needs assessment.

11 (4) The validity of the risk and needs assessment shall be tested at
12 least every five years.

13 (5) Based on the results of the risk and needs assessment, the
14 department ~~division~~ shall target parolee criminal risk and need factors
15 by focusing sanction, program, and treatment resources on moderate-risk
16 and high-risk parolees.

17 (6) The department ~~division~~ shall provide training to its parole
18 officers on (a) use of a risk and needs assessment, (b) risk-based
19 supervision strategies, (c) relationship skills, (d) cognitive behavioral
20 interventions, (e) community-based resources, (f) criminal risk factors,
21 (g) targeting criminal risk factors to reduce recidivism, (h) proper use
22 of a matrix of administrative sanctions, custodial sanctions, and rewards
23 developed pursuant to section 83-1,119, and (i) addressing responsivity
24 factors. Each parole officer shall complete the training requirements set
25 forth in this subsection within one year after his or her hire date or
26 September 1, 2024, whichever is later.

27 (7) The department ~~division~~ shall provide training for chief parole
28 officers to become trainers so as to ensure long-term and self-sufficient
29 training capacity in the state.

30 **Sec. 44.** Section 83-1,103, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-1,103 The field parole service, consisting of district parole
2 officers working under the direction of the director ~~Director~~ of
3 ~~Supervision and Services~~ or district judge, shall be responsible for the
4 investigation, supervision, and assistance of parolees, probationers, or
5 individuals subject to community supervision under section 83-174.03. The
6 field parole service shall be sufficient in size to assure that no
7 district parole officer carries a case load larger than is compatible
8 with adequate parole investigation or supervision.

9 **Sec. 45.** Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 83-1,103.01 A parole officer assigned by the director ~~Director~~ of
12 ~~Supervision and Services~~ to supervise individuals subject to lifetime
13 community supervision pursuant to section 83-174.03 shall:

14 (1) Make investigations, prior to an individual subject to community
15 supervision being released from incarceration, in cooperation with
16 institutional caseworkers at prisons, mental health facilities, and
17 county jails, to determine the community supervision conditions necessary
18 to protect the public and make reasonable advance preparation for release
19 into the community;

20 (2) Assist individuals subject to community supervision to comply
21 with the conditions of supervision and to make a successful adjustment in
22 the community;

23 (3) Supervise individuals subject to community supervision by
24 keeping informed of their conduct and condition;

25 (4) Make reports as required by the director ~~Director of Supervision~~
26 ~~and Services~~ to determine the effectiveness of community supervision in
27 protecting the public or the progress of an individual subject to
28 community supervision;

29 (5) Cooperate with social welfare agencies and treatment providers
30 to ensure that individuals subject to community supervision receive any
31 necessary services or treatment;

1 (6) Inform the director ~~Director of Supervision and Services~~ when,
2 in the opinion of the community supervision officer, an individual is in
3 violation of the conditions of his or her community supervision, and
4 whenever necessary exercise the power of arrest as provided in section
5 83-173 ~~83-1,102~~;

6 (7) Conduct periodic reviews of the conditions of community
7 supervision imposed on an individual as required by the director ~~Director~~
8 ~~of Supervision and Services~~; and

9 (8) Exercise all powers and perform all duties necessary and proper
10 in carrying out his or her responsibilities.

11 **Sec. 46.** Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 83-1,103.02 (1) Prior to the release from incarceration of an
14 individual subject to lifetime community supervision pursuant to section
15 83-174.03, the department ~~Division of Parole Supervision~~ shall:

16 (a) Notify the individual in writing that he or she is subject to
17 community supervision upon completion of his or her criminal sentence;

18 (b) Inform the individual subject to community supervision of the
19 process by which conditions of community supervision are determined and
20 his or her right to submit relevant information to the department
21 ~~division~~ for consideration when establishing the conditions of
22 supervision;

23 (c) Determine the individual's risk of recidivism if released into
24 the community, utilizing a validated risk assessment tool;

25 (d) After considering the information required in subdivision (e) of
26 this subsection, determine the conditions of supervision which will most
27 effectively minimize the risk of the individual committing another sex
28 offense. The conditions shall be the least restrictive conditions
29 available, in terms of the effect on the individual's personal freedom,
30 which minimize the risk of recidivism and are compatible with public
31 safety; and

1 (e) In determining the conditions of supervision to be imposed, the
2 ~~department division~~ shall consider the following:

3 (i) A report prepared by the institutional caseworkers relating to
4 the individual's personality, social history, and adjustment to authority
5 and including any recommendations which the staff of the facility may
6 make;

7 (ii) All official reports of the individual's prior criminal record,
8 including reports and records of earlier probation and parole
9 experiences;

10 (iii) The presentence investigation report;

11 (iv) The reports of any physical, mental, and psychiatric
12 examinations of the individual;

13 (v) Any relevant information which may be submitted by the
14 individual, his or her attorney, the victim of the crime, or other
15 persons; and

16 (vi) Such other relevant information concerning the individual as
17 may be reasonably available.

18 (2) Upon completion of the risk assessment and the determination of
19 the conditions of community supervision and no later than thirty days
20 prior to the completion of the individual's criminal sentence, the
21 ~~department division~~ shall issue a certificate of community supervision to
22 the individual containing the conditions of community supervision he or
23 she will be required to comply with upon the completion of his or her
24 criminal sentence. The ~~director~~ Director of Supervision and Services
25 shall include with the certificate written information on how to appeal
26 the determination of the conditions of community supervision.

27 **Sec. 47.** Section 83-1,103.03, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 83-1,103.03 (1) The ~~department~~ Division of Parole Supervision shall
30 review the conditions of community supervision imposed on an individual
31 pursuant to section 83-174.03 on an annual basis and shall provide the

1 individual the opportunity to submit written materials to the department
2 ~~division~~ for consideration during such review.

3 (2) If the department ~~division~~ determines, after reviewing the
4 individual's conduct while under supervision and any other relevant
5 facts, that one or more of the conditions of community supervision
6 imposed upon the individual is no longer necessary to reduce the risk of
7 the individual reoffending or is no longer the least restrictive
8 condition compatible with public safety, the department ~~division~~ shall
9 revise the conditions of community supervision so that the individual's
10 freedom is not unnecessarily restricted.

11 **Sec. 48.** Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 83-1,103.04 (1) Whenever a determination or revision of the
14 conditions of community supervision is made by the department ~~Division of~~
15 ~~Parole Supervision~~, the individual subject to the conditions shall be
16 entitled to an appeal. The appeal shall be heard by the district court in
17 the county where the individual resides. The individual shall be informed
18 of his or her right to request counsel, and if counsel is requested the
19 court shall determine if the individual is indigent. If the court finds
20 the individual to be indigent, it shall appoint counsel from the public
21 defender's office to represent the individual during the appeal.

22 (2) In an appeal contesting the determination or revision of the
23 conditions of community supervision, the burden of proof shall be on the
24 individual subject to community supervision to show by clear and
25 convincing evidence (a) that the conditions in question will not reduce
26 the risk of the individual reoffending or otherwise protect the public or
27 (b) that the condition is overly restrictive of the individual's freedom
28 and a less restrictive condition is available which is equally or more
29 effective in reducing the risk of the individual reoffending.

30 **Sec. 49.** Section 83-1,104, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-1,104 A district parole officer shall:

2 (1) Make investigations, prior to a committed offender's release on
3 parole, in cooperation with institutional caseworkers and the Board of
4 Parole to determine the adequacy of parole plans and make reasonable
5 advance preparation for release on parole;

6 (2) Assist a committed offender who requests assistance prior to
7 release or a parolee to comply with the conditions of parole and to make
8 a successful adjustment in the community, including facilitating the
9 transitional needs of housing and employment, access to and participation
10 in job training services in the community, access to mental health
11 services, assisting with applications for health care coverage or
12 ensuring that the committed offender or parolee knows how to apply for
13 and obtain health care coverage, and assisting with enrollment in the
14 medical assistance program established pursuant to the Medical Assistance
15 Act, if eligible, to ensure that the committed offender or parolee has
16 access to such program close to the time of release or soon thereafter;

17 (3) Supervise parolees by keeping informed of their conduct and
18 condition, utilizing global positioning systems and other monitoring
19 technology as needed during the period of supervision;

20 (4) Make such reports as required by the director ~~Director~~ of
21 ~~Supervision and Services~~ or district judge to determine the effectiveness
22 of the parole system or the progress of an individual parolee;

23 (5) Cooperate with social welfare agencies;

24 (6) Observe the work of any parole officer under his or her
25 supervision from time to time;

26 (7) Inform the director ~~Director of Supervision and Services~~ when,
27 in his or her opinion, any eligible parolee's conduct and attitude
28 warrant his or her discharge from active supervision, or when any
29 parolee's violation of the conditions of parole is of sufficient
30 seriousness to require action by the Board of Parole or district judge
31 and whenever necessary exercise the power of arrest as provided in

1 section 83-1,119;

2 (8) Delegate in his or her discretion any of the above
3 responsibilities to a parole officer under his or her supervision; and

4 (9) Exercise all powers and perform all duties necessary and proper
5 in carrying out his or her responsibilities.

6 **Sec. 50.** Section 83-1,107, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 83-1,107 (1)(a) Within sixty days after initial classification and
9 assignment of any offender committed to the department, all available
10 information regarding such committed offender shall be reviewed and a
11 committed offender department-approved personalized program plan document
12 shall be drawn up. The document shall specifically describe the
13 department-approved personalized program plan and the specific goals the
14 department expects the committed offender to achieve. The document shall
15 also contain a realistic schedule for completion of the department-
16 approved personalized program plan. The department-approved personalized
17 program plan shall be developed with the active participation of the
18 committed offender. The department shall provide programs to allow
19 compliance by the committed offender with the department-approved
20 personalized program plan.

21 Programming may include, but is not limited to:

22 (i) Academic and vocational education, including teaching such
23 classes by qualified offenders;

24 (ii) Substance abuse treatment;

25 (iii) Mental health and psychiatric treatment, including criminal
26 personality programming;

27 (iv) Constructive, meaningful work programs; and

28 (v) Any other program deemed necessary and appropriate by the
29 department.

30 (b) A modification in the department-approved personalized program
31 plan may be made to account for the increased or decreased abilities of

1 the committed offender or the availability of any program. Any
2 modification shall be made only after notice is given to the committed
3 offender. The department may not impose disciplinary action upon any
4 committed offender solely because of the committed offender's failure to
5 comply with the department-approved personalized program plan, but such
6 failure may be considered by the board in its deliberations on whether or
7 not to grant parole to a committed offender.

8 (2)(a) The department shall reduce the term of a committed offender
9 by six months for each year of the offender's term and pro rata for any
10 part thereof which is less than a year.

11 (b) In addition to reductions granted in subdivision (2)(a) of this
12 section, the department shall reduce the term of a committed offender by
13 three days on the first day of each month following a twelve-month period
14 of incarceration within the department during which the offender has not
15 been found guilty of (i) a Class I or Class II offense or (ii) more than
16 three Class III offenses under the department's disciplinary code.
17 Reductions earned under this subdivision shall not be subject to forfeit
18 or withholding by the department.

19 (c) The total reductions under this subsection shall be credited
20 from the date of sentence, which shall include any term of confinement
21 prior to sentence and commitment as provided pursuant to section
22 83-1,106, and shall be deducted from the maximum term, to determine the
23 date when discharge from the custody of the state becomes mandatory.

24 (3) While the offender is in the custody of the department,
25 reductions of terms granted pursuant to subdivision (2)(a) of this
26 section may be forfeited, withheld, and restored by the chief executive
27 officer of the facility with the approval of the director after the
28 offender has been notified regarding the charges of misconduct.

29 (4) The department, in consultation with the board, shall ensure
30 that a release or reentry plan is complete or near completion when the
31 offender has served at least eighty percent of his or her sentence. For

1 purposes of this subsection, release or reentry plan means a
2 comprehensive and individualized strategic plan to ensure an individual's
3 safe and effective transition or reentry into the community to which he
4 or she resides with the primary goal of reducing recidivism. At a
5 minimum, the release or reentry plan shall include, but not be limited
6 to, consideration of the individual's housing needs, medical or mental
7 health care needs, and transportation and job needs and shall address an
8 individual's barriers to successful release or reentry in order to
9 prevent recidivism. The release or reentry plan does not include an
10 individual's programming needs included in the individual's personalized
11 program plan for use inside the prison. However, the department shall
12 include in the release or reentry plan information regarding the
13 individual's progress on the individual's personalized program plan for
14 use inside the prison.

15 (5)(a) The department shall make treatment programming available to
16 committed offenders as provided in section 83-1,110.01 and shall include
17 continuing participation in such programming as part of each offender's
18 department-approved personalized program plan developed under subsection
19 (1) of this section.

20 (b) Any committed offender with a mental illness shall be provided
21 with the community standard of mental health care. The mental health care
22 shall utilize evidence-based therapy models that include an evaluation
23 component to track the effectiveness of interventions.

24 (c) Any committed offender with a mental illness shall be evaluated
25 before release to ensure that adequate monitoring and treatment of the
26 committed offender will take place or, if appropriate, that a commitment
27 proceeding under the Nebraska Mental Health Commitment Act or the Sex
28 Offender Commitment Act will take place.

29 (6)(a) Within thirty days after any committed offender has been
30 paroled, all available information regarding such parolee shall be
31 reviewed and a case plan document shall be drawn up and approved by the

1 ~~department~~ ~~Division of Parole Supervision~~. The document shall
2 specifically describe the approved case plan and the specific goals the
3 ~~department division~~ expects the parolee to achieve. The document shall
4 also contain a realistic schedule for completion of the approved case
5 plan. The approved case plan shall be developed with the active
6 participation of the parolee. During the term of parole, the parolee
7 shall comply with the approved case plan and the ~~department division~~
8 shall provide programs to allow compliance by the parolee with the
9 approved case plan.

10 Programming may include, but is not limited to:

11 (i) Academic and vocational education;

12 (ii) Substance abuse treatment;

13 (iii) Mental health and psychiatric treatment, including criminal
14 personality programming;

15 (iv) Constructive, meaningful work programs;

16 (v) Community service programs; and

17 (vi) Any other program deemed necessary and appropriate by the
18 ~~department division~~.

19 (b) A modification in the approved case plan may be made to account
20 for the increased or decreased abilities of the parolee or the
21 availability of any program. Any modification shall be made only after
22 notice is given to the parolee. Intentional failure to comply with the
23 approved case plan by any parolee as scheduled for any year, or pro rata
24 part thereof, shall cause disciplinary action to be taken by the
25 ~~department division~~ resulting in the forfeiture of up to a maximum of
26 three months' good time for the scheduled year.

27 (7) While the offender is in the custody of the board, reductions of
28 terms granted pursuant to subdivision (2)(a) of this section may be
29 forfeited, withheld, and restored by the director upon the recommendation
30 of the board after the offender has been notified regarding the charges
31 of misconduct or breach of the conditions of parole.

1 (8) Good time or other reductions of sentence granted under the
2 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
3 or restored in accordance with the terms of the Nebraska Treatment and
4 Corrections Act.

5 (9) Pursuant to rules and regulations adopted by the probation
6 administrator and the director, an individualized post-release
7 supervision plan shall be collaboratively prepared by the Office of
8 Probation Administration and the department and provided to the court to
9 prepare individuals under custody of the department for post-release
10 supervision. All records created during the period of incarceration shall
11 be shared with the Office of Probation Administration and considered in
12 preparation of the post-release supervision plan.

13 **Sec. 51.** Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,107.01 (1) Unless otherwise provided by this section, whenever
16 an adult offender is paroled, the board shall require a parolee to pay a
17 monthly parole programming fee.

18 (2) Parolees under the supervision of the department ~~Division of~~
19 ~~Parole Supervision~~ shall pay a monthly parole programming fee of twenty-
20 five dollars, not later than the tenth day of each month, beginning the
21 second month of parole supervision and continuing for the duration of the
22 parole.

23 (3) The board shall waive payment of the monthly parole programming
24 fee in whole or in part if after a hearing a determination is made that
25 such payment would constitute an undue hardship on the parolee due to
26 limited income, employment or school status, or physical or mental
27 handicap. Such waiver shall be in effect only during the period of time
28 that the parolee is unable to pay his or her monthly parole programming
29 fee.

30 (4) When monthly parole programming fees are waived, in whole or in
31 part, the parole officer, pursuant to rules and regulations adopted by

1 the board, may contract with the parolee to perform approved community
2 service at the rate of five dollars per hour in lieu of payment of
3 monthly parole programming fees. A parolee may be required to pay a
4 participation fee in order to take advantage of community service
5 programs. A parolee may not accumulate more than three months' advance
6 credit for community service. The use of community service alternatives
7 does not preclude the imposition of other intermediate measures.

8 (5) The department, ~~division~~ with the approval of the Board of
9 Parole, shall implement sanctions if a parolee defaults in the payment of
10 monthly parole programming fees or any installment thereof as established
11 by subsection (2) of this section, except that parole shall not be
12 revoked nor shall the parolee be imprisoned for such nonpayment if the
13 parolee is financially unable to make the payment.

14 (6) If the board determines that the default in payment described in
15 subsection (5) of this section was not attributable to a deliberate
16 refusal to obey the order of the board or to failure on the parolee's
17 part to make a good faith effort to obtain the funds required for
18 payment, the board may allow the parolee additional time for payment,
19 reduce the amount of each installment, or revoke the fees or the unpaid
20 portion in whole or in part.

21 (7) No parolee shall be required to pay more than one monthly parole
22 programming fee per month.

23 (8) The imposition of monthly parole programming fees in this
24 section shall be considered separate and apart from specific service
25 delivery fees.

26 (9) Any adult offender received for supervision pursuant to section
27 29-2637 or the Interstate Compact for Adult Offender Supervision shall be
28 assessed a monthly parole programming fee during the period of time the
29 offender is actively supervised by Nebraska parole authorities.

30 (10) A parolee shall pay the fees described in this section to the
31 department ~~division~~. The department ~~division~~ shall remit all fees to the

1 State Treasurer for credit to the Parole Program Cash Fund.

2 (11) The board and the department ~~division~~ shall adopt and
3 promulgate rules and regulations to carry out this section.

4 **Sec. 52.** Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 83-1,107.02 The Parole Program Cash Fund is created. All funds
7 collected pursuant to section 83-1,107.01 shall be remitted to the State
8 Treasurer for credit to the fund. The fund shall be utilized by the
9 department ~~Division of Parole Supervision~~ for the purposes stated in
10 subdivision (20) ~~(8)~~ of section 83-173 ~~83-1,102~~. Any money in the fund
11 available for investment shall be invested by the state investment
12 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
13 State Funds Investment Act.

14 **Sec. 53.** Section 83-1,109, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 83-1,109 The chief executive officer of a facility shall regularly
17 report all good time and all forfeitures, withholdings, and restorations
18 of good time to the director. On the basis of such report, the director
19 shall inform the board ~~and the Director of Supervision and Services~~ of
20 all committed offenders who are expected to become eligible for release
21 on parole within the next three months.

22 **Sec. 54.** Section 83-1,118, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 83-1,118 (1) If, in the opinion of the board, upon receipt of
25 information from the director ~~Director of Supervision and Services~~, a
26 parolee has shown suitable compliance with his or her parole programming
27 plan, the board may reduce the level of supervision for a parolee that is
28 commensurate with the best interests of the parolee and is compatible
29 with the protection of the public.

30 (2) The board shall discharge a parolee from parole when the time
31 served in the custody of the department and the time served on parole

1 equal the maximum term less good time.

2 (3) The department shall discharge a committed offender from the
3 custody of the department when the time served in the facility equals the
4 maximum term less good time.

5 (4) Upon completion of the lawful requirements of the sentence, the
6 department shall provide the parolee or committed offender with a written
7 notice regarding his or her civil rights. The notice shall inform the
8 parolee or committed offender that voting rights are restored upon
9 completion of the sentence. The notice shall also include information on
10 restoring other civil rights through the pardon process, including
11 application to and hearing by the Board of Pardons.

12 (5) The Board of Parole may discharge a parolee from parole when
13 such parolee is under the supervision of another state's correctional
14 institution and such offender has reached the expiration date of his or
15 her Nebraska parole term.

16 **Sec. 55.** Section 83-1,119, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-1,119 (1) For purposes of this section:

19 (a) Absconding parole supervision means a parolee has purposely
20 avoided supervision for a period of at least two weeks and reasonable
21 efforts by a parole officer and staff to locate the parolee in person
22 have proven unsuccessful;

23 (b) Administrative sanction means additional parole requirements
24 imposed upon a parolee by his or her parole officer, with the full
25 knowledge and consent of the parolee, designed to hold the parolee
26 accountable for substance abuse or technical violations of conditions of
27 parole, including, but not limited to:

28 (i) Counseling or reprimand by the department ~~Division of Parole~~
29 ~~Supervision~~;

30 (ii) Increased supervision contact requirements;

31 (iii) Increased substance abuse testing;

1 (iv) Referral for substance abuse or mental health evaluation or
2 other specialized assessment, counseling, or treatment;

3 (v) Imposition of a designated curfew for a period to be determined
4 by the department ~~division~~; and

5 (vi) Travel restrictions to stay within his or her county of
6 residence or employment unless otherwise permitted by the department
7 ~~division~~;

8 (c) Contract facility means a county jail that contracts with the
9 department to house parolees or other offenders under the jurisdiction of
10 the department;

11 (d) Substance abuse violation means a parolee's activities or
12 behaviors associated with the use of chemical substances or related
13 treatment services resulting in a violation of an original condition of
14 parole, including:

15 (i) Positive breath test for the consumption of alcohol if the
16 parolee is required to refrain from alcohol consumption;

17 (ii) Positive urinalysis for the illegal use of drugs;

18 (iii) Failure to report for alcohol testing or drug testing; and

19 (iv) Failure to appear for or complete substance abuse or mental
20 health treatment evaluations or inpatient or outpatient treatment; and

21 (e) Technical violation means a parolee's activities or behaviors
22 which create the opportunity for re-offending or diminish the
23 effectiveness of parole supervision resulting in a violation of an
24 original condition of parole and includes:

25 (i) Moving traffic violations;

26 (ii) Failure to report to his or her parole officer;

27 (iii) Leaving the state without the permission of the Board of
28 Parole;

29 (iv) Failure to work regularly or attend training or school;

30 (v) Failure to notify his or her parole officer of change of address
31 or employment;

1 (vi) Frequenting places where controlled substances are illegally
2 sold, used, distributed, or administered; and

3 (vii) Failure to pay fines, court costs, restitution, or any fees
4 imposed pursuant to section 83-1,107.01 as directed.

5 Technical violation does not include absconding parole supervision.

6 (2) The department ~~division~~ shall develop a matrix of rewards for
7 compliance and positive behaviors and graduated administrative sanctions
8 and custodial sanctions for use in responding to and deterring substance
9 abuse violations and technical violations. A custodial sanction of thirty
10 days in a correctional facility or a contract facility shall be
11 designated as the most severe response to a violation in lieu of
12 revocation.

13 (3) Whenever a parole officer has reasonable cause to believe that a
14 parolee has committed or is about to commit a substance abuse violation
15 or technical violation while on parole, but that the parolee will not
16 attempt to leave the jurisdiction and will not place lives or property in
17 danger, the parole officer shall either:

18 (a) Impose one or more administrative sanctions based upon the
19 parolee's risk level, the severity of the violation, and the parolee's
20 response to the violation. If administrative sanctions are to be imposed,
21 the parolee shall acknowledge in writing the nature of the violation and
22 agree upon the administrative sanction. The parolee has the right to
23 decline to acknowledge the violation. If he or she declines to
24 acknowledge the violation, the parole officer shall take action pursuant
25 to subdivision (3)(b) of this section. A copy of the report shall be
26 submitted to the Board of Parole; or

27 (b) Submit a written report to the Board of Parole, outlining the
28 nature of the parole violation, and request the imposition of a custodial
29 sanction of up to thirty days in a correctional facility or a contract
30 facility. On the basis of the report and such further investigation as
31 the board may deem appropriate, the board shall determine whether and how

1 the parolee violated the conditions of parole and may:

2 (i) Dismiss the charge of violation; or

3 (ii) If the board finds a violation justifying a custodial sanction,
4 issue a warrant if necessary and impose a custodial sanction of up to
5 thirty days in a correctional facility or a contract facility.

6 (4) Whenever a parole officer has reasonable cause to believe that a
7 parolee has violated or is about to violate a condition of parole by a
8 violation other than a substance abuse violation or a technical violation
9 and the parole officer has reasonable cause to believe that the parolee
10 will not attempt to leave the jurisdiction and will not place lives or
11 property in danger, the parole officer shall submit a written report to
12 the Board of Parole which may, on the basis of such report and such
13 further investigation as it may deem appropriate:

14 (a) Dismiss the charge of violation;

15 (b) Determine whether the parolee violated the conditions of his or
16 her parole;

17 (c) Impose a custodial sanction of up to thirty days in a
18 correctional facility or a contract facility;

19 (d) Revoke his or her parole in accordance with the Nebraska
20 Treatment and Corrections Act; or

21 (e) Issue a warrant for the arrest of the parolee.

22 (5) Whenever a parole officer has reasonable cause to believe that a
23 parolee has violated or is about to violate a condition of parole and
24 that the parolee will attempt to leave the jurisdiction or will place
25 lives or property in danger, the parole officer shall arrest the parolee
26 without a warrant and call on any peace officer to assist him or her in
27 doing so.

28 (6) Whenever a parolee is arrested with or without a warrant, he or
29 she shall be detained in a local jail or other detention facility
30 operated by the department ~~Department of Correctional Services~~ pending
31 completion of review of parole proceedings by the Board of Parole.

1 Immediately after such arrest and detention, the parole officer shall
2 notify the Board of Parole and submit a written report of the reason for
3 such arrest. A complete investigation shall be made by the department
4 ~~Division of Parole Supervision~~ and submitted to the board. After prompt
5 consideration of such written report, the board shall order the parolee's
6 release from detention or continued confinement to await a final decision
7 on imposition of a custodial sanction or the revocation of parole.

8 (7) The Board of Parole shall adopt and promulgate rules and
9 regulations necessary to carry out this section.

10 **Sec. 56.** Section 83-1,122.02, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 83-1,122.02 (1) The department ~~Division of Parole Supervision~~ shall
13 create a pilot program to establish a technical parole violation
14 residential housing program. The purpose of the program is to provide
15 accountability and intensive support for individuals on parole who commit
16 technical violations, without revoking them fully back to prison.

17 (2) The program shall provide a structured environment for selected
18 individuals on parole who have committed technical violations. The
19 program shall be based upon a therapeutic community model. Participants
20 in the program shall, at a minimum, be required to take part in
21 counseling, educational, and other programs as the department ~~Division of~~
22 ~~Parole Supervision~~ deems appropriate, to provide community service, and
23 to submit to drug and alcohol screening.

24 (3) An individual on parole shall not be placed in the pilot program
25 until the department ~~Division of Parole Supervision~~ has determined the
26 individual is a suitable candidate in accordance with policies and
27 guidelines developed by the division.

28 (4) ~~On or before June 1, 2024, the Division of Parole Supervision~~
29 ~~shall electronically submit a report to the Judiciary Committee of the~~
30 ~~Legislature regarding the pilot program. The report shall evaluate~~
31 ~~effects of the pilot program on recidivism and make recommendations~~

1 ~~regarding expansion of or changes to the program.~~

2 (4) ~~(5)~~ For purposes of this section, technical violation has the
3 same meaning as in section 83-1,119.

4 **Sec. 57.** Section 83-1,125, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 83-1,125 (1) If a warrant or detainer is placed against a committed
7 offender by a court, parole agency, or other authority of this or any
8 other jurisdiction, the director ~~Director of Supervision and Services~~
9 shall inquire before such offender becomes eligible for parole whether
10 the authority concerned intends to execute or withdraw the warrant or
11 detainer when the offender is released.

12 (2) If the authority notifies the director ~~Director of Supervision~~
13 ~~and Services~~ that it intends to execute the warrant or detainer when the
14 offender is released, the director ~~Director of Supervision and Services~~
15 shall advise the authority concerned of the sentence under which the
16 offender is held, the time of parole eligibility, any decision of the
17 board relating to the offender, and the nature of the offender's
18 adjustment during imprisonment and shall give reasonable notice to such
19 authority of the offender's release date.

20 (3) The board may parole an offender who is eligible for release to
21 a warrant or detainer. If an offender is paroled to such a warrant or
22 detainer, the board may provide, as a condition of release, that if the
23 charge or charges on which the warrant or detainer is based are
24 dismissed, or are satisfied after conviction and sentence, prior to the
25 expiration of the offender's parole term, the authority to whose warrant
26 or detainer the offender is released shall return the offender to serve
27 the remainder of the parole term or such part as the board may determine.

28 (4) If a person paroled to a warrant or detainer is thereafter
29 sentenced and placed on probation, or released on parole in another
30 jurisdiction, prior to the expiration of the parole term less good time
31 in this state, the board may permit the person to serve the remainder of

1 the parole term or such part as the board may determine concurrently with
2 the person's new probation or parole term. Such concurrent terms may be
3 served in either of the two jurisdictions, and supervision shall be
4 administered in accordance with the Interstate Compact for Adult Offender
5 Supervision.

6 **Sec. 58.** Section 83-1,125.01, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 83-1,125.01 (1) The Board of Parole and the department ~~Division of~~
9 ~~Parole Supervision~~ may maintain an individual file for each person who is
10 under the jurisdiction of the Board of Parole. Such file may be
11 maintained electronically and shall include, when available and
12 appropriate, the following information on such person:

- 13 (a) Admission summary;
- 14 (b) Presentence investigation report;
- 15 (c) Classification reports and recommendations;
- 16 (d) Official records of conviction and commitment along with any
17 earlier criminal records;
- 18 (e) Progress reports and admission-orientation reports;
- 19 (f) Reports of any disciplinary infractions and their disposition;
- 20 (g) Risk and needs assessments;
- 21 (h) Parole plan and parole placement and investigation worksheets;
- 22 (i) Decision guideline scores;
- 23 (j) Parole case plan;
- 24 (k) Parole progress reports and contact notes;
- 25 (l) Arrest and violation reports, including disposition;
- 26 (m) Parole proceedings orders and notices;
- 27 (n) Other documents related to parole supervision;
- 28 (o) Correspondence; and
- 29 (p) Other pertinent data concerning his or her background, conduct,
30 associations, and family relationships.

31 (2) Any decision concerning release on or revocation of parole or

1 imposition of sanctions shall be made only after the individual file has
2 been reviewed. The contents of the individual file shall be confidential
3 unless disclosed in connection with a public hearing and shall not be
4 subject to public inspection except by court order for good cause shown.
5 The contents of the file shall not be accessible to any person under the
6 jurisdiction of the Board of Parole. A person under the jurisdiction of
7 the board may obtain access to his or her medical records by request to
8 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
9 fact that such medical records may be a part of his or her parole file.
10 The board and the department ~~Division of Parole Supervision~~ have the
11 authority to withhold decision guideline scores, risk and needs
12 assessment scores, and mental health and psychological records of a
13 person under the jurisdiction of the board when appropriate.

14 (3) Nothing in this section limits in any manner the authority of
15 the Public Counsel to inspect and examine the records and documents of
16 the board and the department ~~Division of Parole Supervision~~ pursuant to
17 sections 81-8,240 to 81-8,254, except that the Public Counsel's access to
18 the medical or mental health records of a person under the jurisdiction
19 of the board shall be subject to his or her consent. The office of Public
20 Counsel shall not disclose the medical or mental health records of a
21 person under the jurisdiction of the board to anyone else, including any
22 other person under the jurisdiction of the board, except as authorized by
23 law.

24 (4) For any person under the jurisdiction of the Board of Parole,
25 the board shall provide such person's (a) name, (b) parole officer, and
26 (c) conditions of parole to the Nebraska Commission on Law Enforcement
27 and Criminal Justice which shall provide access to such information to
28 law enforcement agencies through the state's criminal justice information
29 system.

30 **Sec. 59.** Section 83-962, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-962 (1) A correctional system overcrowding emergency shall exist
2 whenever the director certifies that the department's inmate population
3 is over one hundred forty percent of operational design capacity. The
4 director shall so certify within thirty days after the date on which the
5 population first exceeds one hundred forty percent of operational design
6 capacity.

7 (2) During a correctional system overcrowding emergency, the board
8 shall immediately consider or reconsider committed offenders eligible for
9 parole who have not been released on parole.

10 (3) Upon such consideration or reconsideration, and for all other
11 consideration of committed offenders eligible for parole while the
12 correctional system overcrowding emergency is in effect, the board shall
13 order the release of each committed offender unless it is of the opinion
14 that such release should be deferred because:

15 (a) The board has determined that it is more likely than not that
16 the committed offender will not conform to the conditions of parole; or

17 (b) The board has determined that the committed offender's continued
18 correctional treatment, medical care, or vocational or other training in
19 the facility will substantially enhance the offender's capacity to lead a
20 law-abiding life when released at a later date. ~~release of the committed~~
21 ~~offender would have a very significant and quantifiable effect on~~
22 ~~institutional discipline; or~~

23 ~~(c) The board has determined that there is a very substantial risk~~
24 ~~that the committed offender will commit a violent act against a person.~~

25 (4) In making the determination regarding the risk that a committed
26 offender will not conform to the conditions of parole, the board shall
27 take into account the factors set forth in subsection (2) of section
28 83-1,114 and shall comply with the requirements of subsection (3) of
29 section 83-1,114 and section 83-196.01.

30 (5) The board shall continue granting parole to offenders under this
31 section until the director certifies that the population is at

1 operational capacity. The director shall so certify within thirty days
2 after the date on which the population first reaches operational
3 capacity.

4 **Sec. 60.** Original sections 47-624, 47-624.01, 47-627, 47-629,
5 47-903, 47-908, 47-919, 81-1401, 83-170, 83-171, 83-171.01, 83-173,
6 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,100, 83-1,100.02, 83-1,103,
7 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107,
8 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02,
9 83-1,125, 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska,
10 and sections 28-322, 29-2246, 29-2252, 29-2261, 29-2935, 29-4019,
11 47-1102, 47-1103, 47-1104, 47-1105, 47-1106, 47-1107, 47-1108, 47-1109,
12 47-1110, 47-1111, 47-1113, 47-1114, 47-1115, 47-1116, 47-1117, 47-1119,
13 71-961, 71-3426, and 71-3430, Revised Statutes Cumulative Supplement,
14 2024, are repealed.

15 **Sec. 61.** The following sections are outright repealed: Sections
16 83-1,101 and 83-1,102, Reissue Revised Statutes of Nebraska.