

ONE HUNDRED EIGHTH LEGISLATURE - SECOND SESSION - 2024
COMMITTEE STATEMENT
LB348

Hearing Date: Thursday March 02, 2023
Committee On: Judiciary
Introducer: Wayne
One Liner: Adopt the Community Work Release and Treatment Centers Act and change provisions relating to the Board of Parole, the Department of Correctional Services, and the Office of Probation Administration

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach, McKinney, Wayne
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:
Senator Justin Wayne
Spike Eickholt

Representing:
Opening Presenter
American Civil Liberties Union of Nebraska

Opponents:
Bob Denton
Diane Sabatka-Rine

Representing:
Administrative Office of Courts and Probation
Nebraska Department of Correctional Services

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB348 creates the Community Work Release and Treatment Centers Act ("the Act"). The Act gives the Division of Parole Services the power to contract with nonprofit private providers to develop and operate community work release and treatment centers.

Section-by-Section:

Sections 1: Sections 1 to 13 shall be known as the Community Work Release and Treatment Centers Act.

Section 2: Declaration of the legislature's intent to provide the Board of Parole additional options for the placement of offenders other than the granting of full parole.



Section 3: Defines the following terms: board, committed offender, community work release and treatment center, division, individualized release plan, private provider.

Section 4: Authorizes the Board of Parole to place an eligible person in a community facility owned and operated by a private provider.

Section 5: Delineates the various provisions that must be included in any agreement made between the Division and a private provider under the Act.

Section 6: Requires the Board to set staffing standards for private providers.

Section 7: Requires each community work release and treatment center to prepare individualized release plans in coordination with an assigned parole officer.

Section 8: Requires the Division to develop requirements for each community work release and treatment center to maintain records and provide periodic updates to Parole on each placed parolee.

Section 9: Requires the Division to develop a system for assessing the effectiveness of community work release and treatment centers.

Section 10: Requires the Division to assign a parole officer to monitor each person placed in a center.

Section 11: Requires the Division to conduct annual reviews of each center and make a site visit at least twice each year.

Section 12: Requires that assigned parolees comply with the center's rules. Provides consequence for failing to do so.

Section 13: Requires the Division to provide community work release and treatment centers with access to a parolee's records.

Section 14: Requires the Board of Parole to submit quarterly reports on its reentry pilot programs.

Section 15: Requires Probation to submit quarterly reports on individuals on post-release supervision.

Section 16: Amends § 28-912 to add community work release and treatment centers to the criminal offense of escape.

Section 17: Amends § 29-2261 to allow Parole to share presentence investigation reports with community work release and treatment centers.

Section 18: Amends § 47-902 to add community work release and treatment centers to the legislative intent section of the Inspector General of the Nebraska Correctional System Act.

Section 19: Amends § 47-903 to add community work release and treatment centers to the definition of "private agency" in the Inspector General of the Nebraska Correctional System Act.

Section 20: Amends § 81-8,240 to add community work release and treatment centers to the definition of "administrative agency" for purposes related to statutes governing the Office of Public Counsel.



Section 21: Amends § 81-8,244 to add community work release and treatment centers to the authority of the deputy public counsel for corrections.

Section 22: Amends § 83-1,100 to add community work release and treatment centers to the responsibilities of the Division of Parole Supervision.

Section 23: Amends § 83-1,102 to add administration of the Interstate Compact for Adult Offender Supervision to the duties of the Director of Supervision and Services.

Section 24: Amends § 83-1,107 to require NDCS to consult with the Board of Parole when developing an offender's release or reentry plan. This section would also require the offender's release or reentry plan to include information on the offender's progress on their program plan inside the prison.

Section 26: Creates a new section for the provision currently contained in § 83-903 that NDCS is required to provide an opportunity for offenders to obtain a driver's license or identification card before exiting the facility.

Section 27: Amends § 83-903 to shift the responsibilities for reentry planning from NDCS to the Board of Parole on July 1, 2024.

Section 28: Amends § 83-904 to move responsibility for the Vocational and Life Skills Program from NDCS to the Board of Parole on July 1, 2024.

Section 29: Creates a new section that would require the Board of Parole and NDCS to develop a transition plan for the changes in Sections 27 and 28.

Section 30: Creates a new section that would require the Board of Parole to develop a plan to transfer community corrections from NDCS.

Section 31: Creates a new section that would require the Board of Parole to develop a plan to transfer post-release supervision from Probation.

Section 32: Repeals original sections.

Section 33: Outright repeals § 83-933, which contains provisions related to the location of Parole Administration.

Explanation of amendments:

AM1464 replaces the original bill, but includes the original provisions of LB348 and makes the following changes:

Authorizes both the Division of Parole Services AND the Department of Correctional Services the power to contract with nonprofit private providers to develop and operate community work release and treatment centers. It will allow eligible inmates the opportunity to live and work in the community, with a high level of supervision, prior to being release on parole or post-release supervision.

Requires the Division of Parole Services and the Department of Correctional Services to develop a process for requesting proposals which would allow providers to bid on agreements to establish community work release and treatment centers.

States an intent to appropriate \$20,000,000 from the General Fund to carry out the Act.



Removes the sections of the original bill that transferred various duties from probation and the Department of Correctional Services to the Board of Parole.

Adds the provisions from LB334 that create the Reentry Housing Network and the State Advisory Committee on Reentry Housing. The Network is responsible for establishing minimum standards for reentry housing facilities and ensuring that reentry housing facilities are in compliance with those standards. The Network is authorized to investigate reentry housing facilities for suspected violations. The Advisory Committee is required to conduct regular meetings, provide advice, promote interests of reentering persons, promote public safety, provide input on the process of evaluating reentry housing facilities, provide reports and engage in other activities as requested.

Requires the Nebraska Commission on Law Enforcement and Criminal Justice to collaborate with the Nebraska Center for Justice Research at UNO to coordinate evaluations of reentry housing facilities, track data, and submit an annual report to the legislature.

Requires that the Advisory Committee engage with neighborhood groups and other stakeholders.

Adds an authorization for the Nebraska Commission on Law Enforcement and Criminal Justice to assess an annual fee on each reentry housing facility that shall not exceed \$500.

Justin Wayne, Chairperson

