

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 631

FINAL READING

Introduced by McKinney, 11; Hunt, 8.

Read first time January 18, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal justice; to amend section 83-190,
2 Reissue Revised Statutes of Nebraska, sections 28-936, 83-171,
3 83-184, 83-192, 83-1,100, 83-1,100.03, 83-1,101, 83-1,102, 83-1,107,
4 83-901, 83-903, 83-904, and 83-962, Revised Statutes Cumulative
5 Supplement, 2022, and sections 29-2269, 83-1,114, 83-1,122.02, and
6 83-1,135, Revised Statutes Supplement, 2023; to adopt the Community
7 Work Release and Reentry Centers Act; to require reports concerning
8 reentry service center pilot programs and post-release supervision;
9 to prohibit exclusion of current and former parolees and
10 probationers from grant programs; to change provisions relating to
11 bringing electronic communication devices into prisons; to provide
12 for performance metrics for probation, parole, and correctional
13 staff; to transfer the Division of Parole Supervision to the
14 Department of Correctional Services; to change provisions relating
15 to the powers and duties of the Board of Parole; to provide powers
16 and duties for the department, board, and Director of Supervision
17 and Services; to change provisions relating to parole eligibility;
18 to provide for Parole School and book donations; to create the
19 National Career Readiness Certificate Pilot Program; to state
20 legislative intent regarding appropriations; to provide for reentry
21 plans; to change provisions relating to the Vocational and Life
22 Skills Programming Fund; to eliminate obsolete provisions; to

1 eliminate, change and transfer provisions relating to reentry
2 programs and providing identification cards or operator's licenses;
3 to harmonize provisions; to repeal the original sections; and to
4 outright repeal section 83-933, Revised Statutes Cumulative
5 Supplement, 2022.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 19 of this act shall be known and may be
2 cited as the Community Work Release and Reentry Centers Act.

3 Sec. 2. (1) The Legislature finds that studies have shown that
4 post-prison outcomes tend to be better for committed offenders who
5 participate in work release programs prior to discharge from custody.
6 Specifically, findings indicate that committed offenders who participated
7 in work release programs had a higher likelihood of obtaining post-
8 release employment within the first calendar quarter after release and
9 also had a significantly lower rate of recidivism than committed
10 offenders who did not participate in work release programs prior to
11 discharge from custody. In addition, studies indicate that committed
12 offenders who participated in privately operated work release programs
13 were significantly more likely to become employed after release.

14 (2) In light of these findings, and in order to give the Board of
15 Parole and the Department of Correctional Services additional options for
16 the placement of committed offenders, it is the intent of the
17 Legislature:

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

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

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

28 Sec. 3. For purposes of the Community Work Release and Reentry
29 Centers Act:

30 (1) Advisory board means the Reentry Continuity Advisory Board
31 established in section 17 of this act;

1 (2) Board means the Board of Parole;

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

3 (4) Community work release and reentry center or center means a
4 residential home, halfway house, or other facility operated by a private
5 provider pursuant to an agreement in writing either with the division or
6 the department for providing housing and supervision of committed
7 offenders placed in the center by the division for work release and for
8 vocational training, education, programming, or behavioral health or
9 mental health treatment;

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

11 (6) Division means the Division of Parole Supervision;

12 (7) Individualized release plan means a detailed written plan
13 outlining a committed offender's future vocational goals, training,
14 employment, and needed treatment services following the committed
15 offender's release from a community work release and reentry center;

16 (8) Private provider means a partnership, corporation, association,
17 joint venture, organization, or similar entity which is operated on a
18 nonprofit basis and which, under a contract with either the division or
19 the department, has agreed to operate a community work release and
20 reentry center pursuant to the act;

21 (9) Probation administration means the Office of Probation
22 Administration;

23 (10) Reentering person means an individual who is subject to
24 supervision by the division or probation administration, not including
25 juvenile probation, or who was recently in the custody of the department
26 or a county jail and was released with no supervision;

27 (11) Reentry housing means temporary housing for reentering persons,
28 generally in the first year following a period of incarceration; and

29 (12)(a) Reentry housing facility means a facility which is owned or
30 operated by a private organization, whether nonprofit or for-profit, that
31 receives direct payment from the board, division, probation

1 administration, or department to provide reentry housing.

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

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

6 Sec. 4. (1) The division may place a parole-eligible committed
7 offender at a community work release and reentry center as provided in
8 the Community Work Release and Reentry Centers Act.

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

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

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

16 (3) The department may place a committed offender whose sentence
17 includes a term of post-release supervision and who is within three years
18 of his or her release date at a community work release and reentry center
19 as provided in the act. Any such committed offender placed at a center
20 shall be under the continuing jurisdiction and authority of the
21 department.

22 Sec. 5. (1) The division and the department may exercise all powers
23 and perform all duties necessary and proper for carrying out their
24 responsibilities under the Community Work Release and Reentry Centers
25 Act.

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

31 (a) Establish a contract with public or private employers to provide

1 employment for committed offenders placed at the center;

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

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

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

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

12 (a) Specialized educational or vocational training; and

13 (b) Other programming that will address the mental health,
14 behavioral health, or substance abuse treatment needs of such committed
15 offender.

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

19 (a) Regarding the behavior of committed offenders;

20 (b) To ensure that committed offenders seek and retain continuous
21 employment;

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

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

27 (e) To ensure that committed offenders consistently participate in
28 all necessary therapy, programming, treatment, vocational training, and
29 educational classes; and

30 (f) To ensure that committed offenders maintain their scheduled work
31 hours.

1 Sec. 6. The division and the department shall set standards for the
2 appropriate staffing levels of community work release and reentry
3 centers. The division and the department shall require each center to:

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

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

8 (3) Assign an individual counselor to each committed offender
9 assigned to the center.

10 Sec. 7. (1) The division and the department shall require each
11 community work release and reentry center to establish an individualized
12 release plan for each committed offender assigned to the center. The
13 staff of a center shall assist the division and the department in making
14 reasonable advance preparations for the release of such committed
15 offenders.

16 (2) If a parole-eligible committed offender is released from a
17 center, the offender shall be subject to parole conditions set by the
18 board and under the supervision of a district parole officer assigned by
19 the division pursuant to section 83-1,104. The individualized release
20 plan for a parole-eligible committed offender shall be developed in
21 coordination with the assigned district parole officer.

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

28 Sec. 8. (1) The division and the department shall set requirements
29 for the maintenance of the individual records of committed offenders
30 assigned to a community work release and reentry center.

31 (2) The division and the department shall require each community

1 work release and reentry center to make periodic reports to the division
2 and the department on the performance of each committed offender assigned
3 to the center.

4 Sec. 9. The division and the department shall establish an internal
5 system for assessing the achievements of community work release and
6 reentry centers and the effectiveness of the Community Work Release and
7 Reentry Centers Act as a whole. The division and the department shall
8 develop and maintain measurable goals and objectives for such assessment.

9 Sec. 10. (1) The division shall designate a parole officer to
10 monitor the performance of each parole-eligible committed offender who is
11 assigned to a community work release and reentry center. The designated
12 parole officer shall be required to periodically report to the division
13 on the progress of the committed offender.

14 (2) The department shall designate a correctional officer to monitor
15 the performance of each committed offender who is assigned to a community
16 work release and reentry center under subsection (3) of section 4 of this
17 act. The designated correctional officer shall be required to
18 periodically report to the department on the progress of the committed
19 offender.

20 Sec. 11. The division and the department shall develop an internal
21 program to conduct annual reviews of the performance of each community
22 work release and reentry center. A senior staff person of the division
23 and the department shall visit each center at least twice each year.

24 Sec. 12. (1) A committed offender assigned to a community work
25 release and reentry center shall obey the center's rules of behavior and
26 shall consistently maintain such offender's scheduled work hours.

27 (2) The intentional failure of a committed offender to abide by the
28 rules of such offender's assigned center may result in internal
29 disciplinary sanction, termination of the committed offender's placement
30 with the center, and the immediate return of such offender to the custody
31 of the department.

1 (3) No committed offender who is employed in the community under the
2 Community Work Release and Reentry Centers Act or otherwise released from
3 custody shall, while working in such employment in the community, going
4 to or from such employment, or during the time of such release, be deemed
5 to be an agent, employee, or servant of the State of Nebraska.

6 Sec. 13. The division and the department may allow a community work
7 release and reentry center to have access to all of the records,
8 documents, and reports in the custody of the division or the department,
9 other than presentence investigation reports, that relate to any
10 committed offender who is assigned to the center.

11 Sec. 14. (1) By July 1, 2026, the division and the department shall
12 develop a strategic plan and procedure to allow private providers to bid
13 on agreements to establish community work release and reentry centers
14 pursuant to the Community Work Release and Reentry Centers Act.

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

18 Sec. 15. (1) The department, with the assistance of the board,
19 shall establish a program to encourage the development of reentry
20 housing, coordinate the provisions of reentry services, and provide
21 standards for reentry housing. Through this program, the department
22 shall:

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

26 (b) Monitor compliance with these minimum standards and investigate
27 suspected violations;

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

30 (d) Communicate with relevant agencies regarding evaluation results
31 and compliance with minimum standards;

1 (e) Facilitate communication between the department, division,
2 board, probation administration, and reentry housing facilities regarding
3 reentering persons in need of housing and the availability of housing to
4 meet such needs;

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

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

11 (h) Electronically submit an annual report to the Legislature, the
12 Supreme Court, and the Governor which describes the status of housing for
13 reentering persons in Nebraska. The report shall include details on
14 housing-related expenditures, characteristics of reentry housing
15 facilities and other places which provide housing for reentering persons,
16 characteristics of the individuals receiving financial assistance for
17 housing, and recommendations for improving the quality and availability
18 of housing for reentering persons in the state.

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

23 Sec. 16. (1) Reentry housing facilities shall cooperate with
24 investigations and evaluations conducted pursuant to the Community Work
25 Release and Reentry Centers Act and shall provide the department, board,
26 division, probation administration, and the Office of Public Counsel with
27 reasonable access to facilities and records related to the provision of
28 reentry housing.

29 (2) The department or board may request the State Fire Marshal to
30 investigate any reentry housing facility for fire safety under section
31 81-502. The State Fire Marshal shall assess a fee for such inspection

1 under section 81-505.01 payable by the facility. The State Fire Marshal
2 may delegate the authority to make such inspections to qualified local
3 fire prevention personnel under section 81-502.

4 (3) The department or board may request a county, city, or village
5 to inspect any reentry housing facility for the purpose of administering
6 or enforcing the state building code or an applicable local building or
7 construction code enacted pursuant to the Building Construction Act, if
8 the county, city, or village has taken on the responsibility of code
9 enforcement. A county, city, or village may assess fees for such an
10 inspection under section 71-6406.

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

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

20 Sec. 17. (1) The Reentry Continuity Advisory Board is created. The
21 board shall include the following members:

- 22 (a) The Inspector General of the Nebraska Correctional System;
23 (b) The Director of Correctional Services or his or her designee;
24 (c) The chairperson of the Board of Parole or his or her designee;
25 (d) The probation administrator or his or her designee; and
26 (e) Five additional members to be appointed by the Governor. Such
27 members shall include:

28 (i) An individual with experience in reentry and restorative justice
29 service delivery;

30 (ii) A victims' rights representative;

31 (iii) A formerly incarcerated individual;

1 (iv) An individual with expertise in mental or behavioral health;
2 and

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

4 (2) The advisory board shall select a chairperson from among its
5 members.

6 (3) The advisory board shall identify areas for improving continuity
7 and collaboration among the department, the division, the board,
8 probation administration, and any other relevant criminal justice
9 entities and offer advice on practices that will enhance the continuity
10 of reentry services and reentry housing for individuals in the criminal
11 justice system.

12 (4) The advisory board shall:

13 (a) Conduct regular meetings;

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

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

17 (d) Promote public safety through effective reintegration into the
18 community;

19 (e) Provide input on the process of evaluating reentry housing
20 facilities;

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

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

23 (h) Engage in other activities as requested by the department and
24 board.

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

29 (6) The department, division, board, and probation administration
30 shall provide information requested by the advisory board related to its
31 mission. This shall include, but is not limited to, information

1 regarding:

2 (a) The use of evidence-based risk assessments and evidence-based
3 programming;

4 (b) Participation in rehabilitation and education programs;

5 (c) Treatment and programming offered, including vocational
6 training, substance abuse treatment, cognitive-behavioral therapy, and
7 mental health counseling;

8 (d) Population and demographic data;

9 (e) Use of and need for transitional housing and reentry housing;

10 (f) Identified gaps in services;

11 (g) Recidivism;

12 (h) Institutional conduct; and

13 (i) Post-release and reentry planning and services;

14 (7) The advisory board shall conduct periodic evaluations of the
15 effectiveness of the collaborative efforts and reentry programs offered
16 by the department, division, board, probation administration, and other
17 criminal justice agencies. Such evaluation shall be accomplished using an
18 integrated reentry and rehabilitation framework, which shall include an
19 examination of:

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

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

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

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

4 (8) The advisory board shall assist probation administration, the
5 department, and the division in implementing performance metrics for
6 staff as provided in sections 24 and 37 of this act. The advisory board
7 shall regularly review such agencies' implementation and use of such
8 performance metrics and offer updated guidance to ensure that such
9 metrics are aligned with best practices, stakeholder input, and the
10 evolving goals and priorities of the criminal justice system.

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

21 Sec. 18. (1) The Reentry Housing Fund is created. The fund shall be
22 maintained in the state accounting system as a cash fund and shall
23 consist of all fees, grants, federal funds, and other money received by
24 the department under the Community Work Release and Reentry Centers Act.
25 The department shall use the fund to carry out the act.

26 (2) Any money in the Reentry Housing Fund available for investment
27 shall be invested by the state investment officer pursuant to the
28 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
29 Act.

30 (3) The department may assess an annual fee on each reentry housing
31 facility for the purposes of carrying out the Community Work Release and

1 Reentry Centers Act. Such annual fee shall not exceed one thousand
2 dollars. The department shall remit any such fees collected to the State
3 Treasurer for credit to the Reentry Housing Fund.

4 Sec. 19. The department, division, and board may adopt and
5 promulgate rules and regulations to carry out the Community Work Release
6 and Reentry Centers Act.

7 Sec. 20. (1) Beginning October 1, 2024, the Department of
8 Correctional Services shall electronically submit a quarterly report to
9 the Judiciary Committee of the Legislature and the Appropriations
10 Committee of the Legislature regarding any reentry service center pilot
11 programs being conducted by the department. The report shall include:

12 (a) Information regarding residential substance abuse pilot
13 programs, including rates of successful and unsuccessful completion by
14 participants and information on the long-term outcomes of program
15 participants;

16 (b) Information regarding parolees receiving financial assistance
17 for transitional housing, including how long parolees are receiving such
18 assistance or using such housing, success rates of parolees while in
19 transitional housing, and long-term outcomes for such parolees; and

20 (c) Information on the number of parolees who submit more than one
21 reentry transition living plan to the board.

22 (2) The report shall redact all personal identifying information of
23 parolees.

24 Sec. 21. (1) Beginning October 1, 2024, the Office of Probation
25 Administration shall electronically submit a quarterly report to the
26 Judiciary Committee of the Legislature and the Appropriations Committee
27 of the Legislature regarding individuals serving sentences of post-
28 release supervision. The report shall include:

29 (a) The number of individuals:

30 (i) On post-release supervision;

31 (ii) Successfully discharged from post-release supervision;

- 1 (iii) Unsuccessfully discharged from post-release supervision;
- 2 (iv) Whose post-release supervision is revoked for technical
- 3 violations;
- 4 (v) Whose post-release supervision is revoked for law violations;
- 5 (vi) Who abscond and do not complete the conditions of post-release
- 6 supervision;
- 7 (vii) Who are sent to jails to serve custodial sanctions; and
- 8 (viii) Whose post-release supervision has been revoked;
- 9 (b) The number of jail beds utilized for custodial sanctions and the
- 10 number of days such beds are utilized;
- 11 (c) The types of programming offered to individuals on post-release
- 12 supervision; and
- 13 (d) The risk scores of individuals on post-release supervision at
- 14 the time they began serving a sentence of imprisonment and upon discharge
- 15 from post-release supervision.

16 (2) The report shall redact all personal identifying information of

17 individuals on post-release supervision.

18 Sec. 22. (1) Except as provided in subsection (2) of this section,

19 in administering any grant program, a state agency or political

20 subdivision shall not exclude any person from consideration solely

21 because such person, or any person associated with such person, is

22 currently or has previously been on probation or parole.

23 (2) This section does not:

24 (a) Apply to the extent that it would jeopardize federal funding for

25 a grant program; or

26 (b) Prohibit a state agency or political subdivision from requiring

27 that a person currently or previously on probation or parole have an

28 undersigner or co-grantee who has not previously been convicted of a

29 criminal offense.

30 Sec. 23. Section 28-936, Revised Statutes Cumulative Supplement,

31 2022, is amended to read:

1 28-936 (1) A person commits an offense if he or she intentionally
2 introduces within a facility, or intentionally provides an inmate of a
3 facility with, any electronic communication device. An inmate commits an
4 offense if he or she intentionally procures, makes, or otherwise provides
5 himself or herself with, or has in his or her possession, any electronic
6 communication device.

7 (2) This section does not apply to:

8 (a) An attorney or an attorney's agent visiting an inmate who is a
9 client of such attorney;

10 (b) The Public Counsel or any employee of his or her office;

11 (c) A peace officer acting under his or her authority;

12 (d) An emergency responder or a firefighter responding to emergency
13 incidents within a facility; or

14 (e) Any person acting with the permission of the Director of
15 Correctional Services or in accordance with rules, regulations, or
16 policies of the Department of Correctional Services.

17 (3) This section does not prohibit a member of the Legislature from
18 bringing an electronic communication device into a facility. However, a
19 member of the Legislature shall not intentionally provide an inmate of a
20 facility with an electronic communication device.

21 ~~(4)~~ (3) For purposes of this section:

22 (a) Facility has the same meaning as in section 83-170; and

23 (b) Electronic communication device means any device which, in its
24 ordinary and intended use, transmits by electronic means writings,
25 sounds, visual images, or data of any nature to another electronic
26 communication device. Electronic communication device does not include
27 any device provided to an inmate by the Department of Correctional
28 Services.

29 ~~(5)~~ (4) A violation of this section is a Class I misdemeanor.

30 ~~(6)~~ (5) An electronic communication device involved in a violation
31 of this section shall be subject to seizure by the Department of

1 Correctional Services or a peace officer, and disposition may be made in
2 accordance with the method of disposition directed for contraband in
3 sections 29-818 and 29-820.

4 Sec. 24. The office shall establish performance metrics for
5 probation officers. Such metrics should measure efficacy in providing
6 rehabilitative and reentry services to probationers. Such metrics should:

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

10 (2) Include indicators of progress for probationers, such as
11 successful completion of treatment programs, educational attainment,
12 employment status, and compliance with conditions of supervision;

13 (3) Emphasize the importance of providing supportive services,
14 fostering positive relationships with probationers, and promoting
15 successful community reentry; and

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

18 Sec. 25. Section 29-2269, Revised Statutes Supplement, 2023, is
19 amended to read:

20 29-2269 Sections 29-2244 to 29-2269 and section 24 of this act shall
21 be known and may be cited as the Nebraska Probation Administration Act.

22 Sec. 26. Section 83-171, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

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

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

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

1 (3) Supervise parolees who have been committed to the department;
2 and

3 (4) ~~Administer Until July 1, 2016, administer~~ parole services in the
4 facilities and in the community ~~and, beginning July 1, 2016, cooperate~~
5 ~~with the Board of Parole and Division of Parole Supervision to assist~~
6 ~~with the efficient administration of parole services in the facilities~~
7 ~~and in the community.~~

8 Sec. 27. Section 83-184, Revised Statutes Cumulative Supplement,
9 2022, is amended to read:

10 83-184 (1) When the conduct, behavior, mental attitude, and
11 conditions indicate that a person committed to the department and the
12 general society of the state will be benefited, and there is reason to
13 believe that the best interests of the people of the state and the person
14 committed to the department will be served thereby, in that order, ~~and~~
15 ~~upon the recommendation of the board in the case of each committed~~
16 ~~offender,~~ the director may authorize such person, under prescribed
17 conditions, to:

18 (a) Visit a specifically designated place or places and return to
19 the same or another facility. An extension of limits may be granted to
20 permit a visit to a dying relative, attendance at the funeral of a
21 relative, the obtaining of medical services, the contacting of
22 prospective employers, or for any other reason consistent with the public
23 interest;

24 (b) Work at paid employment or participate in a training program in
25 the community on a voluntary basis whenever:

26 (i) Such paid employment will not result in the displacement of
27 employed workers, or be applied in skills, crafts, or trades in which
28 there is a surplus of available gainful labor in the locality, or impair
29 existing contracts for services; and

30 (ii) The rates of pay and other conditions of employment will not be
31 less than those paid or provided for work of similar nature in the

1 locality in which the work is to be performed; or

2 (c) Leave the facility to participate in substance abuse evaluations
3 or treatment, attend rehabilitative programming or treatment, seek
4 residency or employment, or participate in structured programming as
5 provided in section 83-182.01 and return to the same or another facility.
6 The department shall collaborate with community-based providers to
7 enhance the availability of community-based options for such
8 participation that meet the department's requirements for rehabilitative
9 programming or treatment or structured programming.

10 (2) The wages earned by a person authorized to work at paid
11 employment in the community under this section shall be credited by the
12 chief executive officer of the facility to such person's wage fund. The
13 director shall authorize the chief executive officer to withhold up to
14 five percent of such person's net wages. The funds withheld pursuant to
15 this subsection shall be remitted to the State Treasurer for credit as
16 provided in subsection (2) of section 33-157.

17 (3) A person authorized to work at paid employment in the community
18 under this section may be required to pay, and the director is authorized
19 to collect, such costs incident to the person's confinement as the
20 director deems appropriate and reasonable. Collections shall be deposited
21 in the state treasury as miscellaneous receipts.

22 (4) A person authorized to work at paid employment in the community
23 under this section may be required to pay restitution. The director shall
24 adopt and promulgate rules and regulations which will protect the
25 committed offender's rights to due process and govern the collection of
26 restitution as provided in section 83-184.01.

27 (5) The willful failure of a person to remain within the extended
28 limits of his or her confinement or to return within the time prescribed
29 to a facility designated by the director may be deemed an escape from
30 custody punishable as provided in section 28-912.

31 (6) No person employed in the community under this section or

1 otherwise released shall, while working in such employment in the
2 community or going to or from such employment or during the time of such
3 release, be deemed to be an agent, employee, or servant of the state.

4 Sec. 28. Section 83-190, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 83-190 (1) The members of the Board of Parole shall have terms of
7 office of six years and until their successors are appointed. The
8 successors shall be appointed in the same manner as provided for the
9 members first appointed, and a vacancy occurring before expiration of a
10 term of office shall be similarly filled for the unexpired term. A member
11 of the board may be reappointed. The members of the board shall ~~may~~ be
12 removed ~~only~~ for disability, neglect of duty, or malfeasance in office by
13 the Board of Pardons after a hearing. The Board of Pardons shall promptly
14 file in the office of the Secretary of State a complete statement of the
15 charges, its findings and disposition, and a complete record of the
16 proceedings.

17 (2) For purposes of this section, neglect of duty includes not
18 attending a total of twelve full days of hearings of the Board of Parole
19 within a calendar year. A member's failure to attend a hearing day shall
20 not count toward such limit if the failure was due to a medical
21 appointment that could not reasonably be rescheduled or delayed, a family
22 emergency, illness, an act of God, or similar circumstances beyond the
23 member's control.

24 Sec. 29. Section 83-192, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 83-192 (1) The Board of Parole shall:

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

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

1 parole;

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

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

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

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

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

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

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

27 (i) ~~(h)~~ Adopt and promulgate rules and regulations; and

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

31 (2) The chairperson of the board shall:

- 1 (a) Supervise the administration and operation of the board;
- 2 (b) Serve in an advisory capacity to the director in administering
- 3 parole services within any facility;
- 4 (c) Interpret the parole program to the public with a view toward
- 5 developing a broad base of public support;
- 6 (d) Conduct research for the purpose of evaluating and improving the
- 7 effectiveness of the parole system;
- 8 (e) Recommend parole legislation to the Governor;
- 9 (f) Adopt and promulgate rules and regulations for the
- 10 administration and operation of the board;~~and~~
- 11 (g) Take all actions necessary to assist the board in carrying out
- 12 its duties under section 83-962 during a correctional system overcrowding
- 13 emergency; and
- 14 (h) ~~(g)~~ Exercise all other powers and perform all other duties
- 15 necessary and proper in carrying out his or her responsibilities as
- 16 chairperson.

17 (3) This section does not prohibit a committed offender from
18 requesting that the board review his or her record. The ~~, except that the~~
19 board is not required to review a committed offender's record more than
20 once a year, except as otherwise required by statute, including section
21 83-962.

22 Sec. 30. Section 83-1,100, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

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

- 29 (a) The administration of parole services in the community,
- 30 including administration of the Community Work Release and Reentry
- 31 Centers Act;

1 (b) The maintenance of all records and files associated with the
2 Board of Parole;

3 (c) The daily supervision and training of staff members of the
4 division, including training regarding evidence-based practices in
5 supervision pursuant to section 83-1,100.02; and

6 (d) The assessment, evaluation, and supervision of individuals who
7 are subject to parole supervision, including lifetime community
8 supervision pursuant to section 83-174.03.

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

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

17 Sec. 31. Section 83-1,100.03, Revised Statutes Cumulative
18 Supplement, 2022, is amended to read:

19 83-1,100.03 (1) The board, in consultation with the department,
20 shall adopt and promulgate rules and regulations to reduce the number of
21 inmates under the custody of the department who serve their entire
22 sentence in a correctional facility and are released without supervision.
23 The rules and regulations shall establish clear guidelines and procedures
24 to ensure that each parolee is subject to a minimum of nine months of
25 supervision and shall place priority on providing supervision lengths
26 that enable meaningful transition periods for all offenders. The rules
27 and regulations shall ensure that each inmate eligible for parole is
28 assessed for risk of reoffending using a validated risk and needs
29 assessment provided by the department and shall incorporate into the
30 release decision an inmate's assessed risk of reoffending, past criminal
31 history, program completion, institutional conduct, and other individual

1 characteristics related to the likelihood of reoffending into parole
2 release decisions.

3 (2) By ~~February 1, 2016, and by~~ February 1 of each year thereafter,
4 the board and the department shall submit a report to the Legislature,
5 the Supreme Court, and the Governor that describes the percentage of
6 offenders sentenced to the custody of the department who complete their
7 entire sentence and are released with no supervision. The report shall
8 document characteristics of the individuals released without supervision,
9 including the highest felony class of conviction, offense type of
10 conviction, most recent risk assessment, status of the individualized
11 release or reentry plan, and reasons for the release without supervision.
12 The report also shall provide recommendations from the department and
13 board for changes to policy and practice to meet the goal of achieving a
14 reduction in the number of inmates under the custody of the department
15 who serve their entire sentence in a correctional facility and are
16 released without supervision. The report to the Legislature shall be
17 submitted electronically.

18 (3) The department, in consultation with the board, shall maintain a
19 list of individuals who are eligible for parole but are expected to
20 complete their entire sentence in the custody of the department and be
21 released with no supervision. This list shall be used to facilitate the
22 placement of committed offenders in community work release and reentry
23 centers under the Community Work Release and Reentry Centers Act.

24 Sec. 32. Section 83-1,101, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 83-1,101 The Director of Correctional Services ~~Board of Parole~~ shall
27 appoint a Director of Supervision and Services who shall be a person with
28 appropriate experience and training, including, but not limited to,
29 familiarity with the implementation of evidence-based processes for
30 utilizing risk and needs assessments to measure criminal risk factors and
31 specific individual needs.

1 Sec. 33. Section 83-1,102, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 83-1,102 The Director of Supervision and Services shall:

4 (1) Supervise and administer the Division of Parole Supervision;

5 (2) Establish and maintain policies, standards, and procedures for
6 the field parole service and the community supervision of sex offenders
7 pursuant to section 83-174.03;

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

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

17 (5) Provide the Board of Parole and district judges with any record
18 of a parolee which the board or such judges may require;

19 (6) Make recommendations to the Board of Parole or district judge in
20 cases of violation of the conditions of parole, issue warrants for the
21 arrest of parole violators when so instructed by the board or district
22 judge, notify the Director of Correctional Services of determinations
23 made by the board, and upon instruction of the board, issue certificates
24 of parole and of parole revocation to the facilities and certificates of
25 discharge from parole to parolees;

26 (7) Organize and conduct training programs for the district parole
27 officers and other employees;

28 (8) Use the funds provided under section 83-1,107.02 to augment
29 operational or personnel costs associated with the development,
30 implementation, and evaluation of enhanced parole-based programs and
31 purchase services to provide such programs aimed at enhancing adult

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

7 (9) Ensure that any risk or needs assessment instrument utilized by
8 the system be periodically validated;

9 (10) Report annually to the Governor and electronically to the Clerk
10 of the Legislature beginning January 1, 2015, the number of parole
11 revocations and the number of technical violations of parole; ~~and~~

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

15 (12) ~~(11)~~ Exercise all powers and perform all duties necessary and
16 proper in carrying out his or her responsibilities.

17 Sec. 34. Section 83-1,107, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 83-1,107 (1)(a) Within sixty days after initial classification and
20 assignment of any offender committed to the department, all available
21 information regarding such committed offender shall be reviewed and a
22 committed offender department-approved personalized program plan document
23 shall be drawn up. The document shall specifically describe the
24 department-approved personalized program plan and the specific goals the
25 department expects the committed offender to achieve. The document shall
26 also contain a realistic schedule for completion of the department-
27 approved personalized program plan. The department-approved personalized
28 program plan shall be developed with the active participation of the
29 committed offender. The department shall provide programs to allow
30 compliance by the committed offender with the department-approved
31 personalized program plan.

1 Programming may include, but is not limited to:

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

4 (ii) Substance abuse treatment;

5 (iii) Mental health and psychiatric treatment, including criminal
6 personality programming;

7 (iv) Constructive, meaningful work programs; and

8 (v) Any other program deemed necessary and appropriate by the
9 department.

10 (b) A modification in the department-approved personalized program
11 plan may be made to account for the increased or decreased abilities of
12 the committed offender or the availability of any program. Any
13 modification shall be made only after notice is given to the committed
14 offender. The department may not impose disciplinary action upon any
15 committed offender solely because of the committed offender's failure to
16 comply with the department-approved personalized program plan, but such
17 failure may be considered by the board in its deliberations on whether or
18 not to grant parole to a committed offender.

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

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

30 (c) The total reductions under this subsection shall be credited
31 from the date of sentence, which shall include any term of confinement

1 prior to sentence and commitment as provided pursuant to section
2 83-1,106, and shall be deducted from the maximum term, to determine the
3 date when discharge from the custody of the state becomes mandatory.

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

9 (4) The department, in consultation with the board, shall ensure
10 that a release or reentry plan is complete or near completion when the
11 offender has served at least eighty percent of his or her sentence. For
12 purposes of this subsection, release or reentry plan means a
13 comprehensive and individualized strategic plan to ensure an individual's
14 safe and effective transition or reentry into the community to which he
15 or she resides with the primary goal of reducing recidivism. At a
16 minimum, the release or reentry plan shall include, but not be limited
17 to, consideration of the individual's housing needs, medical or mental
18 health care needs, and transportation and job needs and shall address an
19 individual's barriers to successful release or reentry in order to
20 prevent recidivism. The release or reentry plan does not include an
21 individual's programming needs included in the individual's personalized
22 program plan for use inside the prison. However, the department shall
23 include in the release or reentry plan information regarding the
24 individual's progress on the individual's personalized program plan for
25 use inside the prison.

26 (5)(a) The department shall make treatment programming available to
27 committed offenders as provided in section 83-1,110.01 and shall include
28 continuing participation in such programming as part of each offender's
29 department-approved parolee personalized program plan developed under
30 subsection (1) of this section.

31 (b) Any committed offender with a mental illness shall be provided

1 with the community standard of mental health care. The mental health care
2 shall utilize evidence-based therapy models that include an evaluation
3 component to track the effectiveness of interventions.

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

9 (6)(a) Within thirty days after any committed offender has been
10 paroled, all available information regarding such parolee shall be
11 reviewed and a case plan document shall be drawn up and approved by the
12 Division of Parole Supervision. The document shall specifically describe
13 the approved case plan and the specific goals the division expects the
14 parolee to achieve. The document shall also contain a realistic schedule
15 for completion of the approved case plan. The approved case plan shall be
16 developed with the active participation of the parolee. During the term
17 of parole, the parolee shall comply with the approved case plan and the
18 division shall provide programs to allow compliance by the parolee with
19 the approved case plan.

20 Programming may include, but is not limited to:

21 (i) Academic and vocational education;

22 (ii) Substance abuse treatment;

23 (iii) Mental health and psychiatric treatment, including criminal
24 personality programming;

25 (iv) Constructive, meaningful work programs;

26 (v) Community service programs; and

27 (vi) Any other program deemed necessary and appropriate by the
28 division.

29 (b) A modification in the approved case plan may be made to account
30 for the increased or decreased abilities of the parolee or the
31 availability of any program. Any modification shall be made only after

1 notice is given to the parolee. Intentional failure to comply with the
2 approved case plan by any parolee as scheduled for any year, or pro rata
3 part thereof, shall cause disciplinary action to be taken by the division
4 resulting in the forfeiture of up to a maximum of three months' good time
5 for the scheduled year.

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

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

15 (9) Pursuant to rules and regulations adopted by the probation
16 administrator and the director, an individualized post-release
17 supervision plan shall be collaboratively prepared by the Office of
18 Probation Administration and the department and provided to the court to
19 prepare individuals under custody of the department for post-release
20 supervision. All records created during the period of incarceration shall
21 be shared with the Office of Probation Administration and considered in
22 preparation of the post-release supervision plan.

23 Sec. 35. Section 83-1,114, Revised Statutes Supplement, 2023, is
24 amended to read:

25 83-1,114 (1) Whenever the board considers the release of a committed
26 offender who is eligible for release on parole, it shall order his or her
27 release unless it is of the opinion that his or her release should be
28 deferred because:

29 (a) There is a substantial risk that he or she will not conform to
30 the conditions of parole; or

31 ~~(b) His or her release would depreciate the seriousness of his or~~

1 ~~her crime or promote disrespect for law;~~

2 ~~(c) His or her release would have a substantially adverse effect on~~
3 ~~institutional discipline; or~~

4 (b) Subject to subsection (3) of this section, his ~~(d) His or her~~
5 continued correctional treatment, medical care, or vocational or other
6 training in the facility will substantially enhance his or her capacity
7 to lead a law-abiding life when released at a later date.

8 (2) In making its determination regarding a committed offender's
9 release on parole, the board shall give consideration to the decision
10 guidelines as set forth in its rules and regulations and shall take into
11 account each of the following factors:

12 (a) The adequacy of the offender's parole plan, including
13 sufficiency of residence, employment history, and employability;

14 ~~(b) The offender's prior criminal record, including the nature and~~
15 ~~circumstances, dates, and frequency of previous offenses;~~

16 ~~(b) (e) The offender's institutional behavior;~~

17 ~~(c) (d) The offender's previous experience on parole and how recent~~
18 such experience is;

19 ~~(d) (e) Whether the offender has completed a risk and needs~~
20 assessment completed pursuant to section 83-192; and

21 ~~(e) (f) Any testimony or written statement by a victim as provided~~
22 in section 81-1848.

23 (3) Parole shall not be denied for a committed offender solely
24 because the department did not offer or delayed programming due to
25 operational issues, including staffing shortages, maintenance issues, or
26 lack of funding.

27 (4) If the board denies or defers parole, the board shall select a
28 single primary reason for such denial or deferral.

29 Sec. 36. Section 83-1,122.02, Revised Statutes Supplement, 2023, is
30 amended to read:

31 83-1,122.02 (1) The Division of Parole Supervision ~~and the~~

1 ~~department~~ shall create a pilot program to establish a technical parole
2 violation residential housing program. The purpose of the program is to
3 provide accountability and intensive support for individuals on parole
4 who commit technical violations, without revoking them fully back to
5 prison.

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

13 (3) An individual on parole shall not be placed in the pilot program
14 until the Division of Parole Supervision has determined the individual is
15 a suitable candidate in accordance with policies and guidelines developed
16 by the division.

17 (4) On or before June 1, 2024, the Division of Parole Supervision
18 shall electronically submit a report to the Judiciary Committee of the
19 Legislature regarding the pilot program. The report shall evaluate
20 effects of the pilot program on recidivism and make recommendations
21 regarding expansion of or changes to the program.

22 (5) For purposes of this section, technical violation has the same
23 meaning as in section 83-1,119.

24 Sec. 37. The department and the Division of Parole Supervision
25 shall establish performance metrics for corrections and parole staff.
26 Such metrics shall measure staff efficacy in providing rehabilitative and
27 reentry services to committed offenders and parolees. Such metrics shall:

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

31 (2) Include indicators of progress for committed offenders and

1 parolees, such as successful completion of treatment programs,
2 educational attainment, employment status, and compliance with conditions
3 of supervision;

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

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

9 Sec. 38. The board shall adopt and promulgate rules and regulations
10 that include:

11 (1) Clearly defined and easily understood written mission statements
12 and strategic plans encompassing public safety and rehabilitation. The
13 board shall align such statements and plans with those of the department;

14 (2) Procedures to ensure that victims are appropriately notified and
15 given the opportunity to provide input in the rulemaking process;

16 (3) A requirement that board members receive initial and ongoing
17 training on cultural competency, implicit bias, an understanding of the
18 historical perspective of how and why parole was created, the powers and
19 duties of the board, and ethics. Such training shall address current
20 suggested best practices and enhance and strengthen members'
21 decisionmaking skills;

22 (4) A requirement that board members receive initial and ongoing
23 training on motivational interviewing using approaches and materials
24 developed and approved by the National Institute of Corrections;

25 (5) A code of ethics for members of the board;

26 (6) Requirements and procedures for the board to incorporate
27 evidence-based practices that reduce recidivism. This includes, but is
28 not limited to, a requirement that the board measure performance outcomes
29 and develop transparent, written criteria that shall be considered when
30 making decisions on whether to grant or revoke parole and when setting
31 the conditions of parole;

1 (7) Methods by which the board will enhance opportunities for the
2 success of people released on parole by collaborating with partners
3 within and outside of the criminal justice system, supporting the
4 supervision of people released on parole in their communities, employing
5 informal social controls, and enabling people released on parole to
6 participate meaningfully in the supervision process; and

7 (8) Policies and standard practices that will assist in ensuring
8 neutrality, impartiality, and objectivity as an integral part of the
9 board's culture and practices.

10 Sec. 39. (1) This section applies to the board whenever it makes a
11 determination of whether to grant or deny parole, sets the conditions of
12 parole, or determines the sanctions for a violation of parole.

13 (2) The board shall serve as an impartial, neutral, and objective
14 decisionmaker and shall be insulated from undue influences of specific
15 ideological views and positions and from predetermined conceptions of the
16 desired outcomes of proceedings before the board.

17 (3) If the board collaborates with or receives input from other
18 entities within the criminal justice system, the board shall do so in a
19 manner that respects and reinforces impartiality, neutrality, and
20 objectivity.

21 (4) The board shall consider all evidence regarding a committed
22 offender in an impartial, neutral, and objective manner.

23 (5) The board shall not recommend or require that a committed
24 offender complete or participate in any program or treatment not included
25 in the offender's department-approved personalized program plan created
26 under section 83-1,107.

27 (6) The board shall not make recommendations to the department
28 regarding specific custody levels for committed offenders.

29 Sec. 40. When making decisions regarding parole, the board shall
30 consider information and reports provided by the Reentry Continuity
31 Advisory Board created under section 17 of this act.

1 Sec. 41. (1) The board shall conduct Parole School sessions in each
2 facility on a regular and recurring basis to equip committed offenders
3 with the knowledge, skills, and confidence needed to navigate the parole
4 process successfully.

5 (2) Parole School curriculum shall include, but need not be limited
6 to, the following areas:

7 (a) Understanding parole guidelines, including:

8 (i) Comprehensive instruction on the legal framework and regulations
9 governing parole;

10 (ii) Explanation of eligibility criteria and conditions for parole
11 release; and

12 (iii) Clarification on the role of the board in its decisionmaking
13 process;

14 (b) Preparing for parole board hearings, including:

15 (i) Guidance on compiling a thorough parole packet, including
16 personal statements, character references, and evidence of rehabilitation
17 efforts;

18 (ii) Workshops on effective communication and presentation skills
19 for the parole board hearing; and

20 (iii) Mock parole board hearings to simulate real-life scenarios and
21 receive constructive feedback;

22 (c) Factors considered by the board, including:

23 (i) Factors considered under section 83-1,114;

24 (ii) Insight into the importance of demonstrating remorse,
25 accountability, and rehabilitation efforts; and

26 (iii) Strategies for addressing past mistakes and highlighting
27 personal growth and positive change; and

28 (d) Interacting with parole board and parole officers, including:

29 (i) Training on respectful and professional communication with board
30 members and parole officers;

31 (ii) Role-playing exercises to practice answering difficult

1 questions and addressing concerns raised by the board; and
2 (iii) Guidance on complying with parole conditions and navigating
3 the reintegration process post-release.

4 Sec. 42. On or before October 1, 2025, the department shall
5 complete a study examining risk assessment tools employed by the
6 department, the board, and the Office of Probation Administration. The
7 department shall evaluate the feasibility of establishing a unified risk
8 assessment framework across all criminal justice agencies.

9 Sec. 43. The director shall establish a program to accept donations
10 of books for use by committed offenders. The program shall seek to gather
11 a culturally diverse selection of books.

12 Sec. 44. Section 83-1,135, Revised Statutes Supplement, 2023, is
13 amended to read:

14 83-1,135 Sections 83-170 to 83-1,135.05 and sections 37 to 43 of
15 this act shall be known and may be cited as the Nebraska Treatment and
16 Corrections Act.

17 Sec. 45. (1) The National Career Readiness Certificate Pilot
18 Program is created. The program shall be administered by the Department
19 of Correctional Services. The department shall collaborate with
20 enterprises offering justice-involved individuals the chance to acquire
21 the National Career Readiness Certificate, a broadly recognized
22 credential substantiating key skills across various industries and roles.

23 (2) The department shall evaluate the success of the program for
24 each fiscal year and electronically submit a report of such evaluation to
25 the Clerk of the Legislature on or before June 30, 2025, and on or before
26 June 30, 2026.

27 (3) It is the intent of the Legislature to appropriate five hundred
28 thousand dollars from the General Fund for each of fiscal years 2024-25
29 and 2025-26 to the department for expenditure and distribution to aid in
30 carrying out the pilot program.

31 Sec. 46. Section 83-901, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 83-901 The purpose of sections 49-617, 68-621, 72-249, 72-1302 to
3 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01, 83-108, 83-112,
4 83-135, 83-139, 83-140, 83-144, 83-145, 83-147 to 83-150, 83-153 to
5 83-156, 83-170 to 83-173, 83-186, 83-188, 83-443, and 83-901 to 83-916
6 and section 47 of this act is to establish an agency of state government
7 for the custody, study, care, discipline, training, and treatment of
8 persons in the correctional and detention institutions and for the study,
9 training, and treatment of persons under the supervision of other
10 correctional services of the state so that they may be prepared for
11 lawful community living. Correctional services shall be so diversified in
12 program and personnel as to facilitate individualization of treatment.

13 Sec. 47. (1) Prior to the discharge of an individual from a
14 facility of the Department of Correctional Services, the department shall
15 provide such individual with an opportunity to obtain a state
16 identification card or renew a motor vehicle operator's license.

17 (2) The Office of Probation Administration may assist any such
18 individual in obtaining a state identification card or renewing a motor
19 vehicle operator's license. The department shall cooperate with and
20 facilitate the office's involvement in such matter.

21 Sec. 48. Section 83-903, Revised Statutes Cumulative Supplement,
22 2022, is amended to read:

23 83-903 (1) The Department of Correctional Services, in consultation
24 with the Board of Parole, shall develop a reentry program for individuals
25 incarcerated in a department correctional facility, individuals who have
26 been discharged from a department correctional facility within the prior
27 eighteen months, and parolees. The department shall hire a reentry
28 program administrator to develop and oversee the reentry program and
29 additional staff as needed to implement the reentry program.

30 (2) The purpose of the reentry program is to facilitate a standard
31 systemwide program of reentry for individuals leaving correctional

1 facilities or transitioning off community supervision. The primary
2 objectives of the reentry program are to reduce recidivism, to identify,
3 assess, and provide treatment options for individuals with mental
4 illness, to increase public safety, and to improve the overall transition
5 of the individual from the criminal justice system into the community.
6 ~~Prior to the discharge of an individual from a department correctional~~
7 ~~facility, the department shall provide such individual with an~~
8 ~~opportunity to obtain a state identification card or renew a motor~~
9 ~~vehicle operator's license.~~

10 (3) The department shall develop and implement individual,
11 comprehensive reentry plans for parolees. Such plans shall address
12 housing, employment, health care, substance abuse treatment, mental
13 health services, and other essential needs to support successful
14 community reintegration. The department shall provide necessary resources
15 and support to parolees to facilitate their adherence to their reentry
16 plans.

17 Sec. 49. Section 83-904, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 83-904 (1) The Vocational and Life Skills Program is created within
20 the Department of Correctional Services, in consultation with the Board
21 of Parole. The program shall provide funding to aid in the establishment
22 and provision of community-based vocational training and life skills
23 training for adults who are incarcerated, formerly incarcerated, or
24 serving a period of supervision on either probation or parole.

25 (2)(a) (2) The Vocational and Life Skills Programming Fund is
26 created. The fund shall consist of transfers authorized by the
27 Legislature, funds donated by nonprofit entities, funds from the federal
28 government, and funds from other sources. The fund shall be used to
29 provide grants to community-based organizations, community colleges,
30 federally recognized or state-recognized Indian tribes, or nonprofit
31 organizations that provide vocational and life skills programming and

1 services to adults and juveniles who are incarcerated, who have been
2 incarcerated within the prior eighteen months, or who are serving a
3 period of supervision on either probation or parole.

4 (b) The department, in awarding grants, shall give priority to
5 programs, services, or training that results in meaningful employment or
6 that provides reentry or transitional housing, wrap-around services,
7 family support, or restorative justice programming, ~~and no money from the~~
8 ~~fund shall be used for capital construction.~~

9 (c) Any funds not distributed to community-based organizations,
10 community colleges, federally recognized or state-recognized Indian
11 tribes, or nonprofit organizations shall be retained by the department to
12 be distributed on a competitive basis under the Vocational and Life
13 Skills Program. Such funds shall not be expended by the department for
14 any other purpose.

15 (d) No money in the fund shall be used for capital construction.

16 (e) Any money in the fund available for investment shall be invested
17 by the state investment officer pursuant to the Nebraska Capital
18 Expansion Act and the Nebraska State Funds Investment Act. Investment
19 earnings from investment of money in the fund shall be credited to the
20 fund.

21 (f) Beginning July 1, 2022, and each July 1 thereafter until July 1,
22 2024, the State Treasurer shall transfer five million dollars annually
23 from the Prison Overcrowding Contingency Fund to the Vocational and Life
24 Skills Programming Fund, on such dates as directed by the budget
25 administrator of the budget division of the Department of Administrative
26 Services.

27 (3) The department, in consultation with the Board of Parole, shall
28 adopt and promulgate rules and regulations to carry out the Vocational
29 and Life Skills Program. The rules and regulations shall include, but not
30 be limited to, a plan for evaluating the effectiveness of programs,
31 services, and training that receive funding and a reporting process for

1 aid recipients.

2 (4) The reentry program administrator shall report quarterly to the
3 Governor and the Clerk of the Legislature beginning October 1, 2014, on
4 the distribution and use of the aid distributed under the Vocational and
5 Life Skills Program, including how many individuals received programming,
6 the types of programming, the cost per individual for each program,
7 service, or training provided, how many individuals successfully
8 completed their programming, and information on any funds that have not
9 been used. The report to the Clerk of the Legislature shall be submitted
10 electronically. ~~Any funds not distributed to community-based
11 organizations, community colleges, federally recognized or state-
12 recognized Indian tribes, or nonprofit organizations under this
13 subsection shall be retained by the department to be distributed on a
14 competitive basis under the Vocational and Life Skills Program. These
15 funds shall not be expended by the department for any other purpose.~~

16 Sec. 50. Section 83-962, Revised Statutes Cumulative Supplement,
17 2022, is amended to read:

18 83-962 (1) ~~A Until July 1, 2020, the Governor may declare a
19 correctional system overcrowding emergency whenever the director
20 certifies that the department's inmate population is over one hundred
21 forty percent of design capacity. Beginning July 1, 2020, a correctional
22 system overcrowding emergency shall exist whenever the director certifies
23 that the department's inmate population is over one hundred forty percent
24 of design capacity. The director shall so certify within thirty days
25 after the date on which the population first exceeds one hundred forty
26 percent of design capacity.~~

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

30 (3) Upon such consideration or reconsideration, and for all other
31 consideration of committed offenders eligible for parole while the

1 correctional system overcrowding emergency is in effect, the board shall
2 order the release of each committed offender unless it is of the opinion
3 that such release should be deferred because:

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

6 (b) The board has determined that release of the committed offender
7 would have a very significant and quantifiable effect on institutional
8 discipline; or

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

11 (4) In making the determination regarding the risk that a committed
12 offender will not conform to the conditions of parole, the board shall
13 take into account the factors set forth in subsection (2) of section
14 83-1,114 and shall comply with the requirements of subsection (3) of
15 section 83-1,114 and section 39 of this act.

16 (5) The board shall continue granting parole to offenders under this
17 section until the director certifies that the population is at
18 operational capacity. The director shall so certify within thirty days
19 after the date on which the population first reaches operational
20 capacity.

21 Sec. 51. Original section 83-190, Reissue Revised Statutes of
22 Nebraska, sections 28-936, 83-171, 83-184, 83-192, 83-1,100, 83-1,100.03,
23 83-1,101, 83-1,102, 83-1,107, 83-901, 83-903, 83-904, and 83-962, Revised
24 Statutes Cumulative Supplement, 2022, and sections 29-2269, 83-1,114,
25 83-1,122.02, and 83-1,135, Revised Statutes Supplement, 2023, are
26 repealed.

27 Sec. 52. The following section is outright repealed: Section
28 83-933, Revised Statutes Cumulative Supplement, 2022.