

AMENDMENTS TO LB631

(Amendments to Standing Committee amendments, AM2098)

Introduced by McKinney, 11.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

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

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

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

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

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

25           (3) To achieve these goals, the purpose of the Community Work  
26 Release and Reentry Centers Act is to empower the Division of Parole

1 Supervision and the Department of Correctional Services to contract with  
2 private providers to establish community work release and reentry centers  
3 at various locations throughout the State of Nebraska.

4 Sec. 3. For purposes of the Community Work Release and Reentry  
5 Centers Act:

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

8 (2) Board means the Board of Parole;

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

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

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

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

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

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

28 (9) Probation administration means the Office of Probation  
29 Administration;

30 (10) Reentering person means an individual who is subject to  
31 supervision by the division or probation administration, not including

1 juvenile probation, or who was recently in the custody of the department  
2 or a county jail and was released with no supervision;

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

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

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

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

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

16 (2) Any parole-eligible committed offender placed at a community  
17 work release and reentry center by the board pursuant to the act:

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

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

23 (3) The department may place a committed offender whose sentence  
24 includes a term of post-release supervision and who is within two years  
25 of his or her release date at a community work release and reentry center  
26 as provided in the act. Any such committed offender placed at a center  
27 shall be under the continuing jurisdiction and authority of the  
28 department.

29 Sec. 5. (1) The division and the department may exercise all powers  
30 and perform all duties necessary and proper for carrying out their  
31 responsibilities under the Community Work Release and Reentry Centers

1 Act.

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

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

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

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

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

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

19 (a) Specialized educational or vocational training; and

20 (b) Other programming that will address the mental health,  
21 behavioral health, or substance abuse treatment needs of such committed  
22 offender.

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

26 (a) Regarding the behavior of committed offenders;

27 (b) To ensure that committed offenders seek and retain continuous  
28 employment;

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

30 (d) To ensure that committed offenders only leave the center for  
31 purposes of work or for other specified and approved activities,

1 including, but not limited to, job interviews, medical appointments,  
2 treatment, and outings to visit family;

3 (e) To ensure that committed offenders consistently participate in  
4 all necessary therapy, programming, treatment, vocational training, and  
5 educational classes; and

6 (f) To ensure that committed offenders maintain their scheduled work  
7 hours.

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

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

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

15 (3) Assign an individual counselor to each committed offender  
16 assigned to the center.

17 Sec. 7. (1) The division and the department shall require each  
18 community work release and reentry center to establish an individualized  
19 release plan for each committed offender assigned to the center. The  
20 staff of a center shall assist the division and the department in making  
21 reasonable advance preparations for the release of such committed  
22 offenders.

23 (2) If a parole-eligible committed offender is released from a  
24 center, the offender shall be subject to parole conditions set by the  
25 board and under the supervision of a district parole officer assigned by  
26 the division pursuant to section 83-1,104. The individualized release  
27 plan for a parole-eligible committed offender shall be developed in  
28 coordination with the assigned district parole officer.

29 (3) If a committed offender whose sentence includes a term of post-  
30 release supervision is released from a center, the offender shall be  
31 subject to the conditions of his or her order of post-release supervision

1 and under the supervision of a district probation officer. The  
2 individualized release plan for such an offender shall be developed in  
3 coordination with the assigned district probation officer.

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

7       (2) The division and the department shall require each community  
8 work release and reentry center to make periodic reports to the division  
9 and the department on the performance of each committed offender assigned  
10 to the center.

11       Sec. 9. The division and the department shall establish an internal  
12 system for assessing the achievements of community work release and  
13 reentry centers and the effectiveness of the Community Work Release and  
14 Reentry Centers Act as a whole. The division and the department shall  
15 develop and maintain measurable goals and objectives for such assessment.

16       Sec. 10. (1) The division shall designate a parole officer to  
17 monitor the performance of each committed offender who is assigned to a  
18 community work release and reentry center by the board. The designated  
19 parole officer shall be required to periodically report to the division  
20 on the progress of the committed offender.

21       (2) The department shall designate a correctional officer to monitor  
22 the performance of each committed offender who is assigned to a community  
23 work release and reentry center by the department. The designated  
24 correctional officer shall be required to periodically report to the  
25 department on the progress of the committed offender.

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

30       Sec. 12. (1) A committed offender assigned to a community work  
31 release and reentry center shall obey the center's rules of behavior and

1 shall consistently maintain such offender's scheduled work hours.

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

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

12 Sec. 13. The division and the department shall allow a community  
13 work release and reentry center to have access to all of the records,  
14 documents, and reports in the custody of the division or the department,  
15 including presentencing reports, that relate to any committed offender  
16 who is assigned to the center. A center shall maintain the  
17 confidentiality of presentencing reports as provided in section 29-2261.

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

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

25 Sec. 15. (1) The department, with the assistance of the board,  
26 shall establish a program to encourage the development of reentry  
27 housing, coordinate the provisions of reentry services, and provide  
28 standards for reentry housing. Through this program, the department  
29 shall:

30 (a) Establish minimum standards for reentry housing facilities,  
31 including requirements related to health and safety, insurance,

1 evaluations, and inspections, with input from the advisory committee;

2 (b) Monitor compliance with these minimum standards and investigate  
3 suspected violations;

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

6 (d) Communicate with relevant agencies regarding evaluation results  
7 and compliance with minimum standards;

8 (e) Facilitate communication between the department, division,  
9 board, probation administration, and reentry housing facilities regarding  
10 reentering persons in need of housing and the availability of housing to  
11 meet such needs;

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

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

18 (h) Electronically submit an annual report to the Legislature, the  
19 Supreme Court, and the Governor which describes the status of housing for  
20 reentering persons in Nebraska. The report shall include details on  
21 housing-related expenditures, characteristics of reentry housing  
22 facilities and other places which provide housing for reentering persons,  
23 characteristics of the individuals receiving financial assistance for  
24 housing, and recommendations for improving the quality and availability  
25 of housing for reentering persons in the state.

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

30 Sec. 16. (1) Reentry housing facilities shall cooperate with  
31 investigations and evaluations conducted pursuant to the Community Work



1 Release and Reentry Centers Act and shall provide the department, board,  
2 division, probation administration, and the Office of Public Counsel with  
3 reasonable access to facilities and records related to the provision of  
4 reentry housing.

5 (2) The department or board may request the State Fire Marshal to  
6 investigate any reentry housing facility for fire safety under section  
7 81-502. The State Fire Marshal shall assess a fee for such inspection  
8 under section 81-505.01 payable by the facility. The State Fire Marshal  
9 may delegate the authority to make such inspections to qualified local  
10 fire prevention personnel under section 81-502.

11 (3) The department or board may request a county, city, or village  
12 to inspect any reentry housing facility for the purpose of administering  
13 or enforcing the state building code or an applicable local building or  
14 construction code enacted pursuant to the Building Construction Act, if  
15 the county, city, or village has taken on the responsibility of code  
16 enforcement. A county, city, or village may assess fees for such an  
17 inspection under section 71-6406.

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

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

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

29 (a) The Inspector General of the Nebraska Correctional System;

30 (b) The Director of Correctional Services or his or her designee;

31 (c) The chairperson of the Board of Parole or his or her designee;

1           (d) The probation administrator or his or her designee; and

2           (e) Five additional members to be appointed by the Governor. Such  
3 members shall include:

4           (i) An individual with experience in reentry and restorative justice  
5 service delivery;

6           (ii) A victims' rights representative;

7           (iii) A formerly incarcerated individual;

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

9 and

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

11           (2) The advisory board shall select a chairperson from among its  
12 members.

13           (3) The advisory board shall identify areas for improving continuity  
14 and collaboration among the department, the division, the board,  
15 probation administration, and any other relevant criminal justice  
16 entities and offer advice on practices that will enhance the continuity  
17 of reentry services and reentry housing for individuals in the criminal  
18 justice system.

19           (4) The advisory board shall:

20           (a) Conduct regular meetings;

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

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

24           (d) Promote public safety through effective reintegration into the  
25 community;

26           (e) Provide input on the process of evaluating reentry housing  
27 facilities;

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

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

30           (h) Engage in other activities as requested by the department and  
31 board.

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

5           (6) The department, division, board, and probation administration  
6 shall provide information requested by the advisory board related to its  
7 mission. This shall include, but is not limited to, information  
8 regarding:

9           (a) The use of evidence-based risk assessments and evidence-based  
10 programming;

11           (b) Participation in rehabilitation and education programs;

12           (c) Treatment and programming offered, including vocational  
13 training, substance abuse treatment, cognitive-behavioral therapy, and  
14 mental health counseling;

15           (d) Population and demographic data;

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

17           (f) Identified gaps in services;

18           (g) Recidivism;

19           (h) Institutional conduct; and

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

21           (7) The advisory board shall conduct periodic evaluations of the  
22 effectiveness of the collaborative efforts and reentry programs offered  
23 by the department, division, board, probation administration, and other  
24 criminal justice agencies. Such evaluation shall be accomplished using an  
25 integrated reentry and rehabilitation framework, which shall include an  
26 examination of:

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

31           (b) Whether the agencies are providing individualized reentry

1 planning tailored to the specific needs and circumstances of such  
2 individuals, with a focus on addressing criminogenic factors and  
3 promoting positive behavioral change;

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

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

11 (8) The advisory board shall assist probation administration, the  
12 department, and the division in implementing performance metrics for  
13 staff as provided in sections 25 and 47 of this act. The advisory board  
14 shall regularly review such agencies' implementation and use of such  
15 performance metrics and offer updated guidance to ensure that such  
16 metrics are aligned with best practices, stakeholder input, and the  
17 evolving goals and priorities of the criminal justice system.

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

28 Sec. 18. (1) The Reentry Housing Fund is created. The fund shall be  
29 maintained in the state accounting system as a cash fund and shall  
30 consist of all fees, grants, federal funds, and other money received by  
31 the department under the Community Work Release and Reentry Centers Act.

1 The department shall use the fund to carry out the act.

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

6 (3) The department may assess an annual fee on each reentry housing  
7 facility for the purposes of carrying out the Community Work Release and  
8 Reentry Centers Act. Such annual fee shall not exceed one thousand  
9 dollars. The department shall remit any such fees collected to the State  
10 Treasurer for credit to the Reentry Housing Fund.

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

14 Sec. 20. (1) Beginning October 1, 2024, the Board of Parole shall  
15 electronically submit a quarterly report to the Judiciary Committee of  
16 the Legislature and the Appropriations Committee of the Legislature  
17 regarding any reentry service center pilot programs being conducted by  
18 the Board of Parole. The report shall include:

19 (a) Information regarding residential substance abuse pilot  
20 programs, including rates of successful and unsuccessful completion by  
21 participants and information on the long-term outcomes of program  
22 participants;

23 (b) Information regarding parolees receiving financial assistance  
24 for transitional housing, including how long parolees are receiving such  
25 assistance or using such housing, success rates of parolees while in  
26 transitional housing, and long-term outcomes for such parolees; and

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

29 (2) The report shall redact all personal identifying information of  
30 parolees.

31 Sec. 21. (1) Beginning October 1, 2024, the Office of Probation

1 Administration shall electronically submit a quarterly report to the  
2 Judiciary Committee of the Legislature and the Appropriations Committee  
3 of the Legislature regarding individuals serving sentences of post-  
4 release supervision. The report shall include:

5 (a) The number of individuals:

6 (i) On post-release supervision;

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

8 (iii) Unsuccessfully discharged from post-release supervision;

9 (iv) Whose post-release supervision is revoked for technical  
10 violations;

11 (v) Whose post-release supervision is revoked for law violations;

12 (vi) Who abscond and do not complete the conditions of post-release  
13 supervision;

14 (vii) Who are sent to jails to serve custodial sanctions; and

15 (viii) Whose post-release supervision has been revoked;

16 (b) The number of jail beds utilized for custodial sanctions and the  
17 number of days such beds are utilized;

18 (c) The types of programming offered to individuals on post-release  
19 supervision; and

20 (d) The risk scores of individuals on post-release supervision at  
21 the time they began serving a sentence of imprisonment and upon discharge  
22 from post-release supervision.

23 (2) The report shall redact all personal identifying information of  
24 individuals on post-release supervision.

25 Sec. 22. (1) Except as provided in subsection (2) of this section,  
26 in administering any grant program, a state agency or political  
27 subdivision shall not exclude any person from consideration solely  
28 because such person, or any person associated with such person, is  
29 currently or has previously been on probation or parole.

30 (2) This section does not apply to the extent that it would  
31 jeopardize federal funding for a grant program.

1           Sec. 23. Section 28-936, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

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

9           (2) This section does not apply to:

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

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

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

14           (d) An emergency responder or a firefighter responding to emergency  
15 incidents within a facility; ~~or~~

16           (e) A member of the Legislature;

17           (f) The Inspector General of the Nebraska Correctional System or any  
18 employee of the office of the Inspector General of the Nebraska  
19 Correctional System; or

20           (g) ~~(e)~~ Any person acting with the permission of the Director of  
21 Correctional Services or in accordance with rules, regulations, or  
22 policies of the Department of Correctional Services.

23           (3) For purposes of this section:

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

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

31           (4) A violation of this section is a Class I misdemeanor.

1 (5) An electronic communication device involved in a violation of  
2 this section shall be subject to seizure by the Department of  
3 Correctional Services or a peace officer, and disposition may be made in  
4 accordance with the method of disposition directed for contraband in  
5 sections 29-818 and 29-820.

6 Sec. 24. Section 29-2261, Revised Statutes Supplement, 2023, is  
7 amended to read:

8 29-2261 (1) Unless it is impractical to do so, when an offender has  
9 been convicted of a felony other than murder in the first degree, the  
10 court shall not impose sentence without first ordering a presentence  
11 investigation of the offender and according due consideration to a  
12 written report of such investigation. When an offender has been convicted  
13 of murder in the first degree and (a) a jury renders a verdict finding  
14 the existence of one or more aggravating circumstances as provided in  
15 section 29-2520 or (b)(i) the information contains a notice of  
16 aggravation as provided in section 29-1603 and (ii) the offender waives  
17 his or her right to a jury determination of the alleged aggravating  
18 circumstances, the court shall not commence the sentencing determination  
19 proceeding as provided in section 29-2521 without first ordering a  
20 presentence investigation of the offender and according due consideration  
21 to a written report of such investigation.

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

26 (3) The presentence investigation and report shall include, when  
27 available, an analysis of the circumstances attending the commission of  
28 the crime, the offender's history of delinquency or criminality, physical  
29 and mental condition, family situation and background, economic status,  
30 education, occupation, and personal habits, and any other matters that  
31 the probation officer deems relevant or the court directs to be included.



1 All local and state police agencies and Department of Correctional  
2 Services adult correctional facilities shall furnish to the probation  
3 officer copies of such criminal records, in any such case referred to the  
4 probation officer by the court of proper jurisdiction, as the probation  
5 officer shall require without cost to the court or the probation officer.

6 Such investigation shall also include:

7 (a) Any written statements submitted to the county attorney by a  
8 victim; and

9 (b) Any written statements submitted to the probation officer by a  
10 victim.

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

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

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

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

19 (5) Before imposing sentence, the court may order the offender to  
20 submit to psychiatric observation and examination for a period of not  
21 exceeding sixty days or such longer period as the court determines to be  
22 necessary for that purpose. The offender may be remanded for this purpose  
23 to any available clinic or mental hospital, or the court may appoint a  
24 qualified psychiatrist to make the examination. The report of the  
25 examination shall be submitted to the court.

26 (6)(a) Any presentence report, substance abuse evaluation, or  
27 psychiatric examination shall be privileged and shall not be disclosed  
28 directly or indirectly to anyone other than a judge; probation officers  
29 to whom an offender's file is duly transferred; the probation  
30 administrator or his or her designee; alcohol and drug counselors, mental  
31 health practitioners, psychiatrists, and psychologists licensed or

1 certified under the Uniform Credentialing Act to conduct substance abuse  
2 evaluations and treatment; or others entitled by law to receive such  
3 information, including personnel and mental health professionals for the  
4 Nebraska State Patrol specifically assigned to sex offender registration  
5 and community notification for the sole purpose of using such report,  
6 evaluation, or examination for assessing risk and for community  
7 notification of registered sex offenders.

8 (b) For purposes of this subsection, mental health professional  
9 means (i) a practicing physician licensed to practice medicine in this  
10 state under the Medicine and Surgery Practice Act, (ii) a practicing  
11 psychologist licensed to engage in the practice of psychology in this  
12 state as provided in section 38-3111 or as provided under similar  
13 provisions of the Psychology Interjurisdictional Compact, (iii) a  
14 practicing mental health professional licensed or certified in this state  
15 as provided in the Mental Health Practice Act, or (iv) a practicing  
16 professional counselor holding a privilege to practice in Nebraska under  
17 the Licensed Professional Counselors Interstate Compact.

18 (7) The court shall permit inspection of the presentence report,  
19 substance abuse evaluation, or psychiatric examination or parts of the  
20 report, evaluation, or examination, as determined by the court, by the  
21 prosecuting attorney and defense counsel. Such inspection shall be by  
22 electronic access only unless the court determines such access is not  
23 available to the prosecuting attorney or defense counsel. The State Court  
24 Administrator shall determine and develop the means of electronic access  
25 to such presentence reports, evaluations, and examinations. Upon  
26 application by the prosecuting attorney or defense counsel, the court may  
27 order that addresses, telephone numbers, and other contact information  
28 for victims or witnesses named in the report, evaluation, or examination  
29 be redacted upon a showing by a preponderance of the evidence that such  
30 redaction is warranted in the interests of public safety. The court may  
31 permit inspection of the presentence report, substance abuse evaluation,

1 or psychiatric examination or examination of parts of the report,  
2 evaluation, or examination by any other person having a proper interest  
3 therein whenever the court finds it is in the best interest of a  
4 particular offender. The court may allow fair opportunity for an offender  
5 to provide additional information for the court's consideration.

6 (8) If an offender is sentenced to imprisonment, a copy of the  
7 report of any presentence investigation, substance abuse evaluation, or  
8 psychiatric examination shall be transmitted immediately to the  
9 Department of Correctional Services. Upon request, the department shall  
10 provide a copy of the report to the Board of Parole, the Division of  
11 Parole Supervision, and the Board of Pardons. The division and the  
12 department may allow access to the report to community work release and  
13 reentry centers as provided in section 13 of this act.

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

21 Sec. 25. The office shall establish performance metrics for  
22 probation officers. Such metrics shall measure efficacy in providing  
23 rehabilitative and reentry services to probationers. Such metrics shall:

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

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

30 (3) Emphasize the importance of providing supportive services,  
31 fostering positive relationships with probationers, and promoting

1 successful community reentry; and

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

4 Sec. 26. Section 29-2269, Revised Statutes Supplement, 2023, is  
5 amended to read:

6 29-2269 Sections 29-2244 to 29-2269 and section 25 of this act shall  
7 be known and may be cited as the Nebraska Probation Administration Act.

8 Sec. 27. Section 47-902, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 47-902 (1) It is the intent of the Legislature to:

11 (a) Establish a full-time program of investigation and performance  
12 review to provide increased accountability and oversight of the Nebraska  
13 correctional system, including programs and services under the Community  
14 Work Release and Reentry Centers Act;

15 (b) Assist in improving operations of the department and the  
16 Nebraska correctional system;

17 (c) Provide an independent form of inquiry for concerns regarding  
18 the actions of individuals and agencies responsible for the supervision  
19 and release of persons in the Nebraska correctional system. A lack of  
20 responsibility and accountability between individuals and private  
21 agencies in the current system make it difficult to monitor and oversee  
22 the Nebraska correctional system; and

23 (d) Provide a process for investigation and review in order to  
24 improve policies and procedures of the correctional system.

25 (2) It is not the intent of the Legislature in enacting the Office  
26 of Inspector General of the Nebraska Correctional System Act to interfere  
27 with the duties of the Legislative Auditor or the Legislative Fiscal  
28 Analyst or to interfere with the statutorily defined investigative  
29 responsibilities or prerogatives of any officer, agency, board, bureau,  
30 commission, association, society, or institution of the executive branch  
31 of state government, except that the act does not preclude an inquiry on

1 the sole basis that another agency has the same responsibility. The act  
2 shall not be construed to interfere with or supplant the responsibilities  
3 or prerogatives of the Governor to investigate, monitor, and report on  
4 the activities of the agencies, boards, bureaus, commissions,  
5 associations, societies, and institutions of the executive branch under  
6 his or her administrative direction.

7 Sec. 28. Section 47-903, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 47-903 For purposes of the Office of Inspector General of the  
10 Nebraska Correctional System Act, the following definitions apply:

11 (1) Administrator means a person charged with administration of a  
12 program, an office, or a division of the department or administration of  
13 a private agency;

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

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

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

18 (5) Inspector General means the Inspector General of the Nebraska  
19 Correctional System appointed under section 47-904;

20 (6) Malfeasance means a wrongful act that the actor has no legal  
21 right to do or any wrongful conduct that affects, interrupts, or  
22 interferes with performance of an official duty;

23 (7) Management means supervision of subordinate employees;

24 (8) Misfeasance means the improper performance of some act that a  
25 person may lawfully do;

26 (9) Obstruction means hindering an investigation, preventing an  
27 investigation from progressing, stopping or delaying the progress of an  
28 investigation, or making the progress of an investigation difficult or  
29 slow;

30 (10) Office means the office of Inspector General of the Nebraska  
31 Correctional System and includes the Inspector General and other

1 employees of the office;

2 (11) Private agency means:

3 (a) An ~~an~~ entity that contracts with the department or contracts to  
4 provide services to another entity that contracts with the department;  
5 and

6 (b) A community work release and reentry center as defined in  
7 section 3 of this act; and

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

14 Sec. 29. Section 81-8,240, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 81-8,240 As used in sections 81-8,240 to 81-8,254, unless the  
17 context otherwise requires:

18 (1) Administrative agency shall mean any department, board,  
19 commission, or other governmental unit, any official, any employee of the  
20 State of Nebraska acting or purporting to act by reason of connection  
21 with the State of Nebraska, any corporation, partnership, business, firm,  
22 governmental entity, or person who is providing health and human services  
23 to individuals or service delivery, service coordination, or case  
24 management under contract with the State of Nebraska and who is subject  
25 to the jurisdiction of the office of Public Counsel as required by  
26 section 73-401, any regional behavioral health authority, any community  
27 work release and reentry center as defined in section 3 of this act, any  
28 community-based behavioral health services provider that contracts with a  
29 regional behavioral health authority, and any county or municipal  
30 correctional or jail facility and employee thereof acting or purporting  
31 to act by reason of connection with the county or municipal correctional

1 or jail facility; but shall not include (a) any court, (b) any member or  
2 employee of the Legislature or the Legislative Council, (c) the Governor  
3 or his or her personal staff, (d) any political subdivision or entity  
4 thereof except a county or municipal correctional or jail facility or a  
5 regional behavioral health authority, (e) any instrumentality formed  
6 pursuant to an interstate compact and answerable to more than one state,  
7 or (f) any entity of the federal government; and

8 (2) Administrative act shall include every action, rule, regulation,  
9 order, omission, decision, recommendation, practice, or procedure of an  
10 administrative agency.

11 Sec. 30. Section 81-8,244, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 81-8,244 (1)(a) The Public Counsel may select, appoint, and  
14 compensate as he or she sees fit, within the amount available by  
15 appropriation, such assistants and employees as he or she deems necessary  
16 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He  
17 or she shall appoint and designate one assistant to be a deputy public  
18 counsel, one assistant to be a deputy public counsel for corrections, one  
19 assistant to be a deputy public counsel for institutions, and one  
20 assistant to be a deputy public counsel for welfare services.

21 (b) Such deputy public counsels shall be subject to the control and  
22 supervision of the Public Counsel.

23 (c) The authority of the deputy public counsel for corrections shall  
24 extend to all facilities and parts of facilities, offices, houses of  
25 confinement, and institutions which are operated by the Department of  
26 Correctional Services, ~~and~~ all county or municipal correctional or jail  
27 facilities, and community work release and reentry centers as defined in  
28 section 3 of this act.

29 (d) The authority of the deputy public counsel for institutions  
30 shall extend to all mental health institutions and facilities operated by  
31 the Department of Health and Human Services, to all veterans institutions

1 operated by the Department of Veterans' Affairs, and to all regional  
2 behavioral health authorities that provide services and all community-  
3 based behavioral health services providers that contract with a regional  
4 behavioral health authority to provide services, for any individual who  
5 was a patient within the prior twenty-four months of a state-owned and  
6 state-operated regional center, and to all complaints pertaining to  
7 administrative acts of the department, authority, or provider when those  
8 acts are concerned with the rights and interests of individuals placed  
9 within those institutions and facilities or receiving community-based  
10 behavioral health services.

11 (e) The authority of the deputy public counsel for welfare services  
12 shall extend to all complaints pertaining to administrative acts of  
13 administrative agencies when those acts are concerned with the rights and  
14 interests of individuals involved in the welfare services system of the  
15 State of Nebraska.

16 (f) The Public Counsel may delegate to members of the staff any  
17 authority or duty under sections 81-8,240 to 81-8,254 except the power of  
18 delegation and the duty of formally making recommendations to  
19 administrative agencies or reports to the Governor or the Legislature.

20 (2) The Public Counsel shall appoint the Inspector General of  
21 Nebraska Child Welfare as provided in section 43-4317. The Inspector  
22 General of Nebraska Child Welfare shall have the powers and duties  
23 provided in the Office of Inspector General of Nebraska Child Welfare  
24 Act.

25 (3) The Public Counsel shall appoint the Inspector General of the  
26 Nebraska Correctional System as provided in section 47-904. The Inspector  
27 General of the Nebraska Correctional System shall have the powers and  
28 duties provided in the Office of Inspector General of the Nebraska  
29 Correctional System Act.

30 Sec. 31. Section 83-171, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:



1           83-171 There is hereby created a Department of Correctional Services  
2 which shall:

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

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

9           (3) Supervise parolees who have been committed to the department;  
10 and

11           (4) ~~Administer Until July 1, 2016, administer~~ parole services in the  
12 facilities and in the community ~~and, beginning July 1, 2016, cooperate~~  
13 ~~with the Board of Parole and Division of Parole Supervision to assist~~  
14 ~~with the efficient administration of parole services in the facilities~~  
15 ~~and in the community.~~

16           Sec. 32. Section 83-184, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18           83-184 (1) When the conduct, behavior, mental attitude, and  
19 conditions indicate that a person committed to the department and the  
20 general society of the state will be benefited, and there is reason to  
21 believe that the best interests of the people of the state and the person  
22 committed to the department will be served thereby, in that order, ~~and~~  
23 ~~upon the recommendation of the board in the case of each committed~~  
24 ~~offender,~~ the director may authorize such person, under prescribed  
25 conditions, to:

26           (a) Visit a specifically designated place or places and return to  
27 the same or another facility. An extension of limits may be granted to  
28 permit a visit to a dying relative, attendance at the funeral of a  
29 relative, the obtaining of medical services, the contacting of  
30 prospective employers, or for any other reason consistent with the public  
31 interest;

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

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

7 (ii) The rates of pay and other conditions of employment will not be  
8 less than those paid or provided for work of similar nature in the  
9 locality in which the work is to be performed; or

10 (c) Leave the facility to participate in substance abuse evaluations  
11 or treatment, attend rehabilitative programming or treatment, seek  
12 residency or employment, or participate in structured programming as  
13 provided in section 83-182.01 and return to the same or another facility.  
14 The department shall collaborate with community-based providers to  
15 enhance the availability of community-based options for such  
16 participation that meet the department's requirements for rehabilitative  
17 programming or treatment or structured programming.

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

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

30 (4) A person authorized to work at paid employment in the community  
31 under this section may be required to pay restitution. The director shall

1 adopt and promulgate rules and regulations which will protect the  
2 committed offender's rights to due process and govern the collection of  
3 restitution as provided in section 83-184.01.

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

8 (6) No person employed in the community under this section or  
9 otherwise released shall, while working in such employment in the  
10 community or going to or from such employment or during the time of such  
11 release, be deemed to be an agent, employee, or servant of the state.

12 Sec. 33. Section 83-190, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

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

25 (2) No person shall be eligible to serve as a member of the board if  
26 such person has served two terms on the board. For purposes of this  
27 section, service on the board for more than one-half of a term shall be  
28 deemed service for a term.

29 (3) For purposes of this section, neglect of duty includes not  
30 attending a total of twelve full days of hearings of the Board of Parole  
31 within a calendar year. A member's failure to attend a hearing day shall

1 not count toward such limit if the failure was due to a medical  
2 appointment that could not reasonably be rescheduled or delayed, a family  
3 emergency, illness, an act of God, or similar circumstances beyond the  
4 member's control.

5 Sec. 34. Section 83-192, Revised Statutes Cumulative Supplement,  
6 2022, is amended to read:

7 83-192 (1) The Board of Parole shall:

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

10 (b) Fix the conditions of parole, revoke parole, issue or authorize  
11 the issuance of warrants for the arrest of parole violators, and impose  
12 other sanctions short of revocation for violation of conditions of  
13 parole;

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

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

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

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

28 The review schedule shall be based on court-imposed sentences or  
29 statutory minimum sentences, whichever are greater. The board is not  
30 required to review the record of a committed offender when the committed  
31 offender's parole eligibility date is within one month of his or her

1 mandatory discharge date. Nothing in such schedule shall prohibit the  
2 board from reviewing a committed offender's case at any time;

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

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

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

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

12 (2) The chairperson of the board shall:

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

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

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

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

20 (e) Recommend parole legislation to the Governor;

21 (f) Adopt and promulgate rules and regulations for the  
22 administration and operation of the board;~~and~~

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

26 (h) ~~(g)~~ Exercise all other powers and perform all other duties  
27 necessary and proper in carrying out his or her responsibilities as  
28 chairperson.

29 (3) This section does not prohibit a committed offender from  
30 requesting that the board review his or her record. The  ~~, except that the~~  
31 board is not required to review a committed offender's record more than

1 once a year, except as otherwise required by statute, including section  
2 83-962.

3 Sec. 35. Section 83-196, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 83-196 ~~Four~~ Three members of the Board of Parole are required to  
6 ~~shall~~ constitute a quorum in order to transact ~~for the purpose of~~  
7 ~~transacting~~ any official business. The decisions of the Board of Parole  
8 shall be by majority vote. The board shall keep a record of its acts and  
9 shall notify the Director of Correctional Services of its decisions  
10 relating to offenders who are or have been committed.

11 Sec. 36. Section 83-1,100, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 83-1,100 (1) There is hereby created the Division of Parole  
14 Supervision within the department ~~Board of Parole~~. The employees of the  
15 division shall consist of the Director of Supervision and Services, the  
16 field parole service officers, and all other division staff. The division  
17 shall be responsible for the following:

18 (a) The administration of parole services in the community,  
19 including administration of the Community Work Release and Reentry  
20 Centers Act;

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

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

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

29 (2) Parole officers shall be compensated with salaries substantially  
30 equal to other state employees who have similar responsibilities,  
31 including employees of the Office of Probation Administration. This

1 subsection shall apply only to field parole service officers and support  
2 staff and shall not apply to the Director of Supervision and Services or  
3 any other management-level position.

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

6 Sec. 37. Section 83-1,100.03, Revised Statutes Cumulative  
7 Supplement, 2022, is amended to read:

8 83-1,100.03 (1) The board, in consultation with the department,  
9 shall adopt and promulgate rules and regulations to reduce the number of  
10 inmates under the custody of the department who serve their entire  
11 sentence in a correctional facility and are released without supervision.  
12 The rules and regulations shall establish clear guidelines and procedures  
13 to ensure that each parolee is subject to a minimum of nine months of  
14 supervision and shall place priority on providing supervision lengths  
15 that enable meaningful transition periods for all offenders. The rules  
16 and regulations shall ensure that each inmate eligible for parole is  
17 assessed for risk of reoffending using a validated risk and needs  
18 assessment provided by the department and shall incorporate into the  
19 release decision an inmate's assessed risk of reoffending, past criminal  
20 history, program completion, institutional conduct, and other individual  
21 characteristics related to the likelihood of reoffending into parole  
22 release decisions.

23 (2) By ~~February 1, 2016,~~ and by February 1 of each year thereafter,  
24 the board and the department shall submit a report to the Legislature,  
25 the Supreme Court, and the Governor that describes the percentage of  
26 offenders sentenced to the custody of the department who complete their  
27 entire sentence and are released with no supervision. The report shall  
28 document characteristics of the individuals released without supervision,  
29 including the highest felony class of conviction, offense type of  
30 conviction, most recent risk assessment, status of the individualized  
31 release or reentry plan, and reasons for the release without supervision.

1 The report also shall provide recommendations from the department and  
2 board for changes to policy and practice to meet the goal of achieving a  
3 reduction in the number of inmates under the custody of the department  
4 who serve their entire sentence in a correctional facility and are  
5 released without supervision. The report to the Legislature shall be  
6 submitted electronically.

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

13 Sec. 38. Section 83-1,101, Revised Statutes Cumulative Supplement,  
14 2022, is amended to read:

15 83-1,101 The Director of Correctional Services ~~Board of Parole~~ shall  
16 appoint a Director of Supervision and Services who shall be a person with  
17 appropriate experience and training, including, but not limited to,  
18 familiarity with the implementation of evidence-based processes for  
19 utilizing risk and needs assessments to measure criminal risk factors and  
20 specific individual needs.

21 Sec. 39. Section 83-1,102, Revised Statutes Cumulative Supplement,  
22 2022, is amended to read:

23 83-1,102 The Director of Supervision and Services shall:

24 (1) Supervise and administer the Division of Parole Supervision;  
25 (2) Establish and maintain policies, standards, and procedures for  
26 the field parole service and the community supervision of sex offenders  
27 pursuant to section 83-174.03;

28 (3) Divide the state into parole districts and appoint district  
29 parole officers and such other employees as may be required to carry out  
30 adequate parole supervision of all parolees, prescribe their powers and  
31 duties, and obtain division offices for staff in each district as may be



1 necessary;

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

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

8 (6) Make recommendations to the Board of Parole or district judge in  
9 cases of violation of the conditions of parole, issue warrants for the  
10 arrest of parole violators when so instructed by the board or district  
11 judge, notify the Director of Correctional Services of determinations  
12 made by the board, and upon instruction of the board, issue certificates  
13 of parole and of parole revocation to the facilities and certificates of  
14 discharge from parole to parolees;

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

17 (8) Use the funds provided under section 83-1,107.02 to augment  
18 operational or personnel costs associated with the development,  
19 implementation, and evaluation of enhanced parole-based programs and  
20 purchase services to provide such programs aimed at enhancing adult  
21 parolee supervision in the community and treatment needs of parolees.  
22 Such enhanced parole-based programs include, but are not limited to,  
23 specialized units of supervision, related equipment purchases and  
24 training, and programs that address a parolee's vocational, educational,  
25 mental health, behavioral, or substance abuse treatment needs, including  
26 evidence-based peer and family support programs;

27 (9) Subject to supervision of the department, be responsible for  
28 implementation and administration of the Interstate Compact for Adult  
29 Offender Supervision as it affects parolees, community supervision of sex  
30 offenders pursuant to section 83-174.03, and supervision of parolees  
31 either paroled in Nebraska and supervised in another state or paroled in

1 another state and supervised in Nebraska, pursuant to the compact;

2 (10) (9) Ensure that any risk or needs assessment instrument  
3 utilized by the system be periodically validated;

4 (11) (10) Report annually to the Governor and electronically to the  
5 Clerk of the Legislature beginning January 1, 2015, the number of parole  
6 revocations and the number of technical violations of parole; and

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

10 (13) (11) Exercise all powers and perform all duties necessary and  
11 proper in carrying out his or her responsibilities.

12 Sec. 40. Section 83-1,107, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

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

27 Programming may include, but is not limited to:

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

30 (ii) Substance abuse treatment;

31 (iii) Mental health and psychiatric treatment, including criminal

1 personality programming;

2 (iv) Constructive, meaningful work programs; and

3 (v) Any other program deemed necessary and appropriate by the  
4 department.

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

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

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

25 (c) The total reductions under this subsection shall be credited  
26 from the date of sentence, which shall include any term of confinement  
27 prior to sentence and commitment as provided pursuant to section  
28 83-1,106, and shall be deducted from the maximum term, to determine the  
29 date when discharge from the custody of the state becomes mandatory.

30 (3) While the offender is in the custody of the department,  
31 reductions of terms granted pursuant to subdivision (2)(a) of this

1 section may be forfeited, withheld, and restored by the chief executive  
2 officer of the facility with the approval of the director after the  
3 offender has been notified regarding the charges of misconduct.

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

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

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

30 (c) Any committed offender with a mental illness shall be evaluated  
31 before release to ensure that adequate monitoring and treatment of the

1 committed offender will take place or, if appropriate, that a commitment  
2 proceeding under the Nebraska Mental Health Commitment Act or the Sex  
3 Offender Commitment Act will take place.

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

15 Programming may include, but is not limited to:

- 16 (i) Academic and vocational education;  
17 (ii) Substance abuse treatment;  
18 (iii) Mental health and psychiatric treatment, including criminal  
19 personality programming;  
20 (iv) Constructive, meaningful work programs;  
21 (v) Community service programs; and  
22 (vi) Any other program deemed necessary and appropriate by the  
23 division.

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

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

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

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

18 Sec. 41. Section 83-1,114, Revised Statutes Supplement, 2023, is  
19 amended to read:

20 83-1,114 (1) Whenever the board considers the release of a committed  
21 offender who is eligible for release on parole, it shall order his or her  
22 release unless it is of the opinion that his or her release should be  
23 deferred because:

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

26 ~~(b) His or her release would depreciate the seriousness of his or~~  
27 ~~her crime or promote disrespect for law;~~

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

30 (b) Subject to subsection (3) of this section, his ~~(d) His or her~~  
31 continued correctional treatment, medical care, or vocational or other

1 training in the facility will substantially enhance his or her capacity  
2 to lead a law-abiding life when released at a later date.

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

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

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

11 ~~(b) (c)~~ The offender's institutional behavior;

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

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

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

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

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

24 Sec. 42. Section 83-1,122.02, Revised Statutes Supplement, 2023, is  
25 amended to read:

26 83-1,122.02 (1) The Division of Parole Supervision and the  
27 ~~department~~ shall create a pilot program to establish a technical parole  
28 violation residential housing program. The purpose of the program is to  
29 provide accountability and intensive support for individuals on parole  
30 who commit technical violations, without revoking them fully back to  
31 prison.

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

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

12 (4) On or before June 1, 2024, the Division of Parole Supervision  
13 shall electronically submit a report to the Judiciary Committee of the  
14 Legislature regarding the pilot program. The report shall evaluate  
15 effects of the pilot program on recidivism and make recommendations  
16 regarding expansion of or changes to the program.

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

19 Sec. 43. The department and the Division of Parole Supervision  
20 shall establish performance metrics for corrections and parole staff.  
21 Such metrics shall measure staff efficacy in providing rehabilitative and  
22 reentry services to committed offenders and parolees. Such metrics shall:

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

26 (2) Include indicators of progress for committed offenders and  
27 parolees, such as successful completion of treatment programs,  
28 educational attainment, employment status, and compliance with conditions  
29 of supervision;

30 (3) Emphasize the importance of providing supportive services,  
31 fostering positive relationships with committed offenders and parolees,



1 and promoting successful community reentry; and

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

4 Sec. 44. The board shall adopt and promulgate rules and regulations  
5 that include:

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

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

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

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

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

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

27 (7) Methods by which the board will enhance opportunities for the  
28 success of people released on parole by collaborating with partners  
29 within and outside of the criminal justice system, supporting the  
30 supervision of people released on parole in their communities, employing  
31 informal social controls, and enabling people released on parole to

1 participate meaningfully in the supervision process; and  
2 (8) Policies and standard practices that will assist in ensuring  
3 neutrality, impartiality, and objectivity as an integral part of the  
4 board's culture and practices.

5 Sec. 45. (1) This section applies to the board whenever it makes a  
6 determination of whether to grant or deny parole, sets the conditions of  
7 parole, or determines the sanctions for a violation of parole.

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

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

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

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

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

24 Sec. 46. When making decisions regarding parole, the board shall  
25 consider information and reports provided by the Reentry Continuity  
26 Advisory Board created under section 17 of this act.

27 Sec. 47. On or before January 1, 2028, the Division of Parole  
28 Supervision shall be accredited by the American Correctional Association.

29 Sec. 48. (1) The board shall conduct Parole School sessions in each  
30 facility on a regular and recurring basis to equip committed offenders  
31 with the knowledge, skills, and confidence needed to navigate the parole

1 process successfully.

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

4 (a) Understanding parole guidelines, including:

5 (i) Comprehensive instruction on the legal framework and regulations  
6 governing parole;

7 (ii) Explanation of eligibility criteria and conditions for parole  
8 release; and

9 (iii) Clarification on the role of the board in its decisionmaking  
10 process;

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

12 (i) Guidance on compiling a thorough parole packet, including  
13 personal statements, character references, and evidence of rehabilitation  
14 efforts;

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

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

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

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

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

23 (iii) Strategies for addressing past mistakes and highlighting  
24 personal growth and positive change; and

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

26 (i) Training on respectful and professional communication with board  
27 members and parole officers;

28 (ii) Role-playing exercises to practice answering difficult  
29 questions and addressing concerns raised by the board; and

30 (iii) Guidance on complying with parole conditions and navigating  
31 the reintegration process post-release.

1           Sec. 49. (1) The department and the Division of Parole Supervision  
2 shall establish a program to provide recommendations for early parole  
3 discharge as provided in this section.

4           (2) A parolee may be eligible for a recommendation for early parole  
5 discharge if the committed offender:

6           (a) Has successfully served six to twelve months in a community  
7 corrections facility;

8           (b) Has successfully completed at least ninety days of parole;

9           (c) Holds a high school diploma or its equivalent or has  
10 successfully completed substantially equivalent educational programs  
11 provided or approved by the department;

12           (d) Maintains steady employment or, if participating in  
13 postsecondary education, has a proposed stable host site for the term of  
14 parole supervision and an identifiable means of support;

15           (e) Has not had any major disciplinary violations at the community  
16 corrections facility;

17           (f) Has no more than five minor disciplinary violations;

18           (g) Has successfully participated in programming deemed necessary in  
19 the community corrections facility, including, but not limited to,  
20 substance abuse education, parenting skills, anger management, and job  
21 preparedness; and

22           (h) Meets other criteria established by the director.

23           (3) The department shall screen all committed offenders who have  
24 successfully completed six to twelve months in a community corrections  
25 facility and who are being released on parole to determine if such  
26 committed offenders are eligible or likely to be eligible for a  
27 recommendation for early parole discharge. If the department determines  
28 the committed offender is a good candidate for early parole discharge, it  
29 shall provide notice of such determination to the offender, the Board of  
30 Parole, and the Board of Pardons.

31           (4) Upon receipt of a determination under subsection (3) of this

1 section, the Board of Parole shall review such determination. Such review  
2 shall be complete no later than twenty working days prior to the  
3 parolee's ninetieth day on parole. The Board of Parole may agree to  
4 recommend early parole discharge or may decline to make such  
5 recommendation. The Board of Parole shall give notice of its  
6 recommendation or denial to the Board of Pardons, the department, and the  
7 individual. The Board of Parole shall only decline to make such  
8 recommendation based upon specific, demonstrated factors, such as:

- 9 (a) Positive urinalysis;
- 10 (b) Failure to report an arrest;
- 11 (c) Possession of a dangerous weapon;
- 12 (d) Failure to consent to a search by a parole officer;
- 13 (e) Unauthorized movement violations;
- 14 (f) Noncompliance with terms and conditions of parole supervision;

15 or

- 16 (g) Failure to follow instructions provided by a parole officer;
- 17 (5) If the Board of Pardons receives a recommendation for early  
18 parole from the Board of Parole, the Board of Pardons shall promptly  
19 consider whether to grant an early discharge from parole. If the Board of  
20 Pardons grants an early discharge from parole, it shall be for a period  
21 of at least ninety days. If the Board of Pardons determines not to grant  
22 such discharge, it shall provide the parolee with a list of steps or  
23 requirements that the parolee must satisfy to be granted an early  
24 discharge at a subsequent review and provide a process for seeking a  
25 subsequent early discharge review by the Board of Pardons. Upon  
26 completion of such steps or requirements, the individual may petition the  
27 Board of Pardons to grant an early discharge. The Board of Pardons shall  
28 review a petition for subsequent review of a recommendation for early  
29 discharge and make a determination within thirty days.

30 Sec. 50. On or before October 1, 2025, the department shall  
31 complete a study examining risk assessment tools employed by the

1 department, the board, and the Office of Probation Administration. The  
2 department shall evaluate the feasibility of establishing a unified risk  
3 assessment framework across all criminal justice agencies.

4 Sec. 51. (1) The following persons shall be allowed to bring  
5 electronic communication devices into a facility following approval from  
6 the director:

7 (a) A member of the Legislature;

8 (b) The Public Counsel or any employee of the Public Counsel;

9 (c) An attorney or an attorney's agent visiting a committed offender  
10 who is a client of such attorney; and

11 (d) The Inspector General of the Nebraska Correctional System or any  
12 employee of the office of the Inspector General of the Nebraska  
13 Correctional System.

14 (2) For purposes of this section, electronic communication device  
15 means any device which, in its ordinary and intended use, transmits by  
16 electronic means writings, sounds, visual images, or data of any nature  
17 to another electronic communication device.

18 (3) On or before October 1, 2024, the director shall establish a  
19 process for the persons listed in this section to request approval to  
20 bring electronic communication devices into a facility.

21 Sec. 52. The director shall establish a program to accept donations  
22 of books for use by committed offenders. The program shall seek to gather  
23 a culturally diverse selection of books.

24 Sec. 53. Section 83-1,135, Revised Statutes Supplement, 2023, is  
25 amended to read:

26 83-1,135 Sections 83-170 to 83-1,135.05 and sections 43 to 52 of  
27 this act shall be known and may be cited as the Nebraska Treatment and  
28 Corrections Act.

29 Sec. 54. (1) The National Career Readiness Certificate Pilot  
30 Program is created. The program shall be administered by the Department  
31 of Correctional Services. The department shall collaborate with

1 enterprises offering justice-involved individuals the chance to acquire  
2 the National Career Readiness Certificate, a broadly recognized  
3 credential substantiating key skills across various industries and roles.

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

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

12 Sec. 55. Section 83-901, Revised Statutes Cumulative Supplement,  
13 2022, is amended to read:

14 83-901 The purpose of sections 49-617, 68-621, 72-249, 72-1302 to  
15 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01, 83-108, 83-112,  
16 83-135, 83-139, 83-140, 83-144, 83-145, 83-147 to 83-150, 83-153 to  
17 83-156, 83-170 to 83-173, 83-186, 83-188, 83-443, and 83-901 to 83-916  
18 and section 56 of this act is to establish an agency of state government  
19 for the custody, study, care, discipline, training, and treatment of  
20 persons in the correctional and detention institutions and for the study,  
21 training, and treatment of persons under the supervision of other  
22 correctional services of the state so that they may be prepared for  
23 lawful community living. Correctional services shall be so diversified in  
24 program and personnel as to facilitate individualization of treatment.

25 Sec. 56. (1) Prior to the discharge of an individual from a  
26 facility of the Department of Correctional Services, the department shall  
27 provide such individual with an opportunity to obtain a state  
28 identification card or renew a motor vehicle operator's license.

29 (2) The Board of Parole and Office of Probation Administration may  
30 assist any such individual in obtaining a state identification card or  
31 renewing a motor vehicle operator's license. The department shall

1 cooperate with and facilitate the board's and office's involvement in  
2 such matter.

3 Sec. 57. Section 83-903, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 83-903 (1) The Department of Correctional Services, in consultation  
6 with the Board of Parole, shall develop a reentry program for individuals  
7 incarcerated in a department correctional facility, individuals who have  
8 been discharged from a department correctional facility within the prior  
9 eighteen months, and parolees. The department shall hire a reentry  
10 program administrator to develop and oversee the reentry program and  
11 additional staff as needed to implement the reentry program.

12 (2) The purpose of the reentry program is to facilitate a standard  
13 systemwide program of reentry for individuals leaving correctional  
14 facilities or transitioning off community supervision. The primary  
15 objectives of the reentry program are to reduce recidivism, to identify,  
16 assess, and provide treatment options for individuals with mental  
17 illness, to increase public safety, and to improve the overall transition  
18 of the individual from the criminal justice system into the community.  
19 ~~Prior to the discharge of an individual from a department correctional~~  
20 ~~facility, the department shall provide such individual with an~~  
21 ~~opportunity to obtain a state identification card or renew a motor~~  
22 ~~vehicle operator's license.~~

23 (3) The department and the board shall collaborate in the  
24 development and implementation of individual, comprehensive reentry plans  
25 for parolees. Such plans shall address housing, employment, health care,  
26 substance abuse treatment, mental health services, and other essential  
27 needs to support successful community reintegration. The department shall  
28 provide necessary resources and support to parolees to facilitate their  
29 adherence to their reentry plans.

30 Sec. 58. Section 83-904, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:



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

7           (2)(a) (2) The Vocational and Life Skills Programming Fund is  
8 created. The fund shall consist of transfers authorized by the  
9 Legislature, funds donated by nonprofit entities, funds from the federal  
10 government, and funds from other sources. The fund shall be used to  
11 provide grants to community-based organizations, community colleges,  
12 federally recognized or state-recognized Indian tribes, or nonprofit  
13 organizations that provide vocational and life skills programming and  
14 services to adults and juveniles who are incarcerated, who have been  
15 incarcerated within the prior eighteen months, or who are serving a  
16 period of supervision on either probation or parole.

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

22           (c) Any funds not distributed to community-based organizations,  
23 community colleges, federally recognized or state-recognized Indian  
24 tribes, or nonprofit organizations shall be retained by the department to  
25 be distributed on a competitive basis under the Vocational and Life  
26 Skills Program. Such funds shall not be expended by the department for  
27 any other purpose.

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

29           (e) Any money in the fund available for investment shall be invested  
30 by the state investment officer pursuant to the Nebraska Capital  
31 Expansion Act and the Nebraska State Funds Investment Act. Investment

1 earnings from investment of money in the fund shall be credited to the  
2 fund.

3 (f) Beginning July 1, 2022, and each July 1 thereafter until July 1,  
4 2024, the State Treasurer shall transfer five million dollars annually  
5 from the Prison Overcrowding Contingency Fund to the Vocational and Life  
6 Skills Programming Fund, on such dates as directed by the budget  
7 administrator of the budget division of the Department of Administrative  
8 Services.

9 (3) The department, in consultation with the Board of Parole, shall  
10 adopt and promulgate rules and regulations to carry out the Vocational  
11 and Life Skills Program. The rules and regulations shall include, but not  
12 be limited to, a plan for evaluating the effectiveness of programs,  
13 services, and training that receive funding and a reporting process for  
14 aid recipients.

15 (4) The reentry program administrator shall report quarterly to the  
16 Governor and the Clerk of the Legislature beginning October 1, 2014, on  
17 the distribution and use of the aid distributed under the Vocational and  
18 Life Skills Program, including how many individuals received programming,  
19 the types of programming, the cost per individual for each program,  
20 service, or training provided, how many individuals successfully  
21 completed their programming, and information on any funds that have not  
22 been used. The report to the Clerk of the Legislature shall be submitted  
23 electronically. ~~Any funds not distributed to community-based~~  
24 ~~organizations, community colleges, federally recognized or state-~~  
25 ~~recognized Indian tribes, or nonprofit organizations under this~~  
26 ~~subsection shall be retained by the department to be distributed on a~~  
27 ~~competitive basis under the Vocational and Life Skills Program. These~~  
28 ~~funds shall not be expended by the department for any other purpose.~~

29 Sec. 59. Section 83-962, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31 83-962 (1) A ~~Until July 1, 2020, the Governor may declare a~~

1 ~~correctional system overcrowding emergency whenever the director~~  
2 ~~certifies that the department's inmate population is over one hundred~~  
3 ~~forty percent of design capacity. Beginning July 1, 2020, a~~ correctional  
4 system overcrowding emergency shall exist whenever the director certifies  
5 that the department's inmate population is over one hundred forty percent  
6 of design capacity. The director shall so certify within thirty days  
7 after the date on which the population first exceeds one hundred forty  
8 percent of design capacity.

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

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

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

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

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

24 (4) In making the determination regarding the risk that a committed  
25 offender will not conform to the conditions of parole, the board shall  
26 take into account the factors set forth in subsection (2) of section  
27 83-1,114 and shall comply with the requirements of subsection (3) of  
28 section 83-1,114 and section 45 of this act.

29 (5) The board shall continue granting parole to offenders under this  
30 section until the director certifies that the population is at  
31 operational capacity. The director shall so certify within thirty days

1 after the date on which the population first reaches operational  
2 capacity.

3       Sec. 60. Original sections 47-902, 47-903, 81-8,240, 83-190, and  
4 83-196, Reissue Revised Statutes of Nebraska, sections 28-936, 81-8,244,  
5 83-171, 83-184, 83-192, 83-1,100, 83-1,100.03, 83-1,101, 83-1,102,  
6 83-1,107, 83-901, 83-903, 83-904, and 83-962, Revised Statutes Cumulative  
7 Supplement, 2022, and sections 29-2261, 29-2269, 83-1,114, 83-1,122.02,  
8 and 83-1,135, Revised Statutes Supplement, 2023, are repealed.

9       Sec. 61. The following section is outright repealed: Section  
10 83-933, Revised Statutes Cumulative Supplement, 2022.