

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 631**

Introduced by McKinney, 11.

Read first time January 18, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to parole; to amend sections 83-189, 83-190,  
2 and 83-196, Reissue Revised Statutes of Nebraska, and section  
3 83-1,114, Revised Statutes Cumulative Supplement, 2022; to change  
4 the qualifications of members of the Board of Parole; to provide for  
5 removal of a member of the Board of Parole as prescribed; to change  
6 quorum requirements for hearings of the Board of Parole and  
7 provisions relating to grounds for parole; and to repeal the  
8 original sections.  
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-189, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 83-189 (1) The Board of Parole shall consist of five full-time  
4 members to be appointed by the Governor. The members of the board shall  
5 be of good character and judicious temperament. The members of the board  
6 shall have all the powers and duties of board members commencing on the  
7 date of appointment. The appointments shall be subject to confirmation by  
8 the Legislature at its next regular session following the appointments.

9 (2) The Board of Parole shall be comprised of the following members:

10 (a) One ~~At least one~~ member ~~of the board~~ shall be of an ethnic  
11 minority group;

12 (b) One ~~, at least one~~ member shall be female;

13 (c) One ~~, and at least one~~ member shall have a professional  
14 background in corrections;

15 (d) One member shall be a formerly incarcerated individual; and

16 (e) One member shall have experience in restorative justice and  
17 reentry into society.

18 (3) One of the five members of the board shall be designated as  
19 chairperson by the Governor. In addition to the chairperson's duties as a  
20 member of the board as prescribed in subsection (1) of section 83-192, he  
21 or she shall supervise the administration and operation of the board and  
22 shall carry out the duties prescribed in subsection (2) of ~~such~~ section  
23 83-192.

24 Sec. 2. Section 83-190, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 83-190 (1) The members of the Board of Parole shall have terms of  
27 office of six years and until their successors are appointed. The  
28 successors shall be appointed in the same manner as provided for the  
29 members first appointed, and a vacancy occurring before expiration of a  
30 term of office shall be similarly filled for the unexpired term. A member  
31 of the board may be reappointed. The members of the board shall ~~may~~ be

1 removed ~~only~~ for disability, neglect of duty, or malfeasance in office by  
2 the Board of Pardons after a hearing. The Board of Pardons shall promptly  
3 file in the office of the Secretary of State a complete statement of the  
4 charges, its findings and disposition, and a complete record of the  
5 proceedings.

6 (2) For purposes of this section, neglect of duty includes not  
7 attending three hearings of the Board of Pardons within a calendar year.

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

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

16 Sec. 4. Section 83-1,114, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18 83-1,114 (1) Whenever the board considers the release of a committed  
19 offender who is eligible for release on parole, it shall order his or her  
20 release unless it is of the opinion that his or her release should be  
21 deferred because:

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

24 (b) His or her release would depreciate the seriousness of his or  
25 her crime or promote disrespect for law;

26 (c) His or her release would have a substantially adverse effect on  
27 institutional discipline; or

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

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

5           (a) The offender's personality, including his or her maturity,  
6 stability, and sense of responsibility and any apparent development in  
7 his or her personality which may promote or hinder his or her conformity  
8 to law;

9           (b) The adequacy of the offender's parole plan;

10          (c) The offender's ability and readiness to assume obligations and  
11 undertake responsibilities;

12          (d) The offender's intelligence and training;

13          (e) The offender's family status and whether he or she has relatives  
14 who display an interest in him or her or whether he or she has other  
15 close and constructive associations in the community;

16          (f) The offender's employment history, his or her occupational  
17 skills, and the stability of his or her past employment;

18          (g) The type of residence, neighborhood, or community in which the  
19 offender plans to live;

20          (h) The offender's past use of narcotics or past habitual and  
21 excessive use of alcohol;

22          (i) The offender's mental or physical makeup, including any  
23 disability or handicap which may affect his or her conformity to law;

24          (j) The offender's prior criminal record, including the nature and  
25 circumstances, dates, and frequency of previous offenses;

26          (k) The offender's attitude toward law and authority;

27          (l) The offender's conduct in the facility, including particularly  
28 whether he or she has taken advantage of the opportunities for self-  
29 improvement, whether he or she has been punished for misconduct within  
30 six months prior to his or her hearing or reconsideration for parole  
31 release, whether any reductions of term have been forfeited, and whether

1 such reductions have been restored at the time of hearing or  
2 reconsideration;

3 (m) The offender's behavior and attitude during any previous  
4 experience of probation or parole and how recent such experience is;

5 (n) The risk and needs assessment completed pursuant to section  
6 83-192; and

7 (o) Any other factors the board determines to be relevant.

8 (3) Parole shall not be denied for a committed offender solely  
9 because the Department of Correctional Services did not offer or delayed  
10 programming due to operational issues, including staffing shortages,  
11 maintenance issues, or lack of funding.

12 Sec. 5. Original sections 83-189, 83-190, and 83-196, Reissue  
13 Revised Statutes of Nebraska, and section 83-1,114, Revised Statutes  
14 Cumulative Supplement, 2022, are repealed.