

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 171

Introduced by Ashford, 20; Council, 11.

Committee: Executive Board

With the April 24th announcement by the Director of Correctional Services that the State of Nebraska's correctional institutions have reached a level of one hundred forty percent of capacity, Nebraska statutes require notification of the Governor with a recommendation as to what should be done to address the issue of capacity. This recent level of incarceration provides an opportunity for the state to address the proper sentencing of individuals for violations of the Nebraska Criminal Code and an opportunity to assess the degree to which the state is successful in rehabilitating individuals sentenced to Nebraska correctional institutions, particularly when viewed through the reentry of these convicted individuals into Nebraska communities. Failure to provide proven and adequate reentry programming contributes to the recidivism of previously convicted individuals, who then end up back in Nebraska correctional institutions, thereby further increasing Nebraska's rate of incarceration.

The Legislature, recognizing that a prolonged period of high incarceration rates places a pronounced strain on the state's fiscal resources, believes it to be imperative to implement adequate measures to address sentencing and rehabilitative programs

for individuals incarcerated in Nebraska correctional institutions.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a special committee to be known as the Sentencing and Recidivism Committee of the Legislature. The committee shall consist of seven members of the Legislature appointed by the Executive Board. The committee shall elect a chairperson and vice-chairperson from the membership of the committee. The Executive Board is hereby authorized to provide the committee with a legal counsel, committee clerk, and other staff as required by the committee from existing legislative staff. The Executive Board is also authorized to hire outside consultants as deemed necessary by the committee.

2. The Sentencing and Recidivism Committee of the Legislature is hereby authorized to study the sentencing of juveniles and adults to Nebraska correctional institutions for rehabilitative purposes, including the associated fiscal impact. The committee shall study issues relating to the reentry of these juveniles and adults into Nebraska communities, including, but not limited to, the sufficiency and effectiveness of the rehabilitative and reentry programs, the number of spaces available for these programs, and the effectiveness of these programs in reducing the rate of recidivism. Finally, the committee shall study the sentencing of individuals convicted of crimes for equality of sentencing for the same or similar crimes statewide. The committee shall issue a report of its findings and recommendations to the Legislature on or before January 1, 2011.