

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB907

Hearing Date: Thursday February 06, 2014

Committee On: Judiciary

Introducer: Ashford

One Liner: Provide for supervised release, reentry probation officers, create the Nebraska Center for Justice Research, and change presentence investigations and good time provisions

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye: 8 Senators Ashford, Chambers, Christensen, Coash, Davis, Lathrop, McGill, Seiler

Nay:

Absent:

Present Not Voting:

Proponents:

SEN. BRAD ASHFORD

RYAN SPOHN

TODD SCHMADERER

JIM VOKAL

JOHN CAVANAUGH

MARC LEVIN

AIMEE MELTON

MARTIN BILEK

MARSHALL LUX

JANE MEZA

ALAN PETERSON

ROB BRYAN

MIKE MARVIN

MOLLY MCCLEERY

SARITA PENKA

BENJAMIN STEINER

CHARLES FREYERMUTH

JOHN KREJCI

WILLIE BARNEY

DENISE FROST

Representing:

INTRODUCER

UNIVERSITY OF NEBRASKA OMAHA

OMAHA POLICE

PLATTE INSTITUTE

HOLLAND CHILDREN'S MOVEMENT

TEXAS PUBLIC POLICY FOUNDATION

OMAHA CITY COUNCIL

OMAHA MAYOR

OMBUDSMAN'S OFFICE

UNMC

ACLU NEBRASKA

NEBRASKA SYNOG OF THE EVANGELICAL,
LUTHERAN CHURCH IN AMERICA, FOLLOWERS OF
CHRIST PRISON MINISTRY

NAPE

NEBRASKA APPLESEED

OTOC

SELF

ANDREA KRUGER FAMILY

NAACP/NFP & NCJR

SELF

NCDAA

Opponents:

DAVID PARTSCH

MARK YOUNG

JOE KELLY

Representing:

COUNTY ATTORNEYS ASSOCIATION

NE COUNTY ATTORNEY ASSOCIATION

LANCASTER COUNTY ATTORNEY

Neutral:
DWITE PEDERSON
DEBORAH MINARDI
MIKE KENNEY

Representing:
SELF
OFFICE OF PROBATION ADMINISTRATION
DEPARTMENT OF CORRECTIONAL SERVICES

Summary of purpose and/or changes:

LB907 is a public safety measure aimed at preventing "jam outs" or "max out" in the adult correctional system. As a group, max outs are higher-risk offenders than parolees and are far more likely to return to prison.

Summary of changes:

Section 1 describes the sentencing policy of the State of Nebraska as set forth in this act.

Section 2 amends Section 29-2204, provides that a court may impose a term of supervised release at sentencing.

Section 3 sets forth process for administration of supervised release by the Office of Probation Administration.

Section 4 amends Section 29-2246, sets forth definitions for purposes of the Nebraska Probation Administration Act; section 43-2,123.01; sections 83-1,102 to 83-1,104; and sections 15 and 16 of this act.

Section 5 creates the position of reentry probation officer within the Office of Probation Administration.

Section 6 amends section 29-2252, creates additional duties for the probation administrator.

Section 7 amends section 29-2257, adds reentry probation officers, direct supervision of persons placed on parole or supervised release, to the description of the Nebraska Probation System.

Section 8 amends section 29-2261, requires a presentence investigation prior to sentencing when an offender has been convicted of a felony other than murder in the first degree in which the death penalty is sought.

Section 9 describes rules and regulations to be adopted by probation administrator regarding use of evidence-based practices, assessments, caseload size guidelines, and case plan development.

Section 10 amends section 29-2269 to include sections 3, 5, and 9 of this act in the Nebraska Probation Administration Act.

Section 11 amends section 47-619 to include section 13 of this act in the Community Corrections Act.

Section 12 amends section 47-621, changes the definition of "community correctional facility or program" to include specialized substance abuse programs and targeted intensive supervision, reporting centers, and service centers.

Section 13 requires the Office of Probation Administration and the Office of Parole Administration to submit an annual report regarding evidence-based practices and recidivism reduction.

Section 14 amends Section 47-624.01, relating to creation or expansion of reporting centers in each judicial district.

Section 15 amends section 83-1,102, regarding Parole Administrator duties, risk and needs assessments.

Section 16 amends section 83-1,107, changes good time provisions.

Section 17 requires the Department of Correctional Services to conduct a risk and needs assessment within 90 days of an offender's release, and requires the department to work with the Office of Probation Administration and the reentry probation officer to create a transition plan prior to the offender's release.

Section 18 requires the administrator to develop rules and regulations for evidence-based practices for supervision and treatment of parolees.

Section 19 amends section 83-1,135, provides that Sections 83-170 to 83-1,135 and sections 17 and 18 of this act shall be known and may be cited as the Nebraska Treatment and Corrections Act.

Section 20 describes the purpose of the Nebraska Center for Justice Research.

Section 21 creates the Nebraska Center for Justice Research, further describes the purpose of the Center.

Section 22 sets forth the membership of the board of directors for the Center.

Section 23 describes the duties of the Center.

Section 24 requires the Center to submit an annual report to the Legislature.

Section 25 appropriates \$1 million annually to the Center.

Section 26 repeals the original sections.

Section 27 eliminates archaic provisions.

Explanation of amendments:

AM2376 strikes the original sections, partially amends LB808 (Conrad) into LB907 [see sections 1-10; section 21], amends LB932 (Avery) into LB907 [see section 12], and inserts the following new sections.

Section 1 amends section 7-201; sections 7-201 to 7-209 and section 6 of this act shall be known as the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act.

Section 2 amends section 7-202, changes provisions of the Legal Education for Public Service Loan Repayment Act, to include support for attorneys who work in less-populated rural areas of Nebraska.

Section 3 amends section 7-203, defines terms for purposes of the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Act.

Section 4 amends section 7-204, creates the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Board.

Section 5 amends section 7-206, provides that the board shall develop rules and regulations to govern the legal education for public legal service and rural practice loan repayment assistance program. Eligibility requirements for loan repayment assistance shall include a required three-year commitment to rural or public service practice.

Section 6 provides that the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Board shall identify designated legal profession shortage areas within Nebraska.

Section 7 amends section 7-207, provides that the Commission on Public Advocacy shall accept applications for loan repayment assistance, and shall present applications to the board for consideration.

Section 8 amends section 7-208, provides that the Commission on Public Advocacy may solicit donations for the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund.

Section 9 amends section 7-209, changes the name of the "Legal Education for Public Service Loan Repayment Fund" to the "Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund".

Section 10 amends section 29-3927, duties of the Commission on Public Advocacy.

Section 11 creates a "Nebraska Justice Reinvestment Task Force" to work with the Council of State Governments (CSG) Justice Center on prison overcrowding and other issues.

Section 12 provides that public employers shall not ask applicants to disclose criminal history until the employer has determined that the applicant meets employment qualifications.

Section 13 creates a new position of the Reentry Programming Coordinator within the Crime Commission.

Section 14 creates the "Vocational and Life Skills Programming Fund" within the Crime Commission and gives the Crime Commission the authority to create rules and regulations to implement the program.

Section 15 amends section 83-1,102, requires the Parole Administrator to report to the Legislature and the Governor the number of yearly parole revocations and technical violations.

Section 16 amends section 83-1,104, adds to the duties of a parole officer.

Section 17 amends section 83-1,107, requires the Department of Correctional Services (DCS) to ensure that an individual's department-approved personalized program is complete or near completion upon the individual serving eighty percent (80%) of his or her sentence.

Section 18 amends section 83-1,119, requires parole officers to use graduated sanctions.

Section 19 creates the Nebraska Center for Justice Research, at the University of Nebraska at Omaha (UNO).

Section 20 appropriates funds to carry out the purposes of this act. The Office of Probation Administration shall receive \$5 million to expand mental health services and \$3.8 million to expand new reporting centers and provide additional services. The Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) shall receive \$5 million for the Vocational and Life Skills Program. The Consortium for Crime and Justice research shall receive \$200,000 for the Nebraska Center for Justice Research.

Section 21 amends section 84-612, transfers \$500,000 from the Cash Reserve Fund to the Legal Education for Public Service and Rural Practice Loan Repayment Assistance Fund.

Section 22 sets the operative date for this act.

Section 23 repeals the original sections.

Section 24 outright repeals 83-1,122 (Parolee; violation of parole; action of Board of Parole).

Section 25 declares an emergency, provides that this act shall take effect when passed and approved.

Brad Ashford, Chairperson