

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1023

Introduced by Ebke, 32; Bolz, 29; Pansing Brooks, 28.

Read first time January 19, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-1,135, Revised Statutes Supplement, 2015; to
- 3 state intent; to require development of protocols for coordination
- 4 of mental health and substance abuse treatment; to require a needs
- 5 assessment on programming; to provide a termination date; to
- 6 harmonize provisions; and to repeal the original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1,135, Revised Statutes Supplement, 2015, is
2 amended to read:

3 83-1,135 Sections 83-170 to 83-1,135.02 and sections 2 and 3 of this
4 act shall be known and may be cited as the Nebraska Treatment and
5 Corrections Act.

6 Sec. 2. (1) The Legislature finds that:

7 (a) According to the United States Department of Justice, more than
8 sixty-four percent of inmates in state prisons have either a mental
9 health disorder or a substance use disorder or both;

10 (b) The Substance Abuse and Mental Health Services Administration of
11 the United States Department of Health and Human Services has reported
12 that forty-nine percent of women on probation and fifty-four percent of
13 women on parole in the United States in the past year have a diagnosable
14 mental illness;

15 (c) The Council of State Governments Justice Center has reported
16 that the prisons, jails, and pretrial, probation, and parole agencies in
17 the United States oversee a disproportionate number of individuals with
18 mental health disorders and substance use disorders and that many of
19 these individuals churn through the criminal justice system over and over
20 again; and

21 (d) The Department of Correctional Services, the Division of
22 Behavioral Health of the Department of Health and Human Services, and
23 community providers of mental health and substance abuse treatment share
24 a commitment to help committed offenders who have mental health and
25 substance use treatment needs to address such needs and successfully
26 return to the community.

27 (2) The Department of Correctional Services and the Division of
28 Behavioral Health of the Department of Health and Human Services shall
29 develop protocols for coordination of mental health and substance abuse
30 treatment to be provided to a committed offender during incarceration and
31 upon discharge. The protocols shall include, but not be limited to,

1 coordination between community-based providers including both mental
2 health and substance abuse treatment providers, the regional behavioral
3 health authority located in the community into which the committed
4 offender plans to be discharged, the committed offender, an officer in a
5 community corrections facility operated by the Department of Correctional
6 Services, and a member of the staff at a prison operated by the
7 Department of Correctional Services.

8 (3) The protocols shall include (a) a prerelease planning process
9 beginning ninety days prior to a committed offender's discharge which
10 includes, but is not limited to, a comprehensive assessment including
11 mental health and substance abuse treatment needs, (b) the post-release
12 supervisory plan of the Department of Correctional Services, and (c)
13 application for other necessary community support services, such as
14 housing, health care, employment, and job training or education.

15 (4) In coordinating mental health treatment and substance abuse
16 treatment provided to a committed offender, the department shall use
17 community-based services available during incarceration within the
18 community in which the committed offender is held and community-based
19 services available at the time of release within the community in which
20 the committed offender is released.

21 Sec. 3. (1) The Department of Correctional Services shall submit a
22 needs assessment regarding programming in facilities of the department to
23 the Appropriations Committee of the Legislature on or before January 1 of
24 each odd-numbered year. Such assessment shall be submitted
25 electronically.

26 (2) The needs assessment shall include, but not be limited to,
27 program needs based on personalized program plans, programs required for
28 committed offenders eligible for parole, mental and behavioral health
29 programming needs based on assessments of committed offenders, and
30 identified programmatic needs for staffing. The needs assessment shall
31 also include a matrix denoting which programs are available at each

1 facility, the number of committed offenders on a waiting list for each
2 program, and the number of committed offenders from each facility who are
3 not able to access programs prescribed on their personalized program
4 plans because such programs are unavailable.

5 (3) This section terminates on January 1, 2023.

6 Sec. 4. Original section 83-1,135, Revised Statutes Supplement,
7 2015, is repealed.