

LEGISLATIVE BILL 865

Approved by the Governor May 26, 1999

Introduced by Dw. Pedersen, 39; Baker, 44; Beutler, 28; Bohlke, 33; Bromm, 23; Bruning, 3; Connealy, 16; Crosby, 29; Dierks, 40; Engel, 17; Hartnett, 45; Hilgert, 7; Hudkins, 21; Janssen, 15; Jensen, 20; Jones, 43; Kiel, 9; Kristensen, 37; Lynch, 13; D. Pederson, 42; Preister, 5; Quandahl, 31; Raikes, 25; Robak, 22; Schellpeper, 18; Schimek, 27; Schmitt, 41; Schrock, 38; Smith, 48; Suttle, 10; Thompson, 14; Tyson, 19; Wickersham, 49

AN ACT relating to criminal justice; to amend section 83-183, Reissue Revised Statutes of Nebraska; to provide for a substance abuse treatment task force; to provide powers and duties; to change provisions relating to inmate urinalysis testing and to work arrangements; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. The Governor shall appoint a substance abuse treatment task force to study substance abuse treatment services in the adult and juvenile criminal justice systems, recommend improvements, and evaluate the implementation of improvements. The task force shall include the chairperson of the Board of Parole, the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, the administrator of the Nebraska Correctional Treatment Center, the administrators of the Department of Health and Human Services Protection and Safety Division, the Director of the Division of Alcoholism, Drug Abuse, and Addiction Services of the Department of Health and Human Services, the probation administrator, the administrator of the Office of Community Justice, the Director of Policy Research, the Parole Administrator, or the designees of such persons, and two members of the Legislature appointed by the Executive Board of the Legislative Council. The Governor shall also appoint ten additional persons from the private and public sectors representing law enforcement, prosecution, courts, public defenders, diversion, drug courts, county corrections, consumers, and substance abuse treatment services to serve on the task force. The appointments to the task force shall be made no later than June 15, 1999. The Governor shall appoint the chairperson of the task force from the membership.

Sec. 2. The substance abuse treatment task force shall study substance abuse treatment on the state level to determine future legislative and executive actions necessary to coordinate a statewide strategy to address gaps in the organization and delivery of substance abuse treatment to those within the adult and juvenile criminal justice systems. As a result of the recognition of a correlation between substance abuse and the criminal justice client and the subsequent risk to public safety, the study shall:

(1) Identify any gaps in the criminal justice system that apply to chemical dependency;

(2) Identify any need for formal initiatives or agreements between the substance abuse system and the criminal justice system;

(3) Eliminate fragmentation in services through the development of a criminal justice continuum of care;

(4) Identify treatment modalities to target populations for the most effective outcome;

(5) Identify criminogenic needs (predictors of recidivism) interfaced with chemical dependency treatment;

(6) Develop a model for future development of substance abuse services serving the criminal justice system and monitor and evaluate the implementation of the model;

(7) Examine the extent of substance abuse within the criminal justice system, including, but not limited to, the inmates of the Department of Correctional Services, the inmates of county corrections, the juveniles committed to the Office of Juvenile Services, and persons under the supervision of the state probation and parole systems;

(8) Examine funding allocations for substance abuse treatment; and

(9) Examine the need for the creation of a management information services system to track substance-using offenders.

Sec. 3. The substance abuse treatment task force may gather information through public hearings and other appropriate means to assure ample opportunity for outside input to be received for consideration. The task force shall by a majority vote of all members adopt and issue a report outlining its findings and recommendations under section 2 of this act to the

Governor and the Legislature no later than December 1, 1999.

Sec. 4. The substance abuse treatment task force shall develop and recommend standardized substance abuse evaluation and assessment instruments by January 1, 2000. The task force may hire a consultant for purposes of developing such instruments and shall by a majority vote of all members adopt a final recommended version of the instruments. The task force shall transmit its recommendations to the Governor and the Legislature.

Sec. 5. The Nebraska Commission on Law Enforcement and Criminal Justice shall provide administrative support to the task force, including the production and distribution of reports and other documents prepared by the task force. Members shall be reimbursed for their actual and necessary expenses incurred while serving as a member of the task force as provided in sections 81-1174 to 81-1177. It is the intent of the Legislature that money appropriated by the Legislature for sections 1 to 5 of this act be appropriated to the Nebraska Commission on Law Enforcement and Criminal Justice.

Sec. 6. Before disciplinary measures are taken against an inmate for drug or alcohol violations, an inmate may request and the department shall provide independent confirmation testing of positive results of urinalysis testing. If the confirmation test remains positive, the inmate may be required to pay the cost of the confirmation test.

Sec. 7. Section 83-183, Reissue Revised Statutes of Nebraska, is amended to read:

83-183. (1) To establish good habits of work and responsibility, to foster vocational training, and to reduce the cost of operating the facilities, persons committed to the department shall be employed, eight hours per day, so far as possible in constructive and diversified activities in the production of goods, services, and foodstuffs to maintain the facilities, for state use, and for other purposes authorized by law. To accomplish these purposes, the director may establish and maintain industries and farms in appropriate facilities and may enter into arrangements with any other department or agency of the state or any natural resources district for the employment of persons committed to the department for state or governmental purposes.

(2) The director shall make rules and regulations governing the hours, conditions of labor, and the rates of compensation of persons committed to the department. In determining the rates of compensation, such regulations may take into consideration the quantity and quality of the work performed by such person, whether or not such work was performed during regular working hours, the skill required for its performance, and the economic value of similar work outside of correctional facilities.

(3) Except as provided in section 83-183.01, wage payments to a person committed to the department shall be set aside by the chief executive officer of the facility in a separate fund. The fund shall enable such person committed to the department to contribute to the support of his or her dependents, if any, to make necessary purchases from the commissary, and to set aside sums to be paid to him or her at the time of his or her release from the facility.

(4) The director may authorize the chief executive officer to invest the earnings of a person committed to the department. Any accrued interest thereon shall be credited to such person's fund.

(5) The director may authorize the chief executive officer to reimburse the state from the wage fund of a person committed to the department for:

(a) The actual value of property belonging to the state or any other person intentionally or recklessly destroyed by such person committed to the department during his or her commitment;

(b) The actual value of the damage or loss incurred as a result of unauthorized use of property belonging to the state or any other person by such person committed to the department;

(c) The actual cost to the state for injuries or other damages caused by intentional acts of such person committed to the department; and

(d) The reasonable costs incurred in returning such person committed to the department to the facility to which he or she is committed in the event of his or her escape.

(6) No person committed to the department shall be required to engage in excessive labor, and no such person shall be required to perform any work for which he or she is declared unfit by a physician designated by the director.

(7) The director may authorize that a portion of the earnings of a person committed to the department be retained by that person for personal use.

Sec. 8. Original section 83-183, Reissue Revised Statutes of Nebraska, is repealed.

Sec. 9. Since an emergency exists, this act takes effect when passed and approved according to law.