

AMENDMENTS TO LB 611

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. (1) The Legislature finds that:

4 (a) In 1977, as the Department of Correctional Services
5 was preparing to open new correctional facilities in Lincoln, the
6 Legislature approved and funded a program of review and study of
7 eight major areas of performance of the department; and

8 (b) In 2001, as the department prepares to open new
9 correctional facilities in McCook and Tecumseh, careful attention
10 needs to be given to the operation of new and existing institutions
11 and correctional programs, as well as addressing current and future
12 needs of the State of Nebraska with respect to incarceration and
13 treatment of inmates.

14 (2) It is the intent of the Legislature to review areas
15 of performance of the Department of Correctional Services and to
16 develop proposals for their improvement.

17 (3) The Legislature finds that there is a need for a
18 comprehensive review of the statewide system for the placement and
19 treatment of legal offenders in the State of Nebraska. This review
20 would seek to initiate, develop, and implement a full analysis of
21 the state's system governing the placement and treatment of legal
22 offenders, including, but not limited to, sentencing guidelines,
23 probation, pre-incarceration alternatives, incarceration,
24 post-incarceration programs, parole, and pardons.

1 Sec. 2. For purposes of sections 1 to 5 of this act,
2 statewide system for the placement and treatment of legal offenders
3 includes, but is not limited to, pre-incarceration alternatives,
4 probation, sentencing, community-based programs, incarceration,
5 post-incarceration programs, parole, and pardons.

6 Sec. 3. The Legislature shall commission a comprehensive
7 review of the statewide system for the placement and treatment of
8 legal offenders in the State of Nebraska. The review shall be
9 conducted by the Correctional Improvement Committee which is hereby
10 created. The members of the committee shall be appointed by the
11 Executive Board of the Legislative Council. The committee shall
12 consist of five members of the Legislature and three members of the
13 general public. The appointments shall be made not later than July
14 1, 2001. The Executive Board of the Legislative Council shall
15 appoint a chairperson of the Correctional Improvement Committee
16 from among the members of the committee. Members of the committee
17 shall be reimbursed for their expenses as members of the committee
18 as provided in sections 81-1174 to 81-1177.

19 Sec. 4. The Correctional Improvement Committee in
20 conducting the comprehensive review of the statewide system for the
21 placement and treatment of legal offenders required by section 3 of
22 this act may gather information from interested parties through
23 public hearings and other appropriate means to assure ample
24 opportunities for outside input to be received for consideration.
25 The committee shall complete its review and issue a final report
26 outlining its findings and recommendations to the Legislature no
27 later than July 1, 2003. The Executive Board of the Legislative

1 Council shall direct administrative support to the committee and
2 shall be responsible for the production and distribution of the
3 final report of the committee.

4 Sec. 5. The comprehensive review of the statewide system
5 for the placement and treatment of legal offenders required by
6 section 3 of this act shall initiate, develop, and implement a full
7 analysis of the state's system for the placement and treatment of
8 legal offenders.

9 Sec. 6. Participants in each of the areas of study
10 described in section 7 of this act shall include members of the
11 Correctional Improvement Committee and others with interest and
12 expertise in the area of study. Additional staff support deemed
13 necessary by the committee shall be provided by the Legislative
14 Fiscal Analyst, the Legislative Research Division, and the Office
15 of Public Counsel. The correctional improvement programs required
16 under section 7 of this act shall be coordinated by the committee.

17 Sec. 7. The purposes of sections 6 to 9 of this act are
18 to conduct eight correctional improvement programs provided in this
19 section. Each program shall consist of an independent and
20 in-depth analysis of current and emerging correctional concerns.
21 The programs to be completed in accordance with sections 6 to 9 of
22 this act may be conducted in the following areas:

23 (1) The improvement program for community-based treatment
24 programs shall seek to initiate, develop, and implement
25 community-based treatment alternatives, using available expertise
26 in developing a statewide strategy for placement and treatment of
27 inmates. For purposes of this subdivision, community-based

1 treatment program means a correctional treatment program,
2 residential or nonresidential, which does not confine the inmate in
3 a medium-security or maximum-security correctional facility. In
4 carrying out this subdivision the Correctional Improvement
5 Committee shall also study how the implementation of juvenile and
6 adult drug courts would affect community based treatment programs;

7 (2) The improvement program for comprehensive health care
8 shall seek to improve the health care services provided to inmates.
9 In carrying out this section, the committee shall consult and
10 consider the findings of the Governor's task force on the medical
11 services system of the department, state medical officials,
12 medical, nursing, and other health care professional schools in
13 Nebraska, correctional medicine practitioners, and other health
14 care professionals. For purposes of this subdivision,
15 comprehensive health care includes medical services, dental
16 services, and psychiatric services;

17 (3) The improvement program for mental health treatment
18 shall address the needs of inmates for comprehensive mental health
19 treatment. In developing improved mental health treatment, the
20 committee shall consult and work with the Department of
21 Correctional Services, the Department of Health and Human Services,
22 mental health professional training programs of medical and other
23 health care professional schools in Nebraska, and practicing mental
24 health professionals, including, but not limited to, mental health
25 professionals providing mental health treatment to inmates. For
26 purposes of this subdivision, mental health treatment includes
27 general mental health programs available to the general population

1 of inmates, specialized mental health treatment of offenders,
2 treatment of sex offenders, and the care and treatment of offenders
3 with serious mental illness who may require hospitalization;

4 (4) The improvement program for substance abuse treatment
5 shall address the substance abuse treatment needs of inmates. The
6 committee shall consider recommending that the Department of
7 Correctional Services develop new substance abuse treatment
8 programs and facilities, as well as expanding existing programs and
9 facilities, in order to provide substance abuse treatment for
10 inmates. The correctional improvement program shall also explore
11 providing access to new and existing substance abuse treatment
12 programs and facilities near the offender's home community. In
13 carrying out this section, the committee shall consult and work
14 with the Department of Correctional Services, the Department of
15 Health and Human Services, substance abuse treatment facilities
16 operating within the State of Nebraska, and substance abuse
17 treatment professionals, including, but not limited to, substance
18 abuse treatment professionals providing substance abuse treatment
19 to inmates. For purposes of this subdivision, substance abuse
20 treatment means any educational, inpatient, or outpatient programs
21 and facilities that address personal and societal issues relating
22 to abuse of drugs, alcohol, and other substances;

23 (5) The improvement program for institutional segregation
24 shall address the practices and policies of the Department of
25 Correctional Services regarding inmates who are placed in
26 institutional segregation. The committee shall consider
27 institutional management concerns that result in the placement of

1 certain types of offenders in institutional segregation, the impact
2 of long-term placement of offenders in segregation, and the access
3 of segregated offenders to programming and other resources,
4 custody-level promotion, and consideration for parole. The program
5 shall include an evaluation of the current and proposed
6 institutional segregation units and shall utilize the expertise of
7 persons in the field of corrections and the professions of law,
8 mental health care, and medicine;

9 (6) The improvement program for offender work and
10 activities shall develop a program for a broader and more
11 comprehensive offering of options for work, education, and other
12 enrichment activities beneficial to the successful return of
13 inmates into the community upon release. The committee shall also
14 consider the adequacy of offerings to inmates' interest groups,
15 cultural organizations, religious meetings, access to family and
16 other community support through visits, telephones, and mail, and
17 opportunities for pursuing hobbies and other recreational programs.
18 In carrying out this section, the committee shall consult and work
19 with the department, governmental agencies, representatives of
20 private industry, labor, schools, and postsecondary educational
21 institutions, religious leaders, and other interested persons. For
22 purposes of this subdivision, (a) educational opportunities
23 include, but are not limited to, graduation from high school or
24 obtaining a general equivalency diploma, English classes, technical
25 training, college-level studies, and other coursework that will
26 better prepare the offender to make a successful return to the
27 community and (b) work opportunities include institutional

1 employment, employment by governmental agencies or subdivisions, by
2 private industry, or by the department in the production of goods
3 described in section 83-145, and other employment opportunities
4 determined by the department to be appropriate for inmates;

5 (7) The improvement program for staffing issues shall
6 address the current and future needs of the department with respect
7 to staff recruitment, retention, and training. The committee shall
8 consider provision of adequate levels of compensation to attract
9 and retain qualified and competent staff, develop strategies to
10 improve job satisfaction, and provision of initial and ongoing
11 training opportunities to improve job performance. In carrying out
12 this section, the committee shall consult and work with the
13 Department of Correctional Services, the personnel division of the
14 Department of Administrative Services, faculty of Nebraska
15 postsecondary educational institutions teaching in the fields of
16 management and human resources, professional trainers, recruiters,
17 employment agencies, and representatives of labor; and

18 (8) The improvement program for program planning shall
19 address the improvement of programming in new facilities of the
20 Department of Correctional Services. The committee shall review
21 and consider appropriate utilization of technology allowing staff
22 and inmates access to resources in Lincoln and Omaha via
23 telecommunications and computers. The committee shall also
24 consider areas including, but not limited to, telemedicine,
25 telephonic and digital visitation, telephonic hearings, electronic
26 court filings, and legal research. In carrying out this section,
27 the committee shall consult and work with the department and

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1 persons with expertise in current and emerging technologies. For
2 purposes of this subdivision, staff includes, but is not limited
3 to, administration, administrative support, food service, laundry,
4 maintenance, medical, mental health, security, and unit staff.

5 Sec. 8. The correctional improvement programs required
6 pursuant to section 7 of this act shall be completed on or before
7 July 1, 2003.

8 Sec. 9. This act becomes operative on July 1, 2001.

9 Sec. 10. Since an emergency exists, this act takes
10 effect when passed and approved according to law.".