

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 703

Introduced by McDonald, 41; Chambers, 11; Dw. Pedersen, 39

Read first time January 19, 2005

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
2 to amend section 83-1,135, Revised Statutes Supplement,
3 2004; to provide for medical parole; to harmonize
4 provisions; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1,135, Revised Statutes
2 Supplement, 2004, is amended to read:

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

6 Sec. 2. (1) A committed offender who is otherwise
7 eligible for parole, who has served not less than one-half of his
8 or her sentence, who is not under sentence of death or of life
9 imprisonment, and who because of an existing medical or physical
10 condition is determined by the department to be terminally ill or
11 permanently incapacitated may be considered for medical parole by
12 the board. A committed offender may be eligible for medical parole
13 in addition to any other parole. The department shall identify
14 committed offenders who may be eligible for medical parole based
15 upon their medical records.

16 (2) The board shall decide to grant medical parole only
17 after a review of the medical, institutional, and criminal records
18 of the committed offender and such additional medical evidence from
19 board-ordered examinations or investigations as the board in its
20 discretion determines to be necessary. The decision to grant
21 medical parole and to establish conditions of release on medical
22 parole in addition to the conditions stated in subsection (3) of
23 this section is within the sole discretion of the board.

24 (3) As conditions of release on medical parole, the board
25 shall require that the committed offender agree to placement for
26 medical treatment and that he or she be placed for a definite or
27 indefinite period of time in a hospital, a hospice, or another
28 housing accommodation suitable to his or her medical condition,

1 including, but not limited to, his or her family's home, as
2 specified by the board.

3 (4) The parole term of a medical parolee shall be for the
4 remainder of his or her sentence without reduction of sentence for
5 good conduct pursuant to the Nebraska Treatment and Corrections
6 Act.

7 Sec. 3. (1) If during the term of medical parole the
8 medical condition of a medical parolee improves to the extent that
9 he or she is no longer eligible for medical parole, the board may
10 order that he or she be returned to the custody of the department
11 to await a hearing to determine whether the medical parole should
12 be revoked.

13 (2) If medical parole is revoked due to improvement in
14 the medical condition of the parolee, he or she shall serve the
15 balance of his or her sentence with credit for time served on
16 medical parole and without forfeiture of any credits accrued for
17 good conduct pursuant to the Nebraska Treatment and Corrections Act
18 prior to medical parole.

19 (3) If a medical parolee whose medical parole is revoked
20 due to improvement in his or her medical condition would otherwise
21 be eligible for parole or any other release program, he or she may
22 be considered for such release program.

23 (4) In addition to revocation of medical parole pursuant
24 to subsection (1) of this section, medical parole may also be
25 revoked for violation of any condition of the medical parole
26 established by the board.

27 Sec. 4. Original section 83-1,135, Revised Statutes
28 Supplement, 2004, is repealed.