

E AND R AMENDMENTS TO LB 83

Introduced by Enrollment and Review Committee: McGill, 26,
Chairperson

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

3 Section 1. Section 83-4,142, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 83-4,142 The Department of Correctional Services shall
6 develop and implement an incarceration work camp, to be completed
7 no later than January 1, 2005, for placement of felony offenders to
8 ~~be placed in~~ as a condition of a sentence of intensive supervision
9 ~~probation or as a transitional phase prior to release on parole.~~
10 As part of the incarceration work camp, an intensive residential
11 drug treatment program may be developed and implemented for felony
12 offenders.

13 It is the intent of the Legislature that the
14 incarceration work camp serve to reduce prison overcrowding and to
15 make prison bed space available for violent offenders. It is the
16 further intent of the Legislature that the incarceration work camp
17 serve the interests of society by addressing the criminogenic needs
18 of certain designated offenders ~~on intensive supervision probation~~
19 and by deterring such offenders from engaging in further criminal
20 activity. To accomplish these goals, the incarceration work camp
21 shall provide regimented, structured, disciplined programming,
22 including all of the following: Work programs; vocational training;
23 behavior management and modification; money management; substance

1 abuse awareness, counseling, and treatment; and education,
2 programming needs, and aftercare planning, which will increase
3 the offender's abilities to lead a law-abiding, productive, and
4 fulfilling life as a contributing member of a free society.

5 Sec. 2. Section 83-4,143, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 83-4,143 (1) It is the intent of the Legislature that
8 the court target the felony offender (a) who is eligible and
9 by virtue of his or her criminogenic needs is suitable to be
10 sentenced to intensive supervision probation with placement at the
11 incarceration work camp, (b) for whom the court finds that other
12 conditions of a sentence of intensive supervision probation, in
13 and of themselves, are not suitable, and (c) who, without the
14 existence of an incarceration work camp, would, in all likelihood,
15 be sentenced to prison.

16 (2) When the court is of the opinion that imprisonment is
17 appropriate, but that a brief and intensive period of regimented,
18 structured, and disciplined programming within a secure facility
19 may better serve the interests of society, the court may place an
20 offender in an incarceration work camp for a period not to exceed
21 one hundred eighty days as a condition of a sentence of intensive
22 supervision probation. The court may consider such placement if the
23 offender (a) is a male or female offender convicted of a felony
24 offense in a district court, (b) is medically and mentally fit
25 to participate, with allowances given for reasonable accommodation
26 as determined by medical and mental health professionals, and (c)
27 has not previously been incarcerated for a violent felony crime.

1 Offenders convicted of a crime under sections 28-319 to 28-321
2 or of any capital crime are not eligible to be placed in an
3 incarceration work camp.

4 (3) It is also the intent of the Legislature that the
5 Board of Parole may recommend placement of felony offenders at
6 the incarceration work camp. The offenders recommended by the
7 board shall be offenders currently housed at other Department
8 of Correctional Services adult correctional facilities and shall
9 complete the incarceration work camp programming prior to release
10 on parole.

11 (4) When the Board of Parole is of the opinion that
12 a felony offender currently incarcerated in a Department of
13 Correctional Services adult correctional facility may benefit
14 from a brief and intensive period of regimented, structured, and
15 disciplined programming immediately prior to release on parole, the
16 board may direct placement of such an offender in an incarceration
17 work camp for a period not to exceed one hundred eighty days as
18 a condition of release on parole. The board may consider such
19 placement if the felony offender (a) is medically and mentally fit
20 to participate, with allowances given for reasonable accommodation
21 as determined by medical and mental health professionals, and (b)
22 has not previously been incarcerated for a violent felony crime.
23 Offenders convicted of a crime under sections 28-319 to 28-321
24 or of any capital crime are not eligible to be placed in an
25 incarceration work camp.

26 Sec. 3. Section 83-4,144, Reissue Revised Statutes of
27 Nebraska, is amended to read:

1 83-4,144 Upon successful completion of the incarceration
2 work camp program, as determined by the Department of Correctional
3 Services, the sentencing court may modify the offender's conditions
4 of his or her sentence of probation, place the offender in an
5 aftercare program, or discharge the offender. An offender placed
6 in an incarceration work camp pursuant to a recommendation of
7 the Board of Parole shall be released on parole upon successful
8 completion, as determined by the board, of the incarceration work
9 camp program.

10 Sec. 4. Section 83-4,145, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 83-4,145 If the offender for any reason fails to
13 successfully complete the incarceration work camp program, the
14 sentencing court may impose any other sentence that the court may
15 have originally imposed. An offender placed at the incarceration
16 work camp pursuant to a recommendation of the Board of Parole who
17 fails to successfully complete the incarceration work camp program
18 shall be returned to the board for a rescission hearing. Credit
19 shall be given for time actually served in the incarceration work
20 camp program.

21 Sec. 5. Section 83-4,146, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 83-4,146 All costs incurred during the period the
24 offender is committed to an incarceration work camp shall be
25 the responsibility of the state. Counties ⁷ and the counties
26 shall be liable for the cost of transporting the offender to
27 the incarceration work camp and for returning the offender to

ER8027
LB83
MMM-02/22/2007

ER8027
LB83
MMM-02/22/2007

1 the appropriate court for reimposition of sentence or such other
2 disposition as the court may then deem appropriate only if
3 the offender is unsatisfactorily discharged for unsatisfactory
4 performance from the incarceration work camp, except that the state
5 shall be liable for the cost of transporting the offender to the
6 incarceration work camp when such placement was made pursuant to
7 a recommendation by the Board of Parole and for returning the
8 offender to the appropriate Department of Correctional Services
9 adult correctional facility if the offender is discharged for
10 unsatisfactory performance from the incarceration work camp.

11 Sec. 6. Original sections 83-4,144 and 83-4,145, Reissue
12 Revised Statutes of Nebraska, and sections 83-4,142, 83-4,143,
13 and 83-4,146, Revised Statutes Cumulative Supplement, 2006, are
14 repealed.

15 2. On page 1, line 5, after "recommendations" insert "for
16 placement of felony offenders at an incarceration work camp".