

LEGISLATIVE BILL 540

Approved by the Governor May 30, 2007

Introduced by Synowiecki, 7; Cornett, 45; Howard, 9; Kopplin, 3; Kruse, 13; Mines, 18; Pahls, 31; Pedersen, 39; Preister, 5; Rogert, 16; Stuthman, 22

FOR AN ACT relating to probation and parole; to adopt the Probation and Parole Services Study Act; and to declare an emergency.

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

Section 1. Sections 1 to 5 of this act shall be known and may be cited as the Probation and Parole Services Study Act.

Sec. 2. The Legislature finds that an indepth analysis of the state's adult and juvenile probation systems and services and the parole system and services is needed to assess the efficacy of coordination of such services and administration of the systems for the benefit of the public and the offenders served by the systems.

Sec. 3. The Legislature finds that:

(1) Nebraska's probation and parole services function administratively under different branches of state government. Probation services are currently under the judicial branch while parole is a function of the Department of Correctional Services in the executive branch;

(2) Probation and parole offender-based services share many characteristics relative to: Community supervision of offenders; risk assessment; enforcement of probation and parole terms and conditions; offender accountability; initiation of filings relating to probation and parole violations; providing offender assistance; and appropriate referral for community-based services, including, but not limited to, substance abuse and mental health evaluation and treatment, housing assistance, and workforce development;

(3) Laws 1971, LB 680, which statutorily established probation service delivery in the judicial branch, provided the authority for parole officers to supervise probationers;

(4) Laws 2003, LB 46, provided for the establishment of community-based programs, services, and facilities for both probationers and parolees. Access to and participation in program services and facilities are shared by probationers and parolees. Probation officers and parole officers are assigned supervision of probationers and parolees that concurrently access and participate in community-based programs and services; and

(5) It is appropriate for the Legislature to commission a study of the effectiveness, efficiency, and responsiveness of Nebraska's current administrative assignment of probation and parole service delivery.

Sec. 4. (1) The Community Corrections Council shall contract with an organization with expertise in the field of corrections policy and administration to conduct a study of Nebraska's probation and parole service delivery system. The study shall:

(a) Identify areas of overlap in offender services provided by probation and parole administration and assess the potential for coordination of state-sponsored services and resources which assist in offender rehabilitation;

(b) Assess the optimum methods for delivery of a seamless continuum of offender services within the current probation and parole systems and analyze whether a single system would be to the advantage of state government and offenders;

(c) Undertake a comparative analysis of other states' probation and parole administrative systems to include, but not be limited to, issues relating to personnel salary and benefits structures, hiring standards, officer caseloads, and officer training curriculum; and

(d) Assess service needs of juveniles on probation, their access to services, and the appropriate minimum array of services to be available for juveniles on probation throughout the state.

(2) The study shall be completed on or before December 31, 2007, and a copy of the completed study shall be submitted to the Chief Justice, the Governor, and the Speaker of the Legislature.

Sec. 5. The Legislature shall appropriate funds to the Community Corrections Council for purposes of conducting the study required by section 4 of this act.

Sec. 6. Since an emergency exists, this act takes effect when passed and approved according to law.