

**ONE HUNDRED FOURTH LEGISLATURE - SECOND SESSION - 2016**  
**COMMITTEE STATEMENT**  
**LB861**

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**Hearing Date:** Thursday February 04, 2016  
**Committee On:** Judiciary  
**Introducer:** Schumacher  
**One Liner:** Provide for court review of inmate restrictive housing placement as prescribed

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File

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**Vote Results:**  
**Aye:** 6 Senators Chambers, Coash, Ebke, Krist, Seiler, Williams  
**Nay:**  
**Absent:** 2 Senators Morfeld, Pansing Brooks  
**Present Not Voting:**

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**Verbal Testimony:**

**Proponents:**  
SEN. PAUL SCHUMACHER  
DANIELLE CONRAD

**Representing:**  
INTRODUCER  
ACLU OF NE

**Opponents:**  
SCOTT FRAKES

**Representing:**  
NE DEPARTMENT OF CORRECTIONS

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB861 is a bill related to the use of "restrictive housing" or "solitary confinement" within the Department of Correctional Services ("the Department"). This bill follows up on the changes made by LB598 during the last session as a result of the LR424 Committee recommendations.

Section 1 would amend 83-173.03 to allow judicial review of an inmate's placement in restrictive housing for any inmate in restrictive housing for longer than 90 days.

Section 2 would amend 83-4,114 to add a requirement to the Department's annual report to the Legislature and Governor regarding the use of restrictive housing. The bill would require the Department to include information in the report on the number of inmates who were released from restrictive housing based upon an order of a district judge.

Section 3 would repeal the sections amended by this bill.

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Les Seiler, Chairperson