

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB366

Hearing Date: Wednesday March 22, 2017
Committee On: Judiciary
Introducer: Halloran
One Liner: Change and eliminate provisions relating to parole administration

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Verbal Testimony:

Proponents:

Senator Steve Halloran
Nicole Miller
Julie Micek
Scott Frakes

Representing:

Introducer
Nebraska Board of Parole
Nebraska Board of Parole
Nebraska Department of Correctional Services

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 366 moves and renames the Office of Parole Administration to the Division of Parole Supervision, changes administration terms and provisions, and provides powers and duties as prescribed.

Section 1-20 Changes Office of Parole Administration to Division of Parole Supervision; and Parole Administrator to Director of Supervision, in multiple statutory references.

Harmonizes provisions and inserts plain language where warranted.

Section 21 Clarifies that discharge from parole shall be mandatory. Associated risk and needs assessments shall be performed at least forty-five days but no more than six months prior to parole hearings.

Records of those eligible for parole shall be reviewed annually within three years of the earliest eligibility date.

Review is not required when the individual's parole eligibility date is within one month of their mandatory discharge date.

The division is tasked with promulgating rules and regulations accordingly.

Section 22 Creates the Board of Parole Grant Awards Cash Fund created through the award of public grants to the Board of Parole. The fund shall be used in accordance with purposes of the grant it came from, and any money available for investment shall be invested as allowed by statute.

Section 23 Felony threats of harm to the Board of Parole are further expanded to cover employees of the Board. The offense is a Class IV felony.

Section 24-37 Changes Office of Parole Administration to Division of Parole Supervision; and Parole Administrator to Director of Supervision, in multiple statutory references.

Harmonizes provisions and inserts plain language where warranted.

Section 38 Offenders serving an indeterminate sentence that may become eligible for parole shall be reviewed for

parole within sixty days of the expiration of their minimum term and if found reasonably likely to be granted parole and has potential to be paroled for no less than one month, a public hearing for parole shall be scheduled.

Section 39 Adds the feminine pronouns to existing language.

Section 40 Allows for an individual placed in Department of Corrections rehabilitation programming to continue any unfinished programming while on parole if: the programming is available outside a DOC facility, and the Board believes the individual will participate in the community based programs.

Section 41 Requires the Board of Parole, in determining a parole release to give consideration to its own promulgated rules and regulations in addition to the statutory factors warranting release.

Section 42 Allows that the Board of Parole may reduce an individual's level of parole supervision upon a report from the Director of Supervision and Services that the individual has shown suitable compliance with their parole program and it is in the best interest of the parolee and the public.

Section 43 Changes Office of Parole Administration to Division of Parole Supervision; and Parole Administrator to Director of Supervision, in multiple statutory references.

Requires that arrested parolees remain in a local jail or DOC facility pending a review of parole proceedings by the Board of Parole.

Section 44-46 Changes Office of Parole Administration to Division of Parole Supervision; and Parole Administrator to Director of Supervision, in multiple statutory references.

Adds the feminine pronouns to existing language. Harmonizes provisions and inserts plain language where warranted.

Section 47 Authorizes the Division of Parole and Board of Parole to maintain individual electronic files on parolees and outlines the information that shall be included in the files.

Parole decisions shall be decided on the basis of reviews of these files, which shall remain confidential and for Division of Parole and Parole Board use only.

Public counsel shall have access to the Parole files as needed and access any HIPAA materials in the files only upon parolee consent.

Section 48 Act, How cited.

Section 49 Provides an effective date and provides that upon that date the Division of Parole Supervision shall be within the Board of Parole.

Section 50-51 Repeals original sections.

Explanation of amendments:

AM673 strikes language in the bill that would place a specific time requirement on the completion of a validated risk and needs assessment.

Laura Ebke, Chairperson