

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 776**

FINAL READING

Introduced by McCollister, 20; Baker, 30; Hansen, 26; Howard, 9;  
Kolowski, 31; Morfeld, 46; Pansing Brooks, 28.

Read first time January 03, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to jails; to amend sections 47-101, 47-108,  
2 47-109, 47-116, 47-201, and 47-206, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to the powers and duties of  
4 the Jail Standards Board; to provide requirements for inmate access  
5 to telephone or videoconferencing systems in county and city jails;  
6 to define terms; to harmonize provisions; and to repeal the original  
7 sections.  
8 Be it enacted by the people of the State of Nebraska,

1       Section 1. Section 47-101, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3       47-101 The Jail Standards Board shall, each January, and at such  
4 other time or times from time to time as it may deem necessary,  
5 prescribe, in writing, rules for the regulation and government of the  
6 jails upon the following subjects: (1) The cleanliness of the jail and  
7 prisoners; (2) the classification of prisoners in regard to sex, age, and  
8 crime, and also persons with physical or mental disabilities; (3) beds,  
9 and clothing, and diet; (4) warming, lighting, and ventilation of the  
10 jail; (5) the employment of medical and surgical aid when necessary; (6)  
11 employment, temperance, and instruction of the prisoners; (7) the  
12 supplying of each prisoner with a Bible or other written religious  
13 material; (8) the intercourse between prisoners and their counsel and  
14 other persons, including access to telephones or videoconferencing as  
15 required in section 2 of this act; (9) the discipline of prisoners for  
16 violation of the rules of the jail; and (10) such other matters as the  
17 board may deem necessary to promote the welfare of the prisoners.

18       Sec. 2. (1) Each county jail shall make available either a prepaid  
19 telephone call system or collect telephone call system, or a combination  
20 thereof, for telephone services for inmates. Under either system, the  
21 provision of inmate telephone services shall be subject to the  
22 requirements of this section.

23       (2) Under a prepaid system, funds may be deposited into an inmate  
24 account in order to pay for telephone calls. The provider of the inmate  
25 telephone services, as an additional means of payment, shall permit the  
26 recipient of inmate collect telephone calls to establish an account with  
27 that provider in order to deposit funds for advance payment of those  
28 collect telephone calls. The provider of the inmate telephone services  
29 shall also allow inmates to communicate on the telephone, or by  
30 videoconferencing, with an attorney or attorneys without charge and  
31 without monitoring or recording by the county jail or law enforcement.

1       (3) A county operating a county jail may receive revenue for the  
2 reasonable operating costs for establishing and administering such  
3 telephone services system or videoconferencing system, but shall not  
4 receive excessive commissions or bonus payments. In determining the  
5 amount of such reasonable operating costs, the Jail Standards Board may  
6 consider for comparative purposes the rates for inmate calling services  
7 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable  
8 operating costs include, but are not limited to, any excessive  
9 commissions and bonus payments, as determined by the Jail Standards  
10 Board, including, but not limited to, awards paid to a county for  
11 contracting with an entity that provides such service.

12       (4) Nothing in this section shall require a county jail to provide  
13 or administer a prepaid telephone call system.

14       (5) For the purposes of this section, collect telephone call system  
15 means a system pursuant to which recipients are billed for the cost of an  
16 accepted telephone call initiated by an inmate.

17       Sec. 3. The Jail Standards Board shall ensure that county jails are  
18 providing inmates with means to communicate by telephone or  
19 videoconferencing with inmates' families, loved ones, and counsel.

20       Sec. 4. Section 47-108, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22       47-108 It shall be the duty of the district court in its charge to  
23 the grand jury to inform the jury of the provisions of sections 47-101 to  
24 47-116 and sections 2 and 3 of this act and all rules, plans, or  
25 regulations established by the Jail Standards Board relating to county  
26 jails and prison discipline.

27       Sec. 5. Section 47-109, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29       47-109 The grand jury of each county in this state may, while in  
30 attendance, visit the jail, examine its state and condition, and examine  
31 and inquire into the discipline and treatment of prisoners, their habits,

1 diet, and accommodations. If the grand jury visits a jail, it shall be  
2 its duty to report to the court in writing, whether the rules of the Jail  
3 Standards Board have been faithfully kept and observed, or whether any of  
4 the provisions of sections 47-101 to 47-116 and sections 2 and 3 of this  
5 act, have been violated, pointing out particularly in what the violation,  
6 if any, consists. It shall also be the duty of the county board of each  
7 county of this state to visit the jail of its county once during each of  
8 its sessions in January, April, July, and October of each year.

9 Sec. 6. Section 47-116, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 47-116 If the sheriff or jailer, having charge of any county jail,  
12 shall neglect or refuse to conform to all or any of the rules and  
13 regulations established by the Jail Standards Board, or to perform any  
14 other duty required of him or her by sections 47-101 to 47-116 and  
15 sections 2 and 3 of this act, he or she shall, upon conviction thereof  
16 for each case of such failure or neglect of duty, pay into the county  
17 treasury of the proper county for the use of such county a fine of not  
18 less than five dollars nor more than one hundred dollars, to be assessed  
19 by the district court of the proper district.

20 Sec. 7. Section 47-201, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 47-201 The Jail Standards Board shall, each in the month of January  
23 of each year, and at such other time or times as it may deem necessary,  
24 prescribe written rules for the regulation and government of the  
25 municipal jails upon the subjects of (1) the cleanliness of the jail and  
26 prisoners, (2) the classification of prisoners in regard to sex, age,  
27 crime, and also persons with physical or mental disabilities mental  
28 infirmitiy, (3) beds, clothing, and diet, (4) warming, lighting, and  
29 ventilation ventilating of the jail, (5) the employment of medical and  
30 surgical aid, (6) the employment, temperance, and instruction of the  
31 prisoners, (7) the intercourse between prisoners and their attorneys and

1 other persons, including access to telephones or videoconferencing as  
2 required by section 8 of this act, (8) the discipline of prisoners, (9)  
3 the keeping of records of the jail, and (10) any other matters concerning  
4 jails and their government as the board may deem necessary.

5 Sec. 8. (1) Each city jail shall make available either a prepaid  
6 telephone call system or collect telephone call system, or a combination  
7 thereof, for telephone services for inmates. Under either system, the  
8 provision of inmate telephone services shall be subject to the  
9 requirements of this section.

10 (2) Under a prepaid system, funds may be deposited into an inmate  
11 account in order to pay for telephone calls. The provider of the inmate  
12 telephone services, as an additional means of payment, shall permit the  
13 recipient of inmate collect telephone calls to establish an account with  
14 that provider in order to deposit funds for advance payment of those  
15 collect telephone calls. The provider of the inmate telephone services  
16 shall also allow inmates to communicate on the telephone, or by  
17 videoconferencing, with an attorney or attorneys without charge and  
18 without monitoring or recording by the city jail or law enforcement.

19 (3) A city operating a city jail may receive revenue for the  
20 reasonable operating costs for establishing and administering such  
21 telephone services system or videoconferencing system, but shall not  
22 receive excessive commissions or bonus payments. In determining the  
23 amount of such reasonable operating costs, the Jail Standards Board may  
24 consider for comparative purposes the rates for inmate calling services  
25 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable  
26 operating costs include, but are not limited to, any excessive  
27 commissions and bonus payments, as determined by the Jail Standards  
28 Board, including, but not limited to, awards paid to a city for  
29 contracting with an entity that provides such service.

30 (4) Nothing in this section shall require a city jail to provide or  
31 administer a prepaid telephone call system.

1       (5) For the purposes of this section, collect telephone call system  
2 means a system pursuant to which recipients are billed for the cost of an  
3 accepted telephone call initiated by an inmate.

4       Sec. 9. The Jail Standards Board shall ensure that city jails are  
5 providing inmates with means to communicate by telephone or  
6 videoconferencing with inmates' families, loved ones, and counsel.

7       Sec. 10. Section 47-206, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9       47-206 The officer in charge of any municipal prison or jail who  
10 fails to comply with the provisions of sections 47-201 to 47-205 and  
11 sections 8 and 9 of this act or the rules prescribed by the Jail  
12 Standards Board shall be guilty of a Class V misdemeanor.

13       Sec. 11. Original sections 47-101, 47-108, 47-109, 47-116, 47-201,  
14 and 47-206, Reissue Revised Statutes of Nebraska, are repealed.