

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 841

Introduced by Pansing Brooks, 28; Baker, 30; Brewer, 43; Ebke, 32;
Morfeld, 46; Schumacher, 22.

Read first time January 04, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to correctional services; to state findings;
- 2 to provide duties for the department and the Board of Parole
- 3 relating to overcrowding emergencies; and to require a report.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that:

2 (1) Section 83-962 provides that beginning July 1, 2020, if the
3 Director of Correctional Services is required to certify that the inmate
4 population of the Department of Correctional Services is over one hundred
5 forty percent of design capacity, then a correctional system overcrowding
6 emergency shall exist and the Board of Parole shall immediately consider
7 or reconsider committed offenders for suitability for accelerated release
8 on parole;

9 (2) The inmate population of the Department of Correctional Services
10 is over one hundred forty percent of design capacity, that it has been
11 continuously over one hundred forty percent of design capacity for
12 several years according to the 2016-2017 Annual Report of the Office of
13 Inspector General of the Nebraska Correctional System, and that it will
14 likely be over one hundred forty percent of design capacity on July 1,
15 2020;

16 (3) Although section 83-962 was enacted in 2003, an overcrowding
17 emergency has never been certified; and

18 (4) It is in the best interests of the state to ensure public safety
19 and to establish how the department and the Board of Parole will
20 implement the accelerated parole review process required by section
21 83-962 to determine whether additional legislation or funding is
22 necessary.

23 Sec. 2. To ensure public safety, the Department of Correctional
24 Services and the Board of Parole shall submit to the Legislature a
25 proposed plan, on or before December 1, 2018, which describes the process
26 of implementing the accelerated parole review process required by section
27 83-962. The plan shall include, but not be limited to:

28 (1) The process by which the Director of Correctional Services shall
29 certify that an overcrowding emergency exists;

30 (2) The process by which the department shall prepare and submit to
31 the board a listing of parole-eligible committed offenders to be

1 considered or reconsidered accelerated for parole;

2 (3) Any statutory changes required or funding necessary to
3 accommodate such process;

4 (4) The process by which the board shall examine committed offenders
5 during the accelerated parole review;

6 (5) A review of the analysis for granting parole pursuant to section
7 83-1,114 and whether this process and the factors set out in such section
8 are sufficient or adequate for the accelerated parole review process
9 required by section 83-962;

10 (6) A review of the process of supervising parolees released
11 pursuant to the accelerated review process and the necessary means to
12 ensure public safety; and

13 (7) Any statutory changes required or resources necessary to
14 accommodate the existence of an overcrowding emergency status and to
15 facilitate the potential requisite gubernatorial declaration of such
16 emergency.

17 The plan shall be submitted electronically in a report to the
18 Legislature on or before December 1, 2018.