

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 262

Introduced by DeBoer, 10; Lathrop, 12; Pansing Brooks, 28.

Read first time January 15, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to treatment and corrections; to amend section
- 2 83-4,114, Revised Statutes Cumulative Supplement, 2018; to change
- 3 membership and duties of the long-term restrictive housing work
- 4 group; to provide a duty for the Director of Correctional Services;
- 5 and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-4,114, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 83-4,114 (1) There shall be no corporal punishment or disciplinary
4 restrictions on diet.

5 (2) Disciplinary restrictions on clothing, bedding, mail,
6 visitations, use of toilets, washbowls, or scheduled showers shall be
7 imposed only for abuse of such privilege or facility and only as
8 authorized by written directives, guidance documents, and operational
9 manuals.

10 (3) No person shall be placed in solitary confinement.

11 (4) The director shall issue an annual report on or before September
12 15 to the Governor and the Clerk of the Legislature. The report to the
13 Clerk of the Legislature shall be issued electronically. For all inmates
14 who were held in restrictive housing during the prior year, the report
15 shall contain the race, gender, age, and length of time each inmate has
16 continuously been held in restrictive housing. At least ten days prior to
17 releasing the report, the director shall meet with the long-term
18 restrictive housing work group to receive its input on the report. The
19 report shall also contain:

20 (a) The number of inmates held in restrictive housing;

21 (b) The reason or reasons each inmate was held in restrictive
22 housing;

23 (c) The number of inmates held in restrictive housing who have been
24 diagnosed with a mental illness or behavioral disorder and the type of
25 mental illness or behavioral disorder by inmate;

26 (d) The number of inmates who were released from restrictive housing
27 directly to parole or into the general public and the reason for such
28 release;

29 (e) The number of inmates who were placed in restrictive housing for
30 his or her own safety and the underlying circumstances for each
31 placement;

1 (f) To the extent reasonably ascertainable, comparable statistics
2 for the nation and each of the states that border Nebraska pertaining to
3 subdivisions (4)(a) through (e) of this section; and

4 (g) The mean and median length of time for all inmates held in
5 restrictive housing.

6 (5)(a) There is hereby established within the department a long-term
7 restrictive housing work group. The work group shall consist of one
8 member of the Judiciary Committee of the Legislature appointed by the
9 Executive Board of the Legislative Council who shall be a nonvoting, ex
10 officio member and the following voting members:

11 (i) The director and all deputy directors who have oversight over
12 inmate health services or correctional facilities. The director shall
13 serve as the chairperson of the work group;

14 (ii) The behavioral health administrator within the department;

15 (iii) Two employees of the department who currently work with
16 inmates held in restrictive housing as designated by the director;

17 (iv) Additional department staff as designated by the director; and

18 (v) Six ~~Four~~ members as follows appointed by the Governor:

19 (A) One representative ~~Two representatives~~ from a nonprofit
20 prisoners' rights advocacy group, ~~including at least one former inmate;~~
21 ~~and~~

22 (B) Three individuals who have an interest in correctional issues,
23 preferably individuals who are mental health professionals ~~Two mental~~
24 ~~health professionals~~ independent from the department with particular
25 knowledge of prisons and conditions of confinement or who have previously
26 been employed in a restrictive housing unit in a correctional facility,
27 have advocated for the rights of incarcerated individuals, or have
28 otherwise been engaged in activities related to Nebraska's correctional
29 system; and -

30 (C) Two individuals who were previously incarcerated in Nebraska's
31 correctional system.

1 (b) The work group shall advise the department on policies and
2 procedures related to the proper treatment and care of offenders in long-
3 term restrictive housing.

4 (c) The director shall convene the work group's first meeting no
5 later than September 15, 2015, and the work group shall meet at least
6 three times each year ~~semiannually~~ thereafter. The chairperson shall
7 schedule and convene the work group's meetings.

8 (d) The director shall provide the work group with quarterly updates
9 on the department's policies related to the work group's subject matter
10 and with any other information related to long-term restrictive housing
11 that is requested by members of the work group.

12 Sec. 2. Original section 83-4,114, Revised Statutes Cumulative
13 Supplement, 2018, is repealed.