

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 340

Introduced by Lathrop, 12.

Read first time January 16, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to incarceration work camps; to amend section
- 2 83-4,144, Reissue Revised Statutes of Nebraska, and section
- 3 83-4,143, Revised Statutes Cumulative Supplement, 2018; to exclude
- 4 female offenders from placement in incarceration work camps; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-4,143, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 83-4,143 (1) It is the intent of the Legislature that the court
4 target the felony offender (a) who is eligible and by virtue of his ~~or~~
5 ~~her~~ criminogenic needs is suitable to be sentenced to intensive
6 supervision probation with placement at the incarceration work camp, (b)
7 for whom the court finds that other conditions of a sentence of intensive
8 supervision probation, in and of themselves, are not suitable, and (c)
9 who, without the existence of an incarceration work camp, would, in all
10 likelihood, be sentenced to prison.

11 (2) When the court is of the opinion that imprisonment is
12 appropriate, but that a brief and intensive period of regimented,
13 structured, and disciplined programming within a secure facility may
14 better serve the interests of society, the court may place an offender in
15 an incarceration work camp for a period not to exceed one hundred eighty
16 days as a condition of a sentence of intensive supervision probation. The
17 court may consider such placement if the offender (a) is a male ~~or female~~
18 offender convicted of a felony offense in a district court, (b) is
19 medically and mentally fit to participate, with allowances given for
20 reasonable accommodation as determined by medical and mental health
21 professionals, and (c) has not previously been incarcerated for a violent
22 felony crime. Offenders convicted of a crime under sections 28-319 to
23 28-322.04 or of any capital crime are not eligible to be placed in an
24 incarceration work camp.

25 (3) It is also the intent of the Legislature that the Board of
26 Parole may recommend placement of felony offenders at the incarceration
27 work camp. The offenders recommended by the board shall be offenders
28 currently housed at other Department of Correctional Services adult
29 correctional facilities and shall complete the incarceration work camp
30 programming prior to release on parole.

31 (4) When the Board of Parole is of the opinion that a felony

1 offender currently incarcerated in a Department of Correctional Services
2 adult correctional facility may benefit from a brief and intensive period
3 of regimented, structured, and disciplined programming immediately prior
4 to release on parole, the board may direct placement of such an offender
5 in an incarceration work camp for a period not to exceed one hundred
6 eighty days as a condition of release on parole. The board may consider
7 such placement if the felony offender (a) is medically and mentally fit
8 to participate, with allowances given for reasonable accommodation as
9 determined by medical and mental health professionals, and (b) has not
10 previously been incarcerated for a violent felony crime. Offenders
11 convicted of a crime under sections 28-319 to 28-322.04 or of any capital
12 crime are not eligible to be placed in an incarceration work camp.

13 (5) The Director of Correctional Services may assign a felony
14 offender to an incarceration work camp if he or she believes it is in the
15 best interests of the felony offender and of society, except that
16 offenders convicted of a crime under sections 28-319 to 28-321 or of any
17 capital crime are not eligible to be assigned to an incarceration work
18 camp pursuant to this subsection.

19 Sec. 2. Section 83-4,144, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 83-4,144 Upon successful completion of the incarceration work camp
22 program, as determined by the Department of Correctional Services, the
23 sentencing court may modify the offender's conditions of his ~~or~~ her
24 sentence of probation, place the offender in an aftercare program, or
25 discharge the offender. An offender placed in an incarceration work camp
26 pursuant to a recommendation of the Board of Parole shall be released on
27 parole upon successful completion, as determined by the board, of the
28 incarceration work camp program.

29 Sec. 3. Original section 83-4,144, Reissue Revised Statutes of
30 Nebraska, and section 83-4,143, Revised Statutes Cumulative Supplement,
31 2018, are repealed.