

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 56

Introduced by Lathrop, 12.

Read first time January 07, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-1,110, Reissue Revised Statutes of Nebraska, and
- 3 section 83-1,102, Revised Statutes Cumulative Supplement, 2020; to
- 4 provide powers and duties with respect to the administration and
- 5 supervision of parole; to change provisions relating to eligibility
- 6 for parole and provide for applicability; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1,102, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 83-1,102 The Director of Supervision and Services shall:

4 (1) Supervise and administer the Division of Parole Supervision;

5 (2) Establish and maintain policies, standards, and procedures for
6 the field parole service and the community supervision of sex offenders
7 pursuant to section 83-174.03. The policies, standards, and procedures
8 for the field parole service shall include specific caseload standards
9 for parole officers and specific policies, standards, and procedures for
10 the use of electronic monitoring of parolees;

11 (3) Divide the state into parole districts and appoint district
12 parole officers and such other employees as may be required to carry out
13 adequate parole supervision of all parolees, prescribe their powers and
14 duties, and obtain division offices for staff in each district as may be
15 necessary;

16 (4) Cooperate with the Board of Parole, the courts, the Community
17 Corrections Division of the Nebraska Commission on Law Enforcement and
18 Criminal Justice, and all other agencies, public and private, which are
19 concerned with the treatment or welfare of persons on parole;

20 (5) Provide the Board of Parole and district judges with any record
21 of a parolee which the board or such judges may require;

22 (6) Make recommendations to the Board of Parole or district judge in
23 cases of violation of the conditions of parole, issue warrants for the
24 arrest of parole violators when so instructed by the board or district
25 judge, notify the Director of Correctional Services of determinations
26 made by the board, and upon instruction of the board, issue certificates
27 of parole and of parole revocation to the facilities and certificates of
28 discharge from parole to parolees;

29 (7) Organize and conduct training programs for the district parole
30 officers and other employees;

31 (8) Use the funds provided under section 83-1,107.02 to augment

1 operational or personnel costs associated with the development,
2 implementation, and evaluation of enhanced parole-based programs and
3 purchase services to provide such programs aimed at enhancing adult
4 parolee supervision in the community and treatment needs of parolees.
5 Such enhanced parole-based programs include, but are not limited to,
6 specialized units of supervision, related equipment purchases and
7 training, and programs that address a parolee's vocational, educational,
8 mental health, behavioral, or substance abuse treatment needs, including
9 evidence-based peer and family support programs;

10 (9) Ensure that any risk or needs assessment instrument utilized by
11 the system be periodically validated;

12 (10) Request adequate funding to ensure sufficient staffing levels
13 to comply with state law, including section 83-1,103, and all policies,
14 standards, and procedures;

15 (11) On or before January 1, 2022, and by each January 1 thereafter,
16 report ~~(10) Report~~ annually to the Governor and electronically to the
17 Clerk of the Legislature ~~beginning January 1, 2015,~~ the number of parole
18 revocations and the number of technical violations of parole for the
19 preceding calendar year. The report shall also include detailed
20 statistics on the caseloads of parole officers, including the number of
21 parolees supervised by each parole officer and the offense types and risk
22 assessment levels of parolees supervised by parole officers; and

23 (12) ~~(11)~~ Exercise all powers and perform all duties necessary and
24 proper in carrying out his or her responsibilities.

25 Sec. 2. Section 83-1,110, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 83-1,110 (1) Every committed offender shall be eligible for parole
28 when the offender has served one-half the minimum term of his or her
29 sentence as provided in sections 83-1,107 and 83-1,108 or two years prior
30 to the offender's mandatory discharge date, whichever is earlier. The
31 board shall conduct a parole review not later than sixty days prior to

1 the date a committed offender becomes eligible for parole as provided in
2 this subsection, except that if a committed offender is eligible for
3 parole upon his or her commitment to the department, a parole review
4 shall occur as early as is practical. No such reduction of sentence shall
5 be applied to any sentence imposing a mandatory minimum term.

6 (2) Every committed offender sentenced to consecutive terms, whether
7 received at the same time or at any time during the original sentence,
8 shall be eligible for release on parole when the offender has served the
9 total of one-half the minimum term as provided in sections 83-1,107 and
10 83-1,108 or two years prior to the offender's mandatory discharge date,
11 whichever is earlier. The maximum terms shall be added to compute the new
12 maximum term which, less good time, shall determine the date when
13 discharge from the custody of the state becomes mandatory.

14 (3) The changes made to this section by this legislative bill shall
15 not apply to any sentence imposed prior to the effective date of this
16 act.

17 Sec. 3. Original section 83-1,110, Reissue Revised Statutes of
18 Nebraska, and section 83-1,102, Revised Statutes Cumulative Supplement,
19 2020, are repealed.