

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 880

Introduced by McKinney, 11; Cavanaugh, J., 9.

Read first time January 07, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to incarceration; to amend sections 47-108,
2 47-109, 47-116, and 47-206, Reissue Revised Statutes of Nebraska,
3 and section 83-1,135, Revised Statutes Cumulative Supplement, 2020;
4 to provide a limitation on the mark-up of commissary goods in county
5 and city jails and in the Department of Correctional Services adult
6 correctional facilities; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Any goods sold in a commissary within a county jail
2 shall not be marked up more than ten percent over the cost to purchase
3 such goods.

4 Sec. 2. Section 47-108, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 47-108 It shall be the duty of the district court in its charge to
7 the grand jury to inform the jury of the provisions of sections 47-101 to
8 47-116 and section 1 of this act and all rules, plans, or regulations
9 established by the Jail Standards Board relating to county jails and
10 prison discipline.

11 Sec. 3. Section 47-109, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 47-109 The grand jury of each county in this state may, while in
14 attendance, visit the jail, examine its state and condition, and examine
15 and inquire into the discipline and treatment of prisoners, their habits,
16 diet, and accommodations. If the grand jury visits a jail, it shall be
17 its duty to report to the court in writing, whether the rules of the Jail
18 Standards Board have been faithfully kept and observed, or whether any of
19 the provisions of sections 47-101 to 47-116 and section 1 of this act,
20 have been violated, pointing out particularly in what the violation, if
21 any, consists. It shall also be the duty of the county board of each
22 county of this state to visit the jail of its county once during each of
23 its sessions in January, April, July, and October of each year.

24 Sec. 4. Section 47-116, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 47-116 If the sheriff or jailer, having charge of any county jail,
27 shall neglect or refuse to conform to all or any of the rules and
28 regulations established by the Jail Standards Board, or to perform any
29 other duty required of him or her by sections 47-101 to 47-116 and
30 section 1 of this act, he or she shall, upon conviction thereof for each
31 case of such failure or neglect of duty, pay into the county treasury of

1 the proper county for the use of such county a fine of not less than five
2 dollars nor more than one hundred dollars, to be assessed by the district
3 court of the proper district.

4 Sec. 5. Any goods sold in a commissary within a city jail shall not
5 be marked up more than ten percent over the cost to purchase such goods.

6 Sec. 6. Section 47-206, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 47-206 The officer in charge of any municipal prison or jail who
9 fails to comply with the provisions of sections 47-201 to 47-205 and
10 section 5 of this act or the rules prescribed by the Jail Standards Board
11 shall be guilty of a Class V misdemeanor.

12 Sec. 7. Section 83-1,135, Revised Statutes Cumulative Supplement,
13 2020, is amended to read:

14 83-1,135 Sections 83-170 to 83-1,135.05 and section 8 of this act
15 shall be known and may be cited as the Nebraska Treatment and Corrections
16 Act.

17 Sec. 8. Any goods sold in a commissary within a Department of
18 Correctional Services adult correctional facility shall not be marked up
19 more than ten percent over the cost to purchase such goods.

20 Sec. 9. Original sections 47-108, 47-109, 47-116, and 47-206,
21 Reissue Revised Statutes of Nebraska, and section 83-1,135, Revised
22 Statutes Cumulative Supplement, 2020, are repealed.