

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 896

Introduced by Lathrop, 12.

Read first time January 07, 2022

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
2 to amend sections 83-182.01 and 83-1,135, Revised Statutes
3 Cumulative Supplement, 2020; to change provisions relating to
4 structured programming; to define terms; to require program
5 evaluations; to harmonize provisions; and to repeal the original
6 sections.

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

1 Section 1. Section 83-182.01, Revised Statutes Cumulative
2 Supplement, 2020, is amended to read:

3 83-182.01 (1) Structured programming shall be planned for all adult
4 persons committed to the department. The structured programming shall
5 include any of the following: Work programs, vocational training,
6 behavior management and modification, money management, and substance
7 abuse awareness, counseling, or treatment. Programs and treatment
8 services shall address:

9 (a) Behavioral impairments, severe emotional disturbances, and other
10 mental health or psychiatric disorders;

11 (b) Drug and alcohol use and addiction;

12 (c) Health and medical needs;

13 (d) Education and related services;

14 (e) Counseling services for persons committed to the department who
15 have been physically or sexually abused;

16 (f) Work ethic and structured work programs;

17 (g) The development and enhancement of job acquisition skills and
18 job performance skills; and

19 (h) Cognitive behavioral intervention.

20 Structured programming may also include classes and activities
21 organized by inmate self-betterment clubs, cultural clubs, and other
22 inmate-led or volunteer-led groups.

23 (2) The goal of such structured programming is to provide the skills
24 necessary for the person committed to the department to successfully
25 return to his or her home or community or to a suitable alternative
26 community upon his or her release from the adult correctional facility.
27 The Legislature recognizes that many inmate self-betterment clubs and
28 cultural clubs help achieve this goal by providing constructive
29 opportunities for personal growth.

30 (3) If a person committed to the department refuses to participate
31 in the structured programming described in subsection (1) of this

1 section, he or she ~~may shall~~ be subject to disciplinary action, except
2 that a person committed to the department who refuses to participate in
3 structured programming consisting of classes and activities organized by
4 inmate self-betterment clubs, cultural clubs, or other inmate-led or
5 volunteer-led groups shall not be subject to disciplinary action.

6 (4) Any person committed to the department who is qualified by
7 reason of education, training, or experience to teach academic or
8 vocational classes may be given the opportunity to teach such classes to
9 committed offenders as part of the structured programming described in
10 this section.

11 ~~(5)(a) (5)~~ The department shall evaluate the quality of programs
12 funded by the department, including ~~The evaluation shall focus on~~
13 whether program participation reduces recidivism. ~~The Subject to the~~
14 ~~availability of funding,~~ the department shall ~~may~~ contract with an
15 independent contractor or academic institution for each program
16 evaluation. Each program evaluation shall be standardized and shall
17 include a site visit, interviews with key staff, interviews with
18 offenders, group observation, if applicable, and review of materials used
19 for the program. The evaluation shall include adherence to concepts that
20 are linked with program effectiveness, such as program procedures, staff
21 qualifications, and fidelity to the program model of delivering offender
22 assessment and treatment. Each program evaluation shall also include a
23 rating on the effectiveness of the program and feedback to the department
24 and the Office of Inspector General of the Nebraska Correctional System
25 concerning program strengths and weaknesses and recommendations for
26 better adherence to evidence-based programming, if applicable.

27 (b) The evaluation shall also make recommendations regarding the
28 availability of programs throughout the correctional system, the ability
29 to deliver the programs in a timely manner, the therapeutic environment
30 in which such programs are delivered at each facility and include a cost-
31 benefit analysis of each program, if applicable. Program evaluations

1 shall be prioritized in the following order: (i) Clinical treatment
2 programs; (ii) nonclinical treatment programs; and (iii) other structured
3 programs. Clinical treatment programs shall be evaluated at least once
4 every three years and nonclinical treatment and structured programs shall
5 be evaluated on a regular basis.

6 (c) For purposes of this subsection:

7 (i) Clinical treatment program means a program designed to address
8 specific behavioral health needs delivered by a licensed behavioral
9 health professional; and

10 (ii) Non-clinical program means a cognitive behavioral intervention
11 program delivered by volunteers or department staff.

12 Sec. 2. (1) The Division of Parole Supervision shall evaluate the
13 quality of programs funded by the division, including whether program
14 participation reduces recidivism.

15 (2) The division shall contract with an independent contractor or
16 academic institution for program evaluations. A program evaluation shall
17 be standardized and shall include, if applicable:

18 (a) A site visit, interviews with key staff, interviews with
19 offenders, group observation, and a review of program materials;

20 (b) Adherence to concepts linked with program effectiveness, such as
21 program procedures, staff qualifications, and fidelity to the program
22 model of delivering individual assessment and treatment;

23 (c) Recommendations regarding the therapeutic environment in which
24 programs are delivered at each location;

25 (d) A cost-benefit analysis for each program;

26 (e) A rating of the level of effectiveness of the program; and

27 (f) Feedback to the division and the Office of Inspector General of
28 the Nebraska Correctional System regarding program strengths and
29 weaknesses and recommendations for better adherence to evidence-based
30 programming, if applicable.

31 Sec. 3. Section 83-1,135, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 83-1,135 Sections 83-170 to 83-1,135.05 and section 2 of this act
3 shall be known and may be cited as the Nebraska Treatment and Corrections
4 Act.

5 Sec. 4. Original sections 83-182.01 and 83-1,135, Revised Statutes
6 Cumulative Supplement, 2020, are repealed.