

AMENDMENTS TO LB631

Introduced by McKinney, 11.

1 1. Insert the following new sections:

2 Sec. 4. The Board of Parole shall adopt and promulgate rules and
3 regulations that include:

4 (1) Clearly defined, easily understood written mission statements
5 and strategic plans encompassing public safety and rehabilitation;

6 (2) Procedures to ensure that victims are appropriately notified and
7 given the opportunity to provide input in the rulemaking process;

8 (3) A requirement that board members receive initial and ongoing
9 training on cultural competency, implicit bias, an understanding of the
10 historical perspective of how and why parole was created, the powers and
11 duties of the board, and ethics. Such training shall address current
12 suggested best practices and enhance and strengthen members'
13 decisionmaking skills;

14 (4) A code of ethics for members of the board;

15 (5) Requirements and procedures for the board to incorporate
16 evidence-based practices that reduce recidivism. This includes, but is
17 not limited to, a requirement that the board measure performance outcomes
18 and develop transparent, written criteria that shall be considered when
19 making decisions on whether to grant or revoke parole and when setting
20 the conditions of parole;

21 (6) Methods by which the board will enhance opportunities for the
22 success of people released on parole by collaborating with partners
23 within and outside of the criminal justice system, supporting the
24 supervision of people released on parole in their communities, employing
25 informal social controls, and enabling people released on parole to
26 participate meaningfully in the supervision process; and

27 (7) Policies and standard practices that will assist in ensuring

1 neutrality, impartiality, and objectivity as an integral part of the
2 board's culture and practices.

3 Sec. 5. (1) This section applies to the Board of Parole whenever it
4 makes a determination of whether to grant or deny parole, sets the
5 conditions of parole, or determines the sanctions for a violation of
6 parole.

7 (2) The board shall serve as a neutral, impartial, and objective
8 decisionmaker and shall be insulated from undue influences of specific
9 ideological views and positions and from predetermined conceptions of the
10 desired outcomes of proceedings before the board.

11 (3) If the board collaborates with or receives input from other
12 entities within the criminal justice system, the board shall do so in a
13 manner that respects and reinforces impartiality, neutrality, and
14 objectivity.

15 (4) The board shall consider all evidence regarding a committed
16 offender in an impartial, objective, and neutral manner.

17 Sec. 7. Section 83-1,135, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 83-1,135 Sections 83-170 to 83-1,135.05 and sections 4 and 5 of this
20 act shall be known and may be cited as the Nebraska Treatment and
21 Corrections Act.

22 Sec. 8. Section 83-962, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 83-962 (1) ~~A Until July 1, 2020, the Governor may declare a~~
25 ~~correctional system overcrowding emergency whenever the director~~
26 ~~certifies that the department's inmate population is over one hundred~~
27 ~~forty percent of design capacity. Beginning July 1, 2020, a correctional~~
28 ~~system overcrowding emergency shall exist whenever the director certifies~~
29 ~~that the department's inmate population is over one hundred forty percent~~
30 ~~of design capacity. The director shall so certify within thirty days~~
31 ~~after the date on which the population first exceeds one hundred forty~~

1 percent of design capacity.

2 (2) During a correctional system overcrowding emergency, the board
3 shall immediately consider or reconsider committed offenders eligible for
4 parole who have not been released on parole.

5 (3) Upon such consideration or reconsideration, and for all other
6 consideration of committed offenders eligible for parole while the
7 correctional system overcrowding emergency is in effect, the board shall
8 order the release of each committed offender unless it is of the opinion
9 that such release should be deferred because:

10 (a) The board has determined that it is more likely than not that
11 the committed offender will not conform to the conditions of parole;

12 (b) The board has determined that release of the committed offender
13 would have a very significant and quantifiable effect on institutional
14 discipline; or

15 (c) The board has determined that there is a very substantial risk
16 that the committed offender will commit a violent act against a person.

17 (4) In making the determination regarding the risk that a committed
18 offender will not conform to the conditions of parole, the board shall
19 take into account the factors set forth in subsection (2) of section
20 83-1,114 and shall comply with the requirements of subsection (3) of
21 section 83-1,114 and section 5 of this act.

22 (5) The board shall continue granting parole to offenders under this
23 section until the director certifies that the population is at
24 operational capacity. The director shall so certify within thirty days
25 after the date on which the population first reaches operational
26 capacity.

27 2. Renumber the remaining sections and correct the repealer
28 accordingly.