

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1145

Introduced by Bosn, 25; Wayne, 13.

Read first time January 11, 2024

Committee: Judiciary

1 A BILL FOR AN ACT relating to treatment and corrections; to amend
2 sections 83-171, 83-184, 83-188, 83-1,100, 83-1,101, and 83-933,
3 Revised Statutes Cumulative Supplement, 2022, and section
4 83-1,122.02, Revised Statutes Supplement, 2023; to transfer the
5 Division of Parole Supervision to the Department of Correctional
6 Services; to change provisions relating to releases of certain
7 committed persons; to harmonize provisions; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-171, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 83-171 There is hereby created a Department of Correctional Services
4 which shall:

5 (1) Maintain and administer facilities required for the custody,
6 control, correctional treatment, and rehabilitation of persons committed
7 to the department and for the safekeeping of such other persons as may be
8 remanded to the department in accordance with law;

9 (2) Develop policies and programs for the correctional treatment and
10 rehabilitation of persons committed to the department;

11 (3) Supervise parolees who have been committed to the department;
12 and

13 (4) ~~Administer Until July 1, 2016, administer~~ parole services in the
14 facilities and in the community and, ~~beginning July 1, 2016, cooperate~~
15 ~~with the Board of Parole and Division of Parole Supervision to assist~~
16 ~~with the efficient administration of parole services in the facilities~~
17 ~~and in the community.~~

18 Sec. 2. Section 83-184, Revised Statutes Cumulative Supplement,
19 2022, is amended to read:

20 83-184 (1) When the conduct, behavior, mental attitude, and
21 conditions indicate that a person committed to the department and the
22 general society of the state will be benefited, and there is reason to
23 believe that the best interests of the people of the state and the person
24 committed to the department will be served thereby, in that order, and
25 ~~upon the recommendation of the board in the case of each committed~~
26 ~~offender,~~ the director may authorize such person, under prescribed
27 conditions, to:

28 (a) Visit a specifically designated place or places and return to
29 the same or another facility. An extension of limits may be granted to
30 permit a visit to a dying relative, attendance at the funeral of a
31 relative, the obtaining of medical services, the contacting of

1 prospective employers, or for any other reason consistent with the public
2 interest;

3 (b) Work at paid employment or participate in a training program in
4 the community on a voluntary basis whenever:

5 (i) Such paid employment will not result in the displacement of
6 employed workers, or be applied in skills, crafts, or trades in which
7 there is a surplus of available gainful labor in the locality, or impair
8 existing contracts for services; and

9 (ii) The rates of pay and other conditions of employment will not be
10 less than those paid or provided for work of similar nature in the
11 locality in which the work is to be performed; or

12 (c) Leave the facility to participate in substance abuse evaluations
13 or treatment, attend rehabilitative programming or treatment, seek
14 residency or employment, or participate in structured programming as
15 provided in section 83-182.01 and return to the same or another facility.
16 The department shall collaborate with community-based providers to
17 enhance the availability of community-based options for such
18 participation that meet the department's requirements for rehabilitative
19 programming or treatment or structured programming.

20 (2) The wages earned by a person authorized to work at paid
21 employment in the community under this section shall be credited by the
22 chief executive officer of the facility to such person's wage fund. The
23 director shall authorize the chief executive officer to withhold up to
24 five percent of such person's net wages. The funds withheld pursuant to
25 this subsection shall be remitted to the State Treasurer for credit as
26 provided in subsection (2) of section 33-157.

27 (3) A person authorized to work at paid employment in the community
28 under this section may be required to pay, and the director is authorized
29 to collect, such costs incident to the person's confinement as the
30 director deems appropriate and reasonable. Collections shall be deposited
31 in the state treasury as miscellaneous receipts.

1 (4) A person authorized to work at paid employment in the community
2 under this section may be required to pay restitution. The director shall
3 adopt and promulgate rules and regulations which will protect the
4 committed offender's rights to due process and govern the collection of
5 restitution as provided in section 83-184.01.

6 (5) The willful failure of a person to remain within the extended
7 limits of his or her confinement or to return within the time prescribed
8 to a facility designated by the director may be deemed an escape from
9 custody punishable as provided in section 28-912.

10 (6) No person employed in the community under this section or
11 otherwise released shall, while working in such employment in the
12 community or going to or from such employment or during the time of such
13 release, be deemed to be an agent, employee, or servant of the state.

14 Sec. 3. Section 83-188, Revised Statutes Cumulative Supplement,
15 2022, is amended to read:

16 83-188 ~~(1)~~ There is hereby created the Board of Parole. For
17 administrative purposes only, the board shall be within the Board of
18 Pardons. Nothing in the Nebraska Treatment and Corrections Act shall be
19 construed to give the director or the Board of Pardons any authority,
20 power, or responsibility over the Board of Parole, its employees, or the
21 exercise of its functions under the provisions of the act. The employees
22 of the Board of Parole shall be covered by the State Personnel System.

23 ~~(2) Employees of the Board of Parole shall consist of the following:~~

24 ~~(a) The administrative staff necessary to assist the board with~~
25 ~~parole reviews, revocations, and hearings;~~

26 ~~(b) At least one legal counsel;~~

27 ~~(c) At least one fiscal analyst, policy analyst, or data analyst;~~

28 and

29 ~~(d) At least one staff member to assist with the daily supervision~~
30 ~~and training of employees of the board.~~

31 Sec. 4. Section 83-1,100, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 83-1,100 (1) There is hereby created the Division of Parole
3 Supervision within the department ~~Board of Parole~~. The employees of the
4 division shall consist of the Director of Supervision and Services, the
5 field parole service officers, and all other division staff. The division
6 shall be responsible for the following:

7 (a) The administration of parole services in the community;

8 (b) The maintenance of all records and files associated with the
9 Board of Parole;

10 (c) The daily supervision and training of staff members of the
11 division, including training regarding evidence-based practices in
12 supervision pursuant to section 83-1,100.02; and

13 (d) The assessment, evaluation, and supervision of individuals who
14 are subject to parole supervision, including lifetime community
15 supervision pursuant to section 83-174.03.

16 (2) Parole officers shall be compensated with salaries substantially
17 equal to other state employees who have similar responsibilities,
18 including employees of the Office of Probation Administration. This
19 subsection shall apply only to field parole service officers and support
20 staff and shall not apply to the Director of Supervision and Services or
21 any other management-level position.

22 (3) This section does not prohibit the division from maintaining
23 daily records and files associated with the Board of Pardons.

24 Sec. 5. Section 83-1,101, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 83-1,101 The Director of Correctional Services ~~Board of Parole~~ shall
27 appoint a Director of Supervision and Services who shall be a person with
28 appropriate experience and training, including, but not limited to,
29 familiarity with the implementation of evidence-based processes for
30 utilizing risk and needs assessments to measure criminal risk factors and
31 specific individual needs.

1 Sec. 6. Section 83-1,122.02, Revised Statutes Supplement, 2023, is
2 amended to read:

3 83-1,122.02 (1) The Division of Parole Supervision and—the
4 ~~department~~ shall create a pilot program to establish a technical parole
5 violation residential housing program. The purpose of the program is to
6 provide accountability and intensive support for individuals on parole
7 who commit technical violations, without revoking them fully back to
8 prison.

9 (2) The program shall provide a structured environment for selected
10 individuals on parole who have committed technical violations. The
11 program shall be based upon a therapeutic community model. Participants
12 in the program shall, at a minimum, be required to take part in
13 counseling, educational, and other programs as the Division of Parole
14 Supervision ~~department~~ deems appropriate, to provide community service,
15 and to submit to drug and alcohol screening.

16 (3) An individual on parole shall not be placed in the pilot program
17 until the Division of Parole Supervision has determined the individual is
18 a suitable candidate in accordance with policies and guidelines developed
19 by the division.

20 (4) On or before June 1, 2024, the Division of Parole Supervision
21 shall electronically submit a report to the Judiciary Committee of the
22 Legislature regarding the pilot program. The report shall evaluate
23 effects of the pilot program on recidivism and make recommendations
24 regarding expansion of or changes to the program.

25 (5) For purposes of this section, technical violation has the same
26 meaning as in section 83-1,119.

27 Sec. 7. Section 83-933, Revised Statutes Cumulative Supplement,
28 2022, is amended to read:

29 83-933 (1) ~~The Beginning July 1, 2016, until July 19, 2018, the~~
30 ~~Office of Parole Administration shall be within the Board of Parole.~~
31 ~~Beginning on July 19, 2018, the~~ Division of Parole Supervision shall be

1 within the Department of Correctional Services Board of Parole.

2 (2) Subject to supervision, the Director of Supervision and Services
3 shall be charged with the administration of parole services in the
4 community pursuant to the provisions of section 83-1,102, implementation
5 and administration of the Interstate Compact for Adult Offender
6 Supervision as it affects parolees, community supervision of sex
7 offenders pursuant to section 83-174.03, and supervision of parolees
8 either paroled in Nebraska and supervised in another state or paroled in
9 another state and supervised in Nebraska, pursuant to the compact.

10 Sec. 8. Original sections 83-171, 83-184, 83-188, 83-1,100,
11 83-1,101, and 83-933, Revised Statutes Cumulative Supplement, 2022, and
12 section 83-1,122.02, Revised Statutes Supplement, 2023, are repealed.