

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 334

Introduced by McDonnell, 5.

Read first time January 11, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to treatment and corrections; to amend section
- 2 83-1,100.03, Revised Statutes Cumulative Supplement, 2022; to adopt
- 3 the Reentry Housing Network Act; to provide a duty for the
- 4 Department of Correctional Services and the Board of Parole; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 8 of this act shall be known and may be
2 cited as the Reentry Housing Network Act.

3 Sec. 2. For purposes of the Reentry Housing Network Act:

4 (1) Advisory committee means the State Advisory Committee on Reentry
5 Housing established in section 6 of this act;

6 (2) Board means the Board of Parole;

7 (3) Commission means the Nebraska Commission on Law Enforcement and
8 Criminal Justice;

9 (4) Department means the Department of Correctional Services;

10 (5) Division means the Division of Parole Supervision;

11 (6) Network means the Reentry Housing Network established in section
12 3 of this act;

13 (7) Probation administration means the Office of Probation
14 Administration;

15 (8) Reentering person means an individual who is subject to
16 supervision by the division or probation administration, not including
17 juvenile probation, or who was recently in the custody of the department
18 or a county jail and was released with no supervision;

19 (9) Reentry housing means temporary housing and support services for
20 reentering persons, generally in the first year following a period of
21 incarceration; and

22 (10) Reentry housing facility means a facility which is owned or
23 operated by a private organization, whether nonprofit or for-profit, that
24 receives direct payment from the board, division, probation
25 administration, department, or commission to provide reentry housing.
26 Reentry housing facility does not include a health care facility as
27 defined in section 71-413.

28 Sec. 3. (1) The Reentry Housing Network is established as a program
29 within the commission. The purpose of the network is to encourage
30 development, coordination, and standards for reentry housing. The network
31 shall:

1 (a) Establish minimum standards for reentry housing facilities,
2 including requirements related to health and safety, insurance,
3 evaluations, and inspections, with input from the advisory committee;

4 (b) Monitor compliance with these minimum standards and investigate
5 suspected violations;

6 (c) Coordinate evaluations of reentry housing facilities based on
7 living conditions, staffing, programming, and other criteria;

8 (d) Communicate with relevant agencies regarding evaluation results
9 and compliance with minimum standards;

10 (e) Convene and facilitate the advisory committee;

11 (f) Facilitate communication between the department, division,
12 board, probation administration, and reentry housing facilities regarding
13 reentering persons in need of housing and the availability of housing to
14 meet such needs;

15 (g) Engage in regular discussions with entities which organize and
16 prioritize housing services for people experiencing homelessness or at
17 risk of homelessness in Nebraska;

18 (h) Track data on costs, utilization, and outcomes for reentry
19 housing within the state and use this data to determine trends and
20 project future needs and costs; and

21 (i) Electronically submit an annual report to the Legislature,
22 Supreme Court, and Governor which describes the status of housing for
23 reentering persons in Nebraska. The report shall include details on
24 housing-related expenditures, characteristics of reentry housing
25 facilities and other places which provide housing for reentering persons,
26 characteristics of the individuals receiving financial assistance for
27 housing, and recommendations for improving the quality and availability
28 of housing for reentering persons in the state.

29 (2) In carrying out subdivisions (1)(c), (h), and (i) of this
30 section, as well as other provisions of the Reentry Housing Network Act
31 to the extent deemed appropriate by the network, it is the intent of the

1 Legislature that the network shall contract with a Nebraska-based
2 research center described in subsection (4) of section 90-540.

3 (3) The network may use available funds to encourage development of
4 quality, safe reentry housing and to assist existing reentry housing
5 facilities in making improvements for the benefit of reentering persons
6 and public safety.

7 (4) The commission shall adopt and promulgate rules and regulations
8 to carry out the Reentry Housing Network Act.

9 Sec. 4. (1) The commission shall create the position of program
10 manager for the network, who shall be responsible for administering the
11 network.

12 (2) The commission shall employ such support staff as it deems
13 necessary to carry out the Reentry Housing Network Act within the limit
14 of funds appropriated by the Legislature.

15 Sec. 5. (1) Reentry housing facilities shall cooperate with
16 investigations and evaluations conducted pursuant to the Reentry Housing
17 Network Act and shall provide the network, department, board, division,
18 probation administration, and the Office of Public Counsel with
19 reasonable access to facilities and records related to the provision of
20 reentry housing.

21 (2) The network may request the State Fire Marshal to investigate
22 any reentry housing facility for fire safety under section 81-502. The
23 State Fire Marshal shall assess a fee for such inspection under section
24 81-505.01 payable by the facility. The State Fire Marshal may delegate
25 the authority to make such inspections to qualified local fire prevention
26 personnel under section 81-502.

27 (3) The network may request a county, city, or village to inspect
28 any reentry housing facility for the purpose of administering or
29 enforcing the state building code or an applicable local building or
30 construction code enacted pursuant to the Building Construction Act, if
31 the county, city, or village has taken on the responsibility of code

1 enforcement. A county, city, or village may assess fees for such an
2 inspection under section 71-6406.

3 (4) The department, board, division, or probation administration
4 shall notify the network if it becomes aware of conditions in a reentry
5 housing facility which may present an imminent threat to the health or
6 safety of reentering persons residing at the facility.

7 (5) The network shall promptly notify a reentry housing facility and
8 relevant agencies if it has reason to believe conditions in the facility
9 present an imminent threat to the health or safety of reentering persons
10 residing at the facility.

11 (6) The network shall work with the department, board, division,
12 probation administration, and advisory committee to establish a speedy
13 process by which reentry housing facilities may contest the findings of
14 any investigation or evaluation pursuant to the Reentry Housing Network
15 Act.

16 Sec. 6. (1) The State Advisory Committee on Reentry Housing is
17 created. Members of the committee shall have a demonstrated interest and
18 commitment and specialized knowledge, experience, or expertise related to
19 the provision of reentry housing in Nebraska. The committee shall consist
20 of one representative from the division appointed by the chairperson of
21 the board, one representative from probation administration appointed by
22 the Chief Justice, and nine members appointed by the Governor as follows:
23 (a) One representative from the department; (b) two current or former
24 reentering persons; (c) three members with experience providing reentry
25 housing, including one from each congressional district; (d) one provider
26 of behavioral health services; (e) one representative from law
27 enforcement; and (f) one representative from the Nebraska Investment
28 Finance Authority.

29 (2) The advisory committee shall: (a) Conduct regular meetings; (b)
30 provide advice and assistance to the commission relating to reentry
31 housing in Nebraska; (c) promote the interests of reentering persons and

1 their families; (d) promote public safety through effective reintegration
2 into the community; (e) provide input on the process of evaluating
3 reentry housing facilities; (f) provide reports as requested by the
4 commission; and (g) engage in other activities as requested by the
5 commission.

6 Sec. 7. (1) The Reentry Housing Fund is created. The fund shall be
7 maintained in the state accounting system as a cash fund and shall
8 consist of all fees, grants, federal funds, and other money received by
9 the commission under the Reentry Housing Network Act. The commission
10 shall use the fund to carry out the act.

11 (2) Any money in the Reentry Housing Fund available for investment
12 shall be invested by the state investment officer pursuant to the
13 Nebraska Capital Expansion Act and the Nebraska State Funds Investment
14 Act.

15 Sec. 8. (1) The department, board, division, and probation
16 administration shall maintain computerized records of expenditures
17 related to housing for reentering persons. Such records shall be made
18 available to the network and shall include, at a minimum, the following:

19 (a) The name and departmental identification number or other unique
20 identifier of each reentering person whose housing was paid for by the
21 agency;

22 (b) If the individual was housed in a reentry housing facility or
23 health care facility, the name and address of the facility, the per diem
24 rate paid to the facility, the dates for which the individual's housing
25 was paid for, and the total dollar amount paid to the facility for that
26 individual; and

27 (c) If the individual was housed in a residence other than a reentry
28 housing facility or health care facility, the address of the residence
29 and the total dollar amount of financial assistance provided to the
30 individual for the purpose of housing.

31 (2)(a) Except as provided in subdivisions (b) and (c) of this

1 subsection, the department and the division shall provide network staff
2 and the contractor described in subsection (2) of section 3 of this act
3 with direct computer access to all relevant computerized records
4 contained in the individual files described in section 83-178.

5 (b) The department or division may withhold access to records which,
6 if released, would place the safety and security of the public or a
7 correctional institution at substantial risk.

8 (c) Network staff and the contractor shall only have access to a
9 person's medical or mental health records with such person's consent.

10 (3)(a) For each reentering person under supervision by probation
11 administration, probation administration shall provide network staff and
12 the contractor described in subsection (2) of section 3 of this act with
13 information comparable to the information contained in the records
14 described in subsection (2) of this section.

15 (b) Network staff and the contractor shall only have access to a
16 person's medical or mental health records with such person's consent.

17 (4) The information disclosed pursuant to this section shall be
18 confidential, shall be used exclusively for carrying out the Reentry
19 Housing Network Act, and shall not be subject to inspection by the public
20 or law enforcement except by court order for good cause shown. Aggregate
21 data may be published for research and evaluation purposes in a manner
22 which does not contain individual identities or personal identifying
23 information.

24 Sec. 9. Section 83-1,100.03, Revised Statutes Cumulative Supplement,
25 2022, is amended to read:

26 83-1,100.03 (1) The board, in consultation with the department,
27 shall adopt and promulgate rules and regulations to reduce the number of
28 inmates under the custody of the department who serve their entire
29 sentence in a correctional facility and are released without supervision.
30 The rules and regulations shall establish clear guidelines and procedures
31 to ensure that each parolee is subject to a minimum of nine months of

1 supervision and shall place priority on providing supervision lengths
2 that enable meaningful transition periods for all offenders. The rules
3 and regulations shall ensure that each inmate eligible for parole is
4 assessed for risk of reoffending using a validated risk and needs
5 assessment provided by the department and shall incorporate into the
6 release decision an inmate's assessed risk of reoffending, past criminal
7 history, program completion, institutional conduct, and other individual
8 characteristics related to the likelihood of reoffending into parole
9 release decisions.

10 (2) By ~~February 1, 2016,~~ and by February 1 of each year thereafter,
11 the board and the department shall submit a report to the Legislature,
12 the Supreme Court, and the Governor that describes the percentage of
13 offenders sentenced to the custody of the department who complete their
14 entire sentence and are released with no supervision. The report shall
15 document characteristics of the individuals released without supervision,
16 including the highest felony class of conviction, offense type of
17 conviction, most recent risk assessment, status of the individualized
18 release or reentry plan, and reasons for the release without supervision.
19 The report also shall provide recommendations from the department and
20 board for changes to policy and practice to meet the goal of achieving a
21 reduction in the number of inmates under the custody of the department
22 who serve their entire sentence in a correctional facility and are
23 released without supervision. The report to the Legislature shall be
24 submitted electronically.

25 (3) The department, in consultation with the board, shall maintain a
26 list of individuals who are eligible for parole but are expected to
27 complete their entire sentence in the custody of the department and be
28 released with no supervision. This list shall be made available to staff
29 of the Reentry Housing Network established in section 3 of this act.

30 Sec. 10. Original section 83-1,100.03, Revised Statutes Cumulative
31 Supplement, 2022, is repealed.