

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 790

Introduced by Bosn, 25.

Read first time January 07, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-1,119, Revised Statutes Supplement, 2025; to
- 3 change provisions relating to substance abuse violations of parole
- 4 and to provide for revocation; to harmonize provisions; and to
- 5 repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 83-1,119, Revised Statutes Supplement, 2025, is
2 amended to read:

3 83-1,119 (1) For purposes of this section:

4 (a) Absconding parole supervision means a parolee has purposely
5 avoided supervision for a period of at least two weeks and reasonable
6 efforts by a parole officer and staff to locate the parolee in person
7 have proven unsuccessful;

8 (b) Administrative sanction means additional parole requirements
9 imposed upon a parolee by his or her parole officer, with the full
10 knowledge and consent of the parolee, designed to hold the parolee
11 accountable for substance abuse or technical violations of conditions of
12 parole, including, but not limited to:

13 (i) Counseling or reprimand by the department;

14 (ii) Increased supervision contact requirements;

15 (iii) Increased substance abuse testing;

16 (iv) Referral for substance abuse or mental health evaluation or
17 other specialized assessment, counseling, or treatment;

18 (v) Imposition of a designated curfew for a period to be determined
19 by the department; and

20 (vi) Travel restrictions to stay within his or her county of
21 residence or employment unless otherwise permitted by the department;

22 (c) Contract facility means a county jail that contracts with the
23 department to house parolees or other offenders under the jurisdiction of
24 the department;

25 (d) Substance abuse violation means a parolee's activities or
26 behaviors associated with the use of chemical substances or related
27 treatment services resulting in a violation of an original condition of
28 parole, including:

29 (i) Positive breath test for the consumption of alcohol if the
30 parolee is required to refrain from alcohol consumption;

31 (ii) Positive urinalysis for the illegal use of drugs;

1 (iii) Failure to report for alcohol testing or drug testing; and

2 (iv) Failure to appear for or complete substance abuse or mental
3 health treatment evaluations or inpatient or outpatient treatment; and

4 (e) Technical violation means a parolee's activities or behaviors
5 which create the opportunity for re-offending or diminish the
6 effectiveness of parole supervision resulting in a violation of an
7 original condition of parole and includes:

8 (i) Moving traffic violations;

9 (ii) Failure to report to his or her parole officer;

10 (iii) Leaving the state without the permission of the Board of
11 Parole;

12 (iv) Failure to work regularly or attend training or school;

13 (v) Failure to notify his or her parole officer of change of address
14 or employment;

15 (vi) Frequenting places where controlled substances are illegally
16 sold, used, distributed, or administered; and

17 (vii) Failure to pay fines, court costs, restitution, or any fees
18 imposed pursuant to section 83-1,107.01 as directed.

19 Technical violation does not include absconding parole supervision.

20 (2) The department shall develop a matrix of rewards for compliance
21 and positive behaviors and graduated administrative sanctions and
22 custodial sanctions for use in responding to and deterring substance
23 abuse violations and technical violations. A custodial sanction of thirty
24 days in a correctional facility or a contract facility shall be
25 designated as the most severe response to a violation in lieu of
26 revocation.

27 (3) Whenever a parole officer has reasonable cause to believe that a
28 parolee has committed or is about to commit a ~~substance abuse violation~~
29 ~~or~~ technical violation while on parole, but that the parolee will not
30 attempt to leave the jurisdiction and will not place lives or property in
31 danger, the parole officer shall either:

1 (a) Impose one or more administrative sanctions based upon the
2 parolee's risk level, the severity of the violation, and the parolee's
3 response to the violation. If administrative sanctions are to be imposed,
4 the parolee shall acknowledge in writing the nature of the violation and
5 agree upon the administrative sanction. The parolee has the right to
6 decline to acknowledge the violation. If he or she declines to
7 acknowledge the violation, the parole officer shall take action pursuant
8 to subdivision (3)(b) of this section. A copy of the report shall be
9 submitted to the Board of Parole; or

10 (b) Submit a written report to the Board of Parole, outlining the
11 nature of the parole violation, and request the imposition of a custodial
12 sanction of up to thirty days in a correctional facility or a contract
13 facility. On the basis of the report and such further investigation as
14 the board may deem appropriate, the board shall determine whether and how
15 the parolee violated the conditions of parole and may:

16 (i) Dismiss the charge of violation; or

17 (ii) If the board finds a violation justifying a custodial sanction,
18 issue a warrant if necessary and impose a custodial sanction of up to
19 thirty days in a correctional facility or a contract facility.

20 (4) Whenever a parole officer has reasonable cause to believe that a
21 parolee has committed or is about to commit a substance abuse violation
22 while on parole, but that the parolee will not attempt to leave the
23 jurisdiction and will not place lives or property in danger, the parole
24 officer shall either:

25 (a) Impose one or more administrative sanctions based upon the
26 parolee's risk level, the severity of the violation, and the parolee's
27 response to the violation. If administrative sanctions are to be imposed,
28 the parolee shall acknowledge in writing the nature of the violation and
29 agree upon the administrative sanction. The parolee has the right to
30 decline to acknowledge the violation. If he or she declines to
31 acknowledge the violation, the parole officer shall take action pursuant

1 to subdivision (4)(b) of this section. A copy of the report shall be
2 submitted to the Board of Parole; or

3 (b) Submit a written report to the Board of Parole which may, on the
4 basis of such report and such further investigation as it may deem
5 appropriate;

6 (i) Dismiss the violation;

7 (ii) Determine whether the parolee violated the conditions of his or
8 her parole;

9 (iii) Impose a custodial sanction of up to thirty days in a
10 correctional facility or a contract facility;

11 (iv) Revoke his or her parole in accordance with the Nebraska
12 Treatment and Corrections Act; or

13 (v) Issue a warrant for the arrest of the parolee.

14 (5) {4} Whenever a parole officer has reasonable cause to believe
15 that a parolee has violated or is about to violate a condition of parole
16 by a violation other than a substance abuse violation or a technical
17 violation and the parole officer has reasonable cause to believe that the
18 parolee will not attempt to leave the jurisdiction and will not place
19 lives or property in danger, the parole officer shall submit a written
20 report to the Board of Parole which may, on the basis of such report and
21 such further investigation as it may deem appropriate:

22 (a) Dismiss the charge of violation;

23 (b) Determine whether the parolee violated the conditions of his or
24 her parole;

25 (c) Impose a custodial sanction of up to thirty days in a
26 correctional facility or a contract facility;

27 (d) Revoke his or her parole in accordance with the Nebraska
28 Treatment and Corrections Act; or

29 (e) Issue a warrant for the arrest of the parolee.

30 (6) {5} Whenever a parole officer has reasonable cause to believe
31 that a parolee has violated or is about to violate a condition of parole

1 and that the parolee will attempt to leave the jurisdiction or will place
2 lives or property in danger, the parole officer shall arrest the parolee
3 without a warrant and call on any peace officer to assist him or her in
4 doing so.

5 (7) ~~(6)~~ Whenever a parolee is arrested with or without a warrant, he
6 or she shall be detained in a local jail or other detention facility
7 operated by the department pending completion of review of parole
8 proceedings by the Board of Parole. Immediately after such arrest and
9 detention, the parole officer shall notify the Board of Parole and submit
10 a written report of the reason for such arrest. A complete investigation
11 shall be made by the department and submitted to the board. After prompt
12 consideration of such written report, the board shall order the parolee's
13 release from detention or continued confinement to await a final decision
14 on imposition of a custodial sanction or the revocation of parole.

15 (8) ~~(7)~~ The Board of Parole shall adopt and promulgate rules and
16 regulations necessary to carry out this section.

17 **Sec. 2.** Original section 83-1,119, Revised Statutes Supplement,
18 2025, is repealed.