

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Judiciary Committee February 26, 2025

**BOSN:** All right. Welcome, everyone, to the Judiciary Committee. We're going to go ahead and get started. I am Senator Carolyn Bosn from Lincoln, representing District 25. And I serve as chair of this committee. The committee will be taking up bills in the order that's posted. This public hearing is your opportunity to be part of the legislative process and to express your position on proposed legislation before us. If you are planning to testify today, please fill out one of the green testifier sheets on the back table, and be sure to print clearly and fill it out completely. When it is your turn to come forward and testify, please give the testifier sheet to the page or the committee clerk. If you do not wish to testify but would like to indicate your position on a bill, there are yellow sign-in sheets on the back table for each bill as well. These will be included as an exhibit in the official hearing record. When you come up to testify, please speak clearly into the microphone, spelling your first and last name to ensure we get an accurate record. We will begin each hearing today-- each bill-- excuse me-- today with the introducer's opening statement, followed by the proponents of the bill, then opponents, and finally anyone wishing to speak in the neutral capacity. We will finish with a closing statement by the introducer if they wish to give one. We will be using a three-minute light system for all testifiers. When you begin your testimony, the light on the table will be green. When the yellow light comes on, you have one minute remaining. And the red light indicates that you need to wrap up your final thought and stop. Questions from the committee may follow. Also, committee members may come and go during the hearing. This has nothing to do with the importance of the bills being discussed. It is just part of the process, as senators have bills to introduce in other committees. A few final items to facilitate today's hearing. If you have handouts or copies of your testimony, please bring up 12 copies and give them to the page. Please silence or turn off your cell phones. Verbal outbursts or applause are not permitted in the hearing room and will be cause for you to be asked to leave. Finally, committee procedures for all committees state that written position comments on a bill to be included in the record must be submitted by 8 a.m. the day of the hearing. The only acceptable method of submission is via the Legislature's website at [nebraskalegislature.gov](http://nebraskalegislature.gov). Written position letters will be included in the official hearing record, but only those testifying in person-- is there something going on?

**DeBOER:** It's just a child.

**BOSN:** OK. That's OK. I just was-- I wasn't sure if I was--

\_\_\_\_\_: It's a play-- it's a toy kitty.

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**BOSN:** OK. I have those at my house, so it is not a problem for me. I just wanted to make sure I wasn't missing something.

**HALLSTROM:** It sounded like my chair.

**BOSN:** And when you come-- I didn't mean to ask her to leave. It's not a problem. I'm sorry. OK. OK. Written position letters will be included in the official hearing record, but only those testifying in person before the committee will be included on the committee statement. You can either submit a position comment for the record or testify in person, but not both. I will now have the committee members with us today introduce themselves, starting with my left.

**HALLSTROM:** Bob Hallstrom. Good afternoon. Legislative District 1. Representing Otoe, Johnson, Nemaha, Pawnee, and Richardson County in southeast Nebraska.

**STORM:** Good afternoon. Jared Storm, District 23: Saunders, Butler, Colfax County.

**STORER:** Good afternoon. Senator Tanya Storer. I represent District 43, 11 counties in north central Nebraska: Dawes, Sheridan, Cherry, Brown, Rock, Keya Paha, Boyd, Garfield, Loup, Blaine, and Custer.

**HOLDCROFT:** Rick Holdcroft, District 36: west and south Sarpy County.

**DeBOER:** Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10 in beautiful northwest Omaha.

**McKINNEY:** Good afternoon. I'm Senator Terrell McKinney. I represent District 11 in north Omaha.

**ROUNTREE:** Good afternoon. I'm Senator Victor Rountree, and I represent District 3, which is Bellevue and Papillion.

**BOSN:** Thank you. Also assisting the committee today: to my left is our legal counsel, Tim Young; and to our far right is-- to my far right is our committee clerk, Laurie Vollertsen. I think we only have two of our three pages with us today, so I'll let you guys introduce yourselves.

**AYDEN TOPPING:** Hi. My name's Ayden Topping. I'm a second-year student at the university.

**ALBERTO DONIS:** My name's Alberto Donis. I'm a first-year at the university.

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**BOSN:** Thank you. With that, we will begin today's hearings with LB601 and our very own vice chair, Senator DeBoer.

**DeBOER:** Oh. Yeah. That's right.

**BOSN:** Welcome.

**DeBOER:** Good afternoon, Chair Bosn and fellow members of the Judiciary Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r. And I represent Dif-- District 10 in beautiful northwest Omaha. I appear today to introduce LB601. LB601 as drafted reorganizes Nebraska Revised Statute 29-2101 but does not make any substantive changes. LB601 was introduced to ensure the Judiciary Committee had a criminal shell bill, and-- in response to a case that we were waiting for the Supreme Court to decide, which they did, and now it isn't going to be necessary to do anything about it. But here it is. We have a shell bill. I'm happy to answer any questions.

**BOSN:** Seeing none. Thank you. First proponents. Proponents of LB601. Any opponents? Anyone wishing to testify in opposition to LB601? All right. Senator DeBoer, do you wish to-- she's waiving close. I will note for the record, although slightly confused, there are 2 proponent comments submitted, no opponent, and no non-- neutral comments submitted for the record. That will conclude LB601. And we will next take up Senator Holdcroft and LB215.

**HOLDCROFT:** OK. Good afternoon, Chairwoman Bosn and members of the Judiciary Committee. For the record, my name is Senator Rick Holdcroft, spelled R-i-c-k H-o-l-d-c-r-o-f-t. And I represent Legislative District 36, which includes west and south Sarpy County. I am here today to discuss LB215, which would allow model inmates serving life or otherwise lengthy sentences in the Nebraska correctional systems to be considered for early release after serving a large portion of their sentence. It also allows records for certain criminal offenses to be sealed after a period of time to allow some formerly incarcerated citizens to better integrate back into society. Coaching your son's basketball team, sitting on the PTA at your daughter's school, trying to improve your life situation by applying for a promotion or new job-- relatively normal and average facets of life for most of us. But if you have-- if you have previously been incarcerated, a criminal record may be a roadblock to pursuing these goals. The clean slate portion of the LB215 allows these folks to just get back to living life. I have visited every adult correctional facility in Nebraska, some multiple times. I have met with incarcerated individuals with life sentences-- collectively called lifers-- who are model prisoners. They are mentors

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to younger incarcerated individuals. They pose no harm to society. I can unequivocally say that I would be comfortable having them as my next-door neighbors. But because of their life sentence, they are condemned to never again breathe air as a free person. I would, I would honestly tell you that before becoming a state senator and before serving on the Judiciary Committee and before my visits to Nebraska's correctional facilities, I would have said, you do the crime, you do the time. But I believe that one of the most important attributes of any politician is to hear both sides of any debate and to be open and willing to change your stance on issues. After visiting with some, with some lifers and breaking bread with them and talking to them one-on-one as human beings, I truly believe that the sentences of many of these individuals should be given a second look. Before being considered a candidate for this program, a minimum of 25 years will have been served, 30 years if the crime was committed after the age of 26. There is a detailed process to determine eligibility under the auspices of the State Parole Board, with the final decision to, to grant a commutation remaining in the hands of the Board of Pardons. AM361 replaces a section of LB2-- LB215 at the request of certain stakeholders. With my handouts, you, you received an information sheet that explains the reasons for the amendment. There will be someone from the judicial branch coming behind me to testify regarding the fiscal note. Chairman Bosn and members of the Judiciary Committee, thank you for your consideration of LB215. And I would appreciate a yes vote to advance the legislation. And I'd be happy to answer any questions you might have.

**BOSN:** Thank you, Senator Holdcroft. Are there questions from the committee?

**HOLDCROFT:** I will be here for close.

**BOSN:** Thank you. With that, we will take our first proponent, anyone wishing to testify in support of LB215. Welcome.

**ALISA MOSLEY:** Thank you. I'm Alisa, A-l-i-s-a; Mosley, M-o-s-l-e-y. To our committee, Chair Bosn, and other distinguished committee members, good afternoon. And again, I'm Alisa Mosley. And I'm adding my support to LB215, proposed legi-- legislation. I am a proud graduate of the University of Nebraska-Lincoln, and my memories earning a doctoral degree here were years that I will always cherish. As I review the bill's language, I am heartened to know that the bill's authors have crafted a way to extend mercy to those who have served their sentence and participated in the programming offered by this fine state. I am a cousin of Jo Helen Williams, a person who might be aided by this bill's

passage. While given a life sentence, Jo Helen has been voracious about participating in rehabilitation programs. Her work in training seeing eye dogs and knitting for impoverished infants means that she may never know the names of those who she's helped, but she did it passionately, including programs still in existence today. She worked to do a good job, and ultimately those projects offered opportunities to put good in the world. As research indicates, incarcerated people have accelerated aging, meaning they will have mental and physical challenges some 15--10 to 15 years earlier than those who are not in prison. Further, aging women who are incarcerated have very low recidivism rates, particularly at Jo Helen's age, being in her late 60s. The cost for caring for these older people ranges from four to eight times the cost of younger people. Hence, aging incarcerated people will impact the operating costs for the state at potentially an exponential rate. In many ways, this proposed legislation aligns with the progressive efforts of the state to extend rehabilitation for all its citizens. For offenders like Jo Helen, she grabbed hold of the chance to earn an associate's degree with honors through York University, but also she was inducted into a national honor society. In addition to her great study-- study habits, the state's generosity in collaboration with York University, this demonstrates they are rewards for hard work and shows a belief in the re-- rehabilitation of people who are willing to humble themselves. I want to emphasize that people like Jo Helen never forget their offense and live with regret daily. She and others like her are grateful to the state for a chance to better themselves. As Bryan Stevenson notes in his book Just Mercy, you are not the worst thing you have ever done. I appreciate your consideration of LB215. I thank you for listening to a fellow Husker. And I thank you for the work you all do for the state of Nebraska.

**BOSN:** Thank you very much. Let's see if there's any questions from the committee. Any questions? Senator Rountree.

**ROUNTREE:** Thank you, Chairman Bosn. And, and thanks so much for your testimony today and for your support of this legislation. And it's really encouraging to see Nebraskans step forward to, to be able to take care of those who have paid a debt to society and qualify for this program. So if you get to talk to Jo Helen, just tell her we appreciate her standing strong, getting her education, all the lives that she hasn't had an opportunity to know that she's touched [INAUDIBLE] touching them and still--

**ALISA MOSLEY:** Thank you so much.

**ROUNTREE:** --fighting the good fight. Thank you.

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**ALISA MOSLEY:** Thank you.

**BOSN:** Thank you.

**ALISA MOSLEY:** OK.

**BOSN:** Seeing no one else. Thank you for being here.

**ALISA MOSLEY:** Thank you very much.

**BOSN:** You bet. Next proponent. Welcome.

**CORA MOSLEY:** Good afternoon. So my name is Cora Mosley. That's spelled C-o-r-a M-o-s-l-e-y. So to Chair-- Chairwoman Bosn and to Senator Holdcroft, to other judicial committee members, I am here today to put a face on LB215-- LB215, which is that of my niece, Jo Helen Williams, an inmate at the Nebraska Corrections Center for Women. She is serving a life sentence. She entered prison at the age of 24. She is now 66 years old. Jo Helen's early childhood and adolescent development was not without challenges. She was a victim of rape at the age of ten. She experienced multiple institutionalizations for being a chronic runaway. She was a victim of sex trafficking at the age of 15, which is how she ended up in Omaha, where her crime was committed. Our advocacy for Jo Helen is no way-- in no way intends to diminish the pain, the grief, and the suffering experienced by the victim's family. We could have easily been in their place because Jo Helen could have just as easily met the same fate as the victim. The crime that Jo Helen committed along with codefendants was not intended to have this tragic ending. With great remorse over these last 42 years of being incarcerated, Jo Helen has reflected on her role in this tragedy daily. Despite her unfortunate beginnings and her commission of this act-- for which she, again, experiences great remorse-- Jo Helen has used her time in prison to better herself personally, socially, and academically. She has been a leader in the prison environment and has mentored hundreds of other women over the past 42 years in fether-- furthering their goals of rehabilitation. She earned an associate's degree from York University this past-- well, last year, May of 2023. She's a member of the Phi Theta Kappa honor society. She has been a peer teacher for many years in the prison's Thinking for Change program. She is a cofacilitator for the prison's Restorative Justice Initiative. She's-- was a dog trainer through the prison's Domesti-PUPS program, where she trained dogs to become service animals for persons with disabilities and pet, pet therapy programs. She founded the No Strings Attached program, which, being an-- while being an exchange inmate with the Kansas Department of Corrections, where she taught other inmates to make crocheted caps and

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booties for babies who were in prenatal-- pre-- neonatal units in the state of Kansas, as well as abroad. She won the 2-- \$200 prize for her participation in the Devry [SIC] Ventures competition that some of you may be aware of. It's called Devry Nebraska. The program's director of Devry Ventures in a letter of support to the Parole Board stated that graduates from their program have a less than 5% recidivism rate. Due to Jo Helen's success at rehabilitation and the contributions she has made to the prison environment and society as a whole, I believe she deserves a second chance that this bill could potentially provide. We as her family and friends are here today to urge your committee to send this bill to the next level of decision-making in hopes that it ultimately passage-- it passes and can be the gift of hope that Jo Helen and so many other inmates like her for a second chance at life. Thank you for this opportunity. And I will entertain your questions if you have any.

**BOSN:** Are there questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. And thank you for coming to testify. I just want to say thank you for coming and sharing this with the committee. It was good to see. It's-- shows that she's been putting in a lot of great work since she's been inside. So tell her, you know, proud of her.

**CORA MOSLEY:** Thank you.

**McKINNEY:** Not a problem.

**CORA MOSLEY:** Thank you.

**BOSN:** I just want to say I also hold a degree from Baylor, so I just had to give that shout-out.

**CORA MOSLEY:** Great.

**BOSN:** Sic 'em Bears. So I always see that when I-- I always look at-- through these, and I'm like, oh, anyone I know? Oh, yep. So congratulations to that. Thank you for being here.

**CORA MOSLEY:** You're welcome.

**BOSN:** Thank you for sharing your story.

**CORA MOSLEY:** Thank you for hearing this.

**BOSN:** Yes.

**CORA MOSLEY:** Bye-bye.

**BOSN:** Next proponent.

**YAQUISA ROBERTSON:** Hello. I am Yaquisa Robertson, spelled Y-a-q-u-i-s-a R-o-b-e-r-t-s-o-n. To everybody on the panel, I am here in support of LB215 in hopes of reforming the criminal justice system. I stand before you-- or, sit before you-- the product of someone who is serving a life sentence in the state of Nebraska. I was just a baby when my mother, Jo Helen Williams, was taken from me when she was only 24 because of poor decisions made by her as a result of unfortunate life circumstances that started taking place in her life when she was only a child herself. I am now 44 and I am a person who strongly believes in second chances. But with those second chances, there should be some demonstration of personal growth and development, someone who is truly rehabilitated and has shown moral behavior and committed themselves to change, knowing that they could possibly never get to see the outside of those brick walls and steel fences. She deserves a second chance. LB215 acknowledges that my mother, Jo Helen Williams, can change and deserves a second chance, especially when her actions have spoken for her in her latter years. LB215 moves us towards a system that is inclusive of in-- accountability, rehabilitation, and reintegration back into society based on personal choices of people who have demonstrated growth beyond their past decisions and not letting their mistakes and a life sentence define who they can and have evolved to be as individuals. I believe my mother has proven that she can be a positive, functioning member of society. And being granted a reward of being released when she thought there is no reward to get would be a beautiful blessing, not only for her but for a lot of other individuals who think they would always get overlooked. My mother should not be defined by her worst mistake for the rest of her life. She has acknowledged her wrong and proven she is committed to change. And as I look at each of you, have you been defined by your worst mistake? Or were you given a chance-- second chance to prove society wrong? I strongly urge you to support LB215 and affirm our belief that people can change and they most definitely deserve a second chance at life, just not behind bars. Thank you.

**BOSN:** Thank you for your testimony and sharing your story. Are there any questions from the committee? Senator Rountree.

**ROUNTREE:** Thank you, Chairman Bosn. And thank you so much for your testimony. Your mother being taken away when you were two years old. This bill passes and a second chance is granted, how do you see going forth-- what is one of the first things you want to do? You've missed



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42 years. What would be some of the things that you'd want to capitalize on in this time that's been granted?

**YAQUISA ROBERTSON:** Just time. You know? Time.

**ROUNTREE:** All right. Thank you.

**BOSN:** Any other questions from the committee? Seeing none. Thank you for being here.

**YAQUISA ROBERTSON:** Thank you.

**BOSN:** Yes. Next proponent.

**ANDREA MASON:** My niece wanted me to read something on behalf of her, but I also have my own testimony. I don't know how that works.

**BOSN:** You still have the same three minutes. So if she'd like to read hers, she's certainly welcome to do that. Otherwise, you can offer it as an exhibit and I can have 12 copies made.

**ANDREA MASON:** Can I offer it as an exhibit?

**BOSN:** You sure can. And then you can share your story. Yep.

**ANDREA MASON:** Hi. My name is Andrea Mason. I-- A-n-d-r-e-a M-a-s-o-n. I first want to thank Senator Holdcroft and McKinney for-- and all of you for presenting this bill. It's been a struggle. We've tried many years, many attorneys, many motions to get something like this done. And it's something I hold dear and personal to my heart. And I appreciate and want to thank the-- everybody who proposed this bill and your concern for the prisoners' well-being. It's clear that many of these situations arise from deep-seated issues and trauma, often starting in childhood. However, it has been acknowledged that some of these individuals do present a significant risk to society should they-- to society should they be let out. But given this, I wonder if we might consider a different approach, one that prioritizes rehabilitation over what can feel like irredeemable punishment. Instead of focusing primarily on lengthy prison sentences, which are incredibly costly, could we redirect those resources towards comprehensive mental health services for young people? Early intervention and ongoing support could potentially prevent these tragic situations from happening in the first place and, where offenses have occurred, provide the chance for real change. It seems to me that investing in mental health support, especially for those who are most vulnerable, would not only be a more compassionate response but also a more effective way to create a safer

community in the long run. Wouldn't it be more beneficial to address the root causes of these problems with the goal of rehabilitation rather than solely focusing on the consequences and punishment that offers little chance of redemption? Furthermore, please consider this: if we can successfully rehabilitate these individuals and give them the second chance at life, they could become powerful voices within our communities. They could be the very mentors and guides that our youth desperately need. Sorry. This is personal.

**BOSN:** Take your time. You're OK.

**ANDREA MASON:** I was, I was one of those youth that could have gone a different route and could be serving life in prison, but somebody mentored me and kept me out of that situation. So that's why this is personal. They could be the key at reaching at-risk young people and preventing future crimes, offering a unique and authentic perspective that traditional programs might lack. Investing in the rehabilitation isn't just about the individual. It's about investing in a safe for-- safer, more hopeful future for our entire community. This is personal to me as well because my brother-in-law, convicted in late adolescence, has spent 22 years in prison. That sentence wasn't just his. It created a devastating domino effect. His young daughters grew up without a father, exposed to the vulnerabilities and, and anxieties that come with that absence. Two families have been deeply affected, grieving a loss in different ways. It's a stark example of how punishment without a focus on rehabilitation can create a ripple effect of pain and suffering, perpetuating a cycle that needs to be-- I got, like, one second left-- that needs to be broken. I believe that a focus on mental health and rehabilitation is not just a policy choice. It's a human imperative. My wife, his sister, has grieved the loss of her brother for nearly 20 years. I've watched her carry this burden while others have drifted away from him, leaving him feeling abandoned and isolated while only a few remain. He's also had to endure the profound pain of losing loved ones, including both of his parents, while imprisoned, grieving alone. These aren't just statistics. These are real lives, real families, real suffering. And we must recognize the human cost of the current system and consider a more compassionate and effective path forward. Lastly, I just want to say that, with the prison-- within the prison system, these individuals are not always treated as humans. They face a lack of basic necessities: clean, running water, inadequate medical care, and a profound lack of humane compassion. This dehumanization further exacerbates their trauma and makes rehabilitation even more challenging. So how can we expect these individual-- individuals to reintegrate into society as perfe-- productive members when they are subjected to inhumane conditions?

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**BOSN:** Ma'am, I'm going to have to ask you to wrap up your last thought because--

**ANDREA MASON:** I'm done.

**BOSN:** OK.

**ANDREA MASON:** I'm done.

**BOSN:** Are there any questions from the-- I didn't mean to be rude. I just-- in the interest--

**ANDREA MASON:** I, I said [INAUDIBLE] lastly, but I understand.

**BOSN:** Any questions for this testifier? If you don't mind giving that to one of the pages, I'll have them make 12 copies for all of us, and then we can give you back the copy that you have, if you'd like.

**ANDREA MASON:** OK.

**BOSN:** Thank you for being here. Next proponent. Welcome.

**MYANNA MASON:** Hi. My name is Myanna Mason. To the honorable members of the panel--

**BOSN:** Could I have you spell your name?

**MYANNA MASON:** Yeah. It's M-y-a-n-n-a; Mason, M-a-s-o-n. My father has been incarcerated for my entire life. He was sentenced when I was just a little baby. And I've never had the chance to truly know him outside of the walls. Every memory I have with him has been through visits, letters, and phone calls. Even though my father has been in prison for decades, he has never stopped being a part of my life. He has always made an effort to check in on me and my sister, to give me guidance, to teach me, and to remind us that he loves us. He's done everything he can as a father despite the distance, but no phone call can replace the experience of having him in my life. I'm a mother now, and his absence pains me even greater. I have a two-year-old son, and my father's never met him. I wish more than anything to give the chance to know him. My son deserves to know his grandfather outside of phone calls. I know that my father made mistakes when he was younger, but I also know that he's not the same man. This is a man that teaches me so much wisdom, that guides me-- not just me, but my family. He spent time in prison mentoring others, preaching the word of God, furthering his education, pushing me to further my education, and just working around to better himself all around. I pray that this honorable panel will consider the

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LB215 and allow my father the opportunity to be reconsidered for parole. He has spent his entire life behind bars. This does not mean he should die there. He has proven his ability to change. I only know who he is today, and I can say that that's an amazing thing. Someone beyond just him being my father. He's an amazing man. He's someone that I could see mentoring the young youth and, and guiding them into making better decisions so things like that don't happen to them. I truly believe if he was given the opportunity his positive influence in this world would make it a better place. So I hope that you guys cansi-- consider this bill, please.

**BOSN:** Thank you very much for sharing your story. Are there questions from the committee? I guess I have just a couple, if you don't mind.

**MYANNA MASON:** Yes. Absolutely.

**BOSN:** So you indicated you are able to visit your father but that your son has not been able to. Is that a choice or is there something that prohibits that?

**MYANNA MASON:** Mainly of choice.

**BOSN:** OK. And that's OK. I just was trying-- curious about that.

**MYANNA MASON:** Yeah. Absolutely.

**BOSN:** Any other questions in light of that? Thank you for sharing your story. Thank you for being here.

**MYANNA MASON:** Thank you for listening.

**BOSN:** Next proponent.

**MERLENE MASON:** Hello. My name is Merlene, M-e-r-l-e-n-e; Mason, M-a-s-o-n. And-- so-- here for the LB215 in support of my brother, Rodney Mason. Like my wife and my niece said, my brother has been locked up for over 20-- for, for 20-- over 20 years. And he-- like, like they have said, he is definitely not the same person. I am one of his biggest supporters. I have been there through our parents' passing. Nobody's there to comfort him. Nobody's-- nobody been up there to go try to comfort him but me. And we have four-- three other siblings, you know. And it's-- like you said, it's hard. He has a grandson. He wants to get out to try to show him the right ways and stuff and show him what not to do to end up in prison and stuff. Like I said, he's great. He's a-- he's always doing peer support. He's trying to help the young peop-- the younger guys or-- matter of fact, not even just the younger.

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The older guys too-- to-- when-- if they do get an opportunity to be up out-- get up out of here, hey, don't come back in here. Y'all need to have a game plan. Y'all need to stick with it and do it-- and be positive about here and be a role model to other people. He have gotten different degrees up in there. He's a man of God. As a matter of fact, he just preached this past Sunday. And, and I'm-- so I wish we could have been able to hear him, but unfortunately we couldn't. But like I said, he is definitely not the same person that he was in his adolescent years. You know, like I said, early, adolescent years. He just-- you know, he made a mistake. And I'm not-- we're not going to definitely take that-- I'm not going to sit up there and say that, you know, he, he didn't make a mistake or they didn't make a mistake. I'm not-- I wasn't there, so I'm not 100% sure exactly everything that happened. But I know he had definitely learned from that. And if given this second chance, this, this would do my family and his kids and Mom and everybody a, a great deal because he, he, he just deserved that, you know. And I just deserve-- I just feel like-- not just him, but other people that's up there too. So. Yes.

**BOSN:** Thank you. Any questions from the committee? I have met your brother a number of times. Really quick. Let me just say. I was wondering if you guys were related to Rodney Mason, who I have had the privilege of meeting.

**MERLENE MASON:** Oh, thank-- yes.

**BOSN:** I'm sure he's watching today because he tells me routinely that he watches our hearings. Rodney, I do see you. And thank you for being here--

**MERLENE MASON:** Thank you.

**BOSN:** --and sharing his story. And I can testament-- I can assure you he would be very proud of you.

**MERLENE MASON:** Thank you so much. Yes. And that was his daughter.

**BOSN:** Yes.

**MERLENE MASON:** Thank you.

**BOSN:** Next proponent. Welcome.

**AMY DOTY:** Good afternoon, Chairperson Bosn and members of the committee. My name is Amy Doty, A-m-y D-o-t-y. And I serve as the dean of the Southeast Community College UPWARD prison education program,

which provides educational opportunities to incarcerated individuals across Nebraska. I'm here today to express my strong support for LB215 because it will not only transform the lives of justice-involved Nebraskans but will also strengthen our communities and enhance public safety across our state. I'm proud to hear the names of individuals mentioned by others in this room today. I would be remiss if I didn't mention some others: Loray Smith, Norma Lopez Magellan [PHONETIC], Todd Cook, Michael Sims, Michael Anderson, and Bernard Long, all of whom are either current students with Southeast Community College or are acting in a tutoring capacity and mentorship capacity for other students that we serve. Through my work and lived experiences, I've had the privilege of engaging with incarcerated people who are eager to learn, grow, and contribute positively to society. The two groups most directly impacted by this bill exemplify why reform is both necessary and beneficial for all Nebraskans. First, I want to address those serving life sentences who've demonstrated sustained, authentic rehabilitation. Many of these people sentenced as children were shaped by adverse childhood experiences, trauma, and systemic failures. Yet over decades of incarceration, I have witnessed remarkable transformations: individuals who have matured into reflective, compassionate adults committed to mentorship, education, and personal growth. Their evolution underscores a fundamental truth: people can and do change. The second chance relief provision of this bill does not erase accountability but instead provides a structured, merit-based pathway for individuals who have proven their rehabilitation to reintegrate into society. Many of these men and women already serve as mentors, educators, and advocates within prison walls, guiding others away from destructive paths. Their reintegration would enable them to continue this invaluable work now within communities where their lived experience and dedication can make a profound impact, preventing future crimes and fostering safer and more resilient neighborhoods. I have seen firsthand the power of second chances, not only in the lives I serve but in my own journey. In addition to working with this population, I am a member of it. Having served ten years in state and federal prisons, I was allowed to return to the community, and I have dedicated my career to enhancing public safety through education and advocacy. And I am not an anomaly. Across Nebraska and indeed in this room today, countless individuals in the reentry community are doing this critical work, providing that when people are given-- proving that when people are given a fair chance, they contribute meaningful to-- meaningfully to society. Public safety is best served when individuals have the resources and opportunities to succeed rather than being subjected to perpetual penalties. Those affected by this bill deeply understand the impact of their past actions. Further punitive measures for those who have demonstrated

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genuine rehabilitation serve no one. Prioritizing restorative justice over retributive policies benefits us all. Thank you for your time. And I welcome any questions you may have.

**BOSN:** Thank you. Questions from the committee? About how many students-- if no one else has questions, I'll ask a couple. How many students does your program work with? Is it a per semester or annual or--

**AMY DOTY:** Right now, we have 165 active students, and we are projecting to admit an additional 150 across four different facilities in the fall of 2025 semester. So that will be-- we are projecting over 300.

**BOSN:** And does your program work with individuals who are likely to be released, individuals who are lifers, or both?

**AMY DOTY:** Both.

**BOSN:** OK. Thank you. That answers my questions. Thank you for being here.

**AMY DOTY:** Yeah. Thank you.

**BOSN:** Next proponent.

**ALBERTO GONZALES:** Good afternoon, everyone.

**BOSN:** Welcome.

**ALBERTO GONZALES:** My name is Alberto Gonzales, G-o-n-z-a-l-e-s. I've done gang prevention intervention for quite a few years in Omaha, Nebraska, chemical dependency. And this last job I had, I just resigned from there a couple of weeks ago. I thought that I'm at that age where I just need to take care of me now. But the reason I'm here is just the-- just-- first of all, want to-- I, I have to say to all of you, thank you for bringing LB215 in. I think it's very, very important. And the individual that I want to bring to your attention is Gary Brunzo, who I've known ever since he was 14 years old when gangs began in south Omaha-- I believe it was back in 1986. And the gang, Lomas surfaced and other gangs surfaced. And the way I was able to meet B was he was introducing me through the schools that I entered and was allowed to go in and talk to children. You folks have his information, his background, so I, I don't need to go over that. But the reason I'm here today is that I know personally because I've become his visitor-- one of his visitors. And I've watched him grow and evolve into something that, that most of these men and women that are

being spoke of today, B has evolved into such a wonderful human being. And the things that he has done, speaking to college students who come in from Lincoln University that are taking law classes, they've come in to, to speak to him. High schools that have brought their children to the prison. I know he was at Tecumseh at one time. They would bring their children to speak to him. There's just a lot of things that B had done to try to turn himself around. He has shared with me that it's been very difficult for him. There is a lot of remorse he feels. And the one thing that I have to share that I didn't find out until six years ago that he was not the shooter. I always thought he was the shooter. And I asked him, why didn't you ever share that for me? And he act-- he literally said that-- he goes, Berto, you know the gang code. I said, yes, I do. I said, but that gang code don't mean nothing to me. I said, when one of your own guys from your own gang turns on you and says you pulled the trigger, you should've turned around and told that judge he pulled the trigger. There's no reason B should be serving a life sentence. Yes, he should be serving some kind of time for this young man who lost his life, who-- I had the pleasure of meeting his mom. And speaking of his mom, Debbie [PHONETIC], who would go around the schools and counsel with me and share with the community in south Omaha what it felt like to be a mother of a child whose life was taken by gang members. She did ask me to tell, tell Gary Brunzo and the rest of-- which I never had a chance to-- just Gary-- that she forgave him. She said she comes from a family of-- she came from a family of people who committed crimes also. And she-- so she understands the mentality that goes through all this. But anyway, Gary has turned his life around. Gary does deserve that second chance. Most of his nephews and nieces that-- we've got two of them here, but the rest of them that are in south Omaha, many of his family members have not turned to that lifestyle because he broke the vicious cycle while serving his time. Family members will get phone calls. He would speak to the youngins and tell them that's not a lifestyle you want to follow or go get into. Has sisters that he loves and adores. They have supported and loved up on him, keeping his mind sane and providing just that support to make sure that he stays on point with his art and doing what he does best, and that's speaking to the youth and anybody else that wants to come and learn about why it's so important not to be in gangs. I apologize. I did not know I was going to come up here and speak. I thought I was just going to come here and hear about LB215, but they told me to sign the letter. I, I do have a file full of his awards that he has gone through. I think he's achieved every award you can think of. And I think he's in college at this time, going to college. And I'll let Vanita [PHONETIC] talk about that, but I know he's taking a course in college.



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**BOSN:** I'm going to have to have you wrap up since the red light is on. If you want to give us your final thought. Then we'll see if there's questions.

**ALBERTO GONZALES:** I just want to say that-- I want to thank you. I can't-- I mean, I want to thank you, but we also have to remember those who have lost their lives too. So, you know, God bless them. And that's really all I can share. My-- I just-- my heart goes out to both sides. It's tough. It's really tough. Thank you, all of you.

**BOSN:** You're OK. Let-- before you go, let's see if there's any questions from the committee. Any questions for this testifier? I missed the age that you said that Gary-- it's Gary, correct? Was-- how old was he when he was convicted?

**ALBERTO GONZALES:** I believe he was 19.

**BOSN:** OK. I'm hearing someone in the back say 21, so I'll let them clarify if that-- if-- it's around that age. OK.

**ALBERTO GONZALES:** Yes.

**BOSN:** Thank you very much for being here. Next proponent. Welcome.

**DOMINGA RANGEL:** Hello. My name is Dominga Rangel-- Vanita, as most of my family knows me by. I'd just like to piggyback off--

**BOSN:** Could I quick have you spell your first and last name for the record?

**DOMINGA RANGEL:** Dominga, D-o-m-i-n-g-a; last name, R-a-n-g-e-l. I'd just like to piggyback off basically what everyone has said about this bill. And my brother is Gary Brunzo. I knew this was gonna happen. I didn't want to come up here. Sorry. He was 21 when all this happened. He's not the same person. I'm not the same person. I, I was in that life with him. I was 17 when he was arrested. I now have two grown children and a granddaughter, and they have grown up going to prison to meet their uncle because there's nothing to be ashamed of. He made a mistake and he paid for it. But he has become a different person now. He's in college classes. His artwork-- if you go to-- up to the prisons, the murals in the-- that is my brother. Gary has done the murals. He has spoken to many children. I have a list of certificates. I believe my sister gave a file of letters written. We had about 20 people show up Sunday night to the meeting in support. In no means do I, you know-- or does he take away from the victim's family. But again, he does deserve a second chance. Again, he's not the same person. My

children are 24, 28. And he's their role model, honestly. Like, if they were to come up here, that is why they are who they are today, is because their uncle. My granddaughter when I take her up there cries because she wants her tio to come home with her. She's-- she just turned four yesterday. She absolutely loves him and adores him. I, I mean, I just-- I don't know what else to say be-- besides I hope this gets passed. I appreciate you guys even looking at it. He's been in prison-- he is 54 now, so over 30 years. He has places to go. He has jobs lined up should this ever come about. You know, both my boys are homeowners. I'm a homeowner. We-- you know, we have places. We have-- he has a strong family support, friend support, anybody, anything-- you know, if you go to south Omaha and talk-- and mention, you know-- we know him as Mr. B-- they support him. They know the life that we lived and they know how he has changed. They-- he has talked to many people and kept them out because of his mistake.

**BOSN:** Thank you.

**DOMINGA RANGEL:** And I appreciate you guys listening and taking your time out today.

**BOSN:** Thank you. Let's see if there's any questions. Any questions for this testifier? Thank you for being here and sharing your brother's story. Next proponent. Welcome.

**JAIME OBRECHT:** Thank you for this opportunity. My name is Jaime Obrecht, J-a-i-m-e O-b-r-e-c-h-t. I'm a marine combat veteran of Vietnam, but I'm speaking in favor of LB215 because of my experience as a volunteer with the Nebraska State Penitentiary veterans self-betterment group for over 40 years. We've also worked with veterans at other corrections facilities around the state. However, to the best of my knowledge, there are no longer any programs at any facility except NSP. All of the veterans that are incarcerated have at one point in time demonstrated a willingness to serve society and, and, and do their part. Many-- for many, that entailed going to combat, usually at a young age, where in combat you are not only a victim, but you also are a participant. As-- not surprisingly, the veterans I've gotten to know best have been ones serving life sentences due to the repeat-- the chance to spend more time with them. Especially in the early years, it impressed me how thin the difference was between us in readjustment, anger, psychological adjustment, whatever effects-- being a 19-year-- I turned 19 in Vietnam, as most of them were young too. Whatever that, whatever that does to you and your attempt to come back and be normal. The biggest thing I had that they didn't have was I had a support unit. I had family. I was here. Otherwise, it was just a

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matter of circumstances, luck, whatever, that I got-- I get to go home every night when I visit out there. In this capacity, I've had an opportunity to speak before the Pardons Board. I really support LB215 because it provides a process to support them in their decisions that gives them more information and helps, helps them come to a decision that we, we could-- these guys could live with. One of the things they impressed on me with serving life without parole was the lack of hope and how debilitating that is to a human being, whether they're-- in making a decision. Do I try to better myself given my circumstances or do I just give up? LB215 gets my wholehearted support because it will provide these people who are continuing to be of service in there-- the veterans I see have self-selected and come to the veterans group. So they have already showed a step down this process. Now LB215 will provide them that hope that they have earned. Thank you.

**BOSN:** Thank you very much for being here. And I think I speak for the whole committee when I say genuinely thank you for your service, both in the military and also to those who you're working with at NSP. Thank you. Any questions? I guess I could have-- start with that. Sorry. Thank you for being here. Next proponent. Welcome.

**JULIE MONTPETIT:** Hi. My name is Julie Montpetit, J-u-l-i-e M-o-n-t-p-e-t-i-t. Today's my wedding day. I married Nicholas Ely. He is serving a life sentence. And there is absolutely nothing that I would rather be doing right now on my wedding day than speaking to you all and reading a statement from him. I'm not from Nebraska, but obviously he is. So I really appreciate your time in letting me say that. And I have a second statement that I've also included for another inmate also currently a serving life sentence. So I'm going to read his statement. Thank you. Hello. Thank you for giving me the opportunity-- oh. Sorry. Before I continue, they refer to it as the Second Look Act. So I'm going to be reading that, and it'll say Second Look Act. Thank you for giving me the opportunity to plea for the passing of the Second Look Act. My name is Nicholas J. Ely. I'm a 34-year-old incarcerated person who has been in prison since 2011 for a murder that I did not commit nor participate in. When I was 20 years old, the felony murder rule found me guilty of first-degree murder although I've never hurt anybody in my entire life, not even in here, but I've been sentenced to serve the remainder of my natural life in prison. I'm a supporter of this bill because providing a second chance to guys like me who didn't actually hurt anybody provides a sense of fairness to the felony murder rule. Without a chance of parole, felony murder feels like a cruel and an unusual punishment. The Second Look Act is very important because it provides relief to youthful offenders who are sentenced to natural life before having reached the a-- the age of mental maturity. I believe in

my heart that 25 years is the appropriate amount of time that a youthful offender needs to complete and sustain his rehabilitation, as well as fulfill his debt to society. The first decade is required for the brain to reach maturation. The second decade is required for the mature brain to work on rehabilitating itself. Maintaining good behavior is an important aspect to proving a genuine change. So I believe 25 years is an appropriate amount of time that a youthful offender sentenced to life should serve before becoming eligible for parole. Additionally, the Second Look Act would fulfill the state's constitutional enactment that made any sentence of life without parole illegal in Nebraska. Before I went to trial, my attorney informed me that there was no such thing as life without parole in Nebraska because LWOP is unconstitutional. But my lawyer was wrong. Without the Second Look Act being passed into law, there is no actual way for me to receive parole without the governor granting me a pardon. Because I never hurt-- act-- bef-- because I never hurt anyone nor intended for anyone to be hurt, my 20-year-old brain couldn't foresee that I would actually ever be sentenced to natural life in prison. But I was wrong. My first decade in prison wasn't my proudest, and I had a tough time coming to terms with my reality. But I've never stopped educating myself over these last 14 years and have spent an unimaginable amount of time reflecting on my life and where it all went wrong. By the time I was 30, I knew I was no longer that 20-year-old kid who walked into prison. By the time I turned 32, I knew that I would never break the law again. And this revelation came to me without having any hope for the future. But I believe that if you change what is inside you the outside world will change. And now two years later, my words are being read to you as a plea to pass the Second Look Act and grant me another change-- chance at life. Thank you for your time.

**BOSN:** Thank you. Thank you for these handouts as well. Any questions for this testifier? Seeing none. Thank you for being here. Next proponent. You're all right. Welcome.

**STEVE HANSEN:** Good afternoon. And thank you, everyone, for the opportunity to speak today. My name is Steve Hansen, S-t-e-v-e H-a-n-s-e-n. I live in Ashland, Nebraska. I will speak in support of LB-- Section 11 of LB215, aptly named the second chance. I have a son, Gabriel-- excuse me-- currently serving a life sentence at Tecumseh. His offense was committed when he was 18, 18 years and 23 days old. Gabe has been incarcerated for 29 years now. My family has maintained a great relationship with Gabe, and we have watched him grow and, and mature significantly. He's a good man now and no longer a boy. In fact, he's a family rock that ev-- we all go to. I point this out as the second chance bill could have a significant impact for Gabe and our

family, as well over 100 other inmates and their families currently serving a life sentence in Nebraska. The crime of murder does and should carry a severe penalty, and some convicted of this crime will, will not qualify for the second chance. A competent parole and pardon system would be in place to determine if and when an inmate is being rehabilitated and if and when they should be considered for parole, just as LB215 provides. What would a second chance mean to someone who's serving a life sentence in Nebraska? Excuse me. In a word: everything. Hope, motivation, personal improvement, and answered prayers. The benefits for the state, Department of Corrections, and, and, and the staff would also be immense. The second chance not only provides for a system of merit, qualification, and eligibility. It further provides for a competent system with the proper checks and balances necessary to ensure the inmate properly adjusts and remains to be productive and a giving member of society after their release. Nebraska ranks 14th on the list of the highest inmate costs in United States, at approximately \$88,000 per inmate annually. Using that number-- using the number of 140 inmates currently serving a life sentence in Nebraska, that equates to over \$12 million annually. The current average age of an inmate serving a life sentence in Nebraska is 50 years old. It is certain that the annual cost of an aging inmate is much, much higher than the average cost per, per inmate. The recidivism rate falls from-- excuse me. The rate of recidivism falls from 30% to 40% to less than 3% for individuals after, after serving 25 years. The Department of Corrections, the Division of Parole Supervision, Board of Parole, and the Board of Pardons processes as outlined in LB215 will provide those who earn and deserve a second chance receive it as, as they have so earned. Simply stated, there's zero downside to second-- to the second chance bill and an enormous upside. I urge you to pass and implement LB215.

**BOSN:** Thank you very much for being here.

**STEVE HANSEN:** Questions?

**BOSN:** Any questions for this testifier? Thank you for sharing your story.

**STEVE HANSEN:** Thank you.

**BOSN:** Yes. Next proponent. Anyone else? It's my constituent.

**FRAN KAYE:** Yes.

**BOSN:** Welcome.

**FRAN KAYE:** Thank you, my senator. Thank you, Mr. Holdcroft. Thank you, everybody. I just want to add in I've been a prison volunteer in Nebraska for going on 40 years now. And I know so many of the people who have been discussed, and I have heard so many good things about them and so much love expressed by other inmates who have benefited from their fellowship and help. I'm speaking in favor, as everyone else so far has, of, of Section 11 of LB215, the section that deals with the second look and second chance legislation. We tend to carelessly think that commuting life sentences endangers the rest of us. They're dangerous people, right? No, not true. The research presented on the YouTube video that is linked to my written document shows that recidivism is very low among people who have been serving for a long time. People who have rehab-- rehabilitated themselves after taking another's life frequently choose to work with troubled children, who are statistically far more likely to commit violent crimes than the formerly convicted. No one can more effectively tell young people, don't do what I did, than those who have struggled through the full weight of guilt and remorse. The second YouTube link on, on the bottom of my page is about La'Ron Jones, a young lifer who now lives in our youth detention center and was named Nebraska Mentor of the Year for 2024. I made Senator Bosn watch that, and she liked that.

**BOSN:** Yes, I did.

**FRAN KAYE:** So I figured I'd give it to everybody. Murder victims are not best remembered by an unrelenting pursuit of vengeance. No punishment can bring back the dead, but the living can honor the dead by preventing new violence. I would never tell-- never tell other survivors of murder victims how to feel or grieve. But we as a society in the way we write our laws can stop confusing endless punishment with justice. Vengeance and vindictiveness is not justice. Mercy is engraved as the companion to justice on our Capitol. If you look outside the north steps, you'll see mercy, justice, power, and wisdom. Mercy and justice go together. We should live up to our own best instincts and history. We should live up to the nobility of those who, with a God, have striven and come to forgive themselves and to give back to society. Please support the second chance in LB215. Thank you.

**BOSN:** Thank you very much. Before I open it up for questions, just-- even though I know, can you please state and spell your first and last name for the record?

**FRAN KAYE:** My name is Fran Kaye, F-r-a-n K-a-y-e. I got involved in being friendly.

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**BOSN:** That's all right. Any questions for this testifier? Thank you for being here and for sharing these links.

**FRAN KAYE:** Thank you.

**BOSN:** Next proponent. Welcome.

**RORY LAUGHLIN:** My name's Rory, R-o-r-y; Laughlin, L-a-u-g-h-l-i-n. Hold on. I actually didn't plan on-- can you hear me good?

**BOSN:** Yeah.

**RORY LAUGHLIN:** I didn't plan on speaking on this, but I was in their office earlier because-- my testimony's going to be on the next bill, but I just had a quick-- I want to-- could I ask you a quick question about this bill?

**BOSN:** You're not able to ask us any questions. If you can form it as a statement-- and then we can maybe go from there.

**RORY LAUGHLIN:** All right. So what's the difference between, let's say, somebody that, like, hits someone over the head with a crowbar versus someone who steals a television from Walmart? So you would think there'd be a big difference, right? But if you look at like-- let's, let's take the Board of Pardons, for example. Did you know that, like, if I hit someone over the head with a crowbar, I have to wait ten years for a pardon? But if I steal a television, I have to wait ten years. So, like-- so everybody knows those two people aren't one and the same, but according to the Board of Pardons, they're the one and the same. They both have to wait ten years. They have a one size, like, fits all policy. Everybody knows it doesn't make sense. But it-- but it's like, when you have things that have been in place for so long-- like the State Tort Claims Act, among other things-- nobody wants to change it. It's too, like-- you know, like, everybody knows what gets priority down here. And I, I wish I didn't have to say that, but everybody knows it's true. Like, if somebody has \$10,000, they can just give it-- a lobbyist comes down here, bam. Pri-- you, like-- you can actually-- and I didn't know this back in 2016. But you can actually look at people's contribution statements and you can tell what their priority bill's going to be that year. That's, that's really sad. And so, like, when you have something like this that actually makes sense because it, it, it, it picks apart the people who maybe deserve a second chance versus the people that don't, I just feel like this deserves at least a second chance or at least a, a second and first look. So I know it's not really about pardons, per se. My issue kind of touches on that. We'll

get into that next. But I just wanted to, to say that you have to look at stuff for what it is, you know. Like, it's not-- everything's not just one and the same. Everything's not a blanket. You know, like, look at people as individuals because, again-- we'll get into this next. But I believe that God-- I mean, your fingerprints are all different. You can say whatever you want about God. Like, in my opinion, people will try to, like, reclassify themselves. They'll, they'll try to say they're gay, transgender, whatever. But at the end of the day, whether they want to admit or not, just in my opinion, they answer to God. And so, like, if you're all unique, we all have different fingerprints, you should start treating people as individuals on a case-by-case basis and don't just blanket everybody into one pool. And just because something's been around forever doesn't mean you can't change it. And so I'm gonna leave it at that. You got any questions?

**BOSN:** Thank you. Any questions for this testifier? Thank you for being here. Next proponent. Welcome.

**BOB FINLEY:** Hi. My name's Bob Finley, B-o-b F-i-n-l-e-y. And I think it is important for a person to enjoy life. It is important for a prisoner at the end of their sentence-- I think it is as important as a prisoner at the end of their sentence at it, it-- as it is for a baby in the womb to enjoy life and to enjoy life abundantly. I believe that justice is important and real habilitation is necessary for release. I feel that through time and rehab, hearts can be changed. We must have forgiveness and mercy to see through God's eyes the incarcerated. I know many prisoners who I feel are ready to be released. It is my hope that they will be.

**BOSN:** Thank you. Any questions? I guess I'd have just a few. You're wearing a Prisoners for Reform shirt. And I think we've met over Circle of Concerned Lifers dinners a couple of times. Can you just tell us a little bit about the work that you do inside of NSP?

**BOB FINLEY:** Well, I do a couple of things. I go there and do clergy visits, and I'm in there for about an hour to two hours with them. And a lot of times we're just talking about how things are going and, and just-- I'm basic-- basically just there to, to be a friend for them. I go into lifers and I listen to all the things that are going on. And you wouldn't believe all the good things are going on. They be-- talk about respect, responsibility, dignity. It's just a good thing that they can build up some self-confidence for themselves and know how to treat people.



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**BOSN:** I think last time we were there, you were provided an award for all the work that you do. And so I just wanted to also thank you for all of that.

**BOB FINLEY:** Well, thank you, Senator.

**BOSN:** Thank you. Any other questions in light of that? Thank you for being here.

**BOB FINLEY:** Thank you.

**BOSN:** Next proponent. Welcome.

**MATTHEW HECKMAN:** Thank you. Good afternoon, Chair and members of the committee. My name's Matthew Heckman, M-a-t-t-h-e-w H-e-c-k-m-a-n. I'm, I'm here as a proponent to LB215. And specifically, I'm here to speak about the section dealing with inmates with life sentences. I be-- I began my career as a correctional officer at the state penitentiary in 1983, and I worked there for the first ten years of my career. I claimed-- I climbed ranks in the Department of Correctional Services, working at four Lincoln facilities-- three of them I worked at twice. Positions I've held is officer, corporal, caseworker, case manager, unit manager, unit administrator, assistant warden, associate warden, deputy warden. I retired as a deputy warden in December of 2023 after working 40 years with the department. From 2017 to 2021, I was assigned as a deputy warden of programs at the State Penitentiary. I was responsible for oversight of recreation, hobby, religion, education, clubs, interpreter department, library. As such, I attended many banquets and symposiums, graduations, and even club meetings. Myself and another deputy warden began attending Circle of Concerned Lifer meetings. Since retirement, I have become a volunteer and have been attending meetings with the Circle of Concerned Lifers. I've been impressed by the leaders of this group, some of whom I've known since 1983 when I started at the penitentiary. These men made an immediate impact on me. It was clear that, that they were serious about their mission and their intention to make positive changes. The lifers group was comprised of leaders of various other self-betterment clubs. It was comprised of individuals certified as intentional peer support specialists, facilitated by the Mental Health Association of Nebraska. Some of them were transferred to the Nebraska Correctional Youth Facility-- which they would normally not be eligible for-- for the express purpose of being role models and mentors to the young men. They have been mentors to others, demonstrating how to be a better man, a better father, a better son, a better member of their community. I heard testimony from newer members of the lifers group about how they

were taken under the wing of one of these men and shown how to do time in a positive way. They strive not to only improve themselves but their community, despite many of them having little to no hope of ever being released. Many have worked good-paying jobs in shop assignments, saving or sending money home to support their families. Some of them are certified hospice care providers, legal aides, service dog trainers, program facilitators. They were teaching restorative justice class when I left NSP. I don't have any reports on it, but anecdotally I can attest to the fact that many of these men can be considered model inmates with minimal disciplinary record. Some have gone decades without a misconduct report, and that is no easy feat. While some inmates sentenced to life should never be released, I believe that many who have served decades have proven themselves worthy of a second chance at a commutation. Thank you.

**BOSN:** Thank you for being here. Thank you. Questions for this testifier? I guess just since you have a significant amount of experience working in corrections, do you share some of the previous testifiers' statements of these individuals went in clearly needing to do some rehabilitating and have made that progress over time? I mean, it sounds like you think that there is a significant difference in some of these individuals after they've participated in the programming.

**MATTHEW HECKMAN:** Yes. I, I think programming's very important. I think a, a gradual progression through custody levels would be important for these guys, especially at-- attaining community custody before being released. It could be a shock to their system to be put out on parole supervision after 30 years or whatever.

**BOSN:** Thank you. I appreciate that insight. Thank you for being here.

**MATTHEW HECKMAN:** You bet.

**BOSN:** Next proponent.

**ALISSA RIES:** My name is Alyssa Ries, A-l-i-s-s-a R-i-e-s. I am testifying in support of LB215, the Clean Slate Act and second chance relief. My testimony will draw from my life, education, experience as a practicing spiritual director, and my involvement with the Nebraska Department of Correctional Services via the FEAST program at Our Saviour's Lutheran Church, now entering its 21st year. FEAST is a ministry with people currently and formerly incarcerated. My understanding of the purpose of incarceration is restoration, a chance to understand what went wrong, account for those actions, and restore and heal all involved. An opportunity to make things right. While I

support clean slate legislation, I would prefer it be simplified, and here's why. Two specific FEAST alumni fall into the exclusion categories currently outlined in the clean slate portion of this bill. Both are elderly and had attended worship regularly while in the FEAST program and continued to attend for over ten years as members of our congregation. That is until their extensive health issues made that impossible. Three days ago on Sunday, February 23, one of our FEAST volunteers who's been trying to help both men shared the following with me. One was contemplating reoffending for the sole purpose of being sent back to prison so that he could have a place to live and get the physical care that he needs. The other felt suicide was his only option and was recently placed in a local mental health hospital. It took that act to connect him to the resources he needed, resources he'd been seeking for months. Over the past 21 years, we have walked alongside people as they've been forced to live in tents, on the streets, in apartments you wouldn't approve for your worst enemy. They've taken degrading jobs, struggled with addictions, and isolated themselves because even they recognize the weight of their needs is too great for the human pers-- average person to bear. It is beyond time to stop punishing people for the rest of their lives. The time is now to truly set them free. Lastly, the second chance relief section of LB215 has my wholehearted support. Thank you for your time and your consideration. I'm open to answering any questions you may have.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for the work you do and for being here.

**ALISSA RIES:** Thank you.

**BOSN:** Yes. Next proponent.

**ASHLEY WILKSEN:** Hello. I apologize. I'm really anxious. My name is Ashley, A-s-h-l-e-y; Wilksen, W-i-l-k-s-e-n. I am the Director of Operations for MHA, the Mental Health Association of Nebraska. I am here in support of the second chance relief section of LB215. MHA's mission is to promote a culture of hope and healing through intentional peer support. Our vision is a world where every person has the opportunity to grow, feel connected, and find community as their authentic selves. We believe in collaboration, trust, and courage because real change happens through relationships, honesty, and the willingness to face discomfort together. For nearly 25 years, MHA has provided alternative crisis services such as the REAL program in partnership with Lincoln Police Department, and the Keya House, which offers a community-based alternative respite to hospitalization. Also more relevant today is our Honu Home, Nebraska's only peer-run

respite-- individual-- for individuals reentering after incarceration. We invest in those returning to our communities so they can succeed because they-- because when they succeed, our communities are safer. But our work begins long before release. We train incarcerated individuals and peer-- and provide peer support, fostering rehabilitation and prosocial development inside the prison walls. If we claim to believe in rehabilitation, we must offer opportunities for redemption as well. Accountability matters, and so does recognizing the value in every person, even those who have caused harm. We have had the honor to witness the profound impact those who have been incarcerated for decades, many of which are serving life sentences, have on others. LB215 provides a path for long-term incarcerated individuals to demonstrate growth and have a chance at renewed life. We do not ask this without commitment. MHA is ready to support them as they reintegrate, address the challenges of long-term separation from society, and assist-- assist them and support them in finding success. We urge you to support the second chance and advance LB215. And we would also like to invite you to visit our programs both in the community and inside the facilities to see the impact firsthand. Thank you. And I'm willing to answer any questions.

**BOSN:** Thank you very much for being here. Senator Rountree.

**ROUNTREE:** Thank you so much, Chairman Bosn. And thank you so much for your testimony. I-- it was a little quirky and some noise, but I didn't hear the home that you said-- the only type that you have here in Nebraska. Could you say that again and [INAUDIBLE] little bit more about it?

**ASHLEY WILKSEN:** Yeah. Absolutely. It's Honu, H-o-n-u, Home. And it's a transitional living for individuals coming out of incarceration. It is completely peer run. So we have individuals like myself who have had our own struggles with mental health, substance use, have been previously incarcerated, trauma-- just our, our peers, ourselves. And so that's the individuals that we have running and staffing the transitional living.

**ROUNTREE:** OK. All right. Thank you so much. I appreciate that.

**BOSN:** Any other questions? Senator Storer.

**STORER:** Thank you, Chairman Bosn. And thank you for, for your testimony and coming today. Can you just tell me a little bit more about-- and I might be getting a little-- you said you were with the Mental Health Association--

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**ASHLEY WILKSEN:** Mm-hmm.

**STORER:** --but that's in addition to your work at the transitional home. Is that right?

**ASHLEY WILKSEN:** So the Mental Health Association is the, the organization, and then Honu Home is one of our programs.

**STORER:** OK.

**ASHLEY WILKSEN:** One of our several programs that also do other things besides the transitional living. Reentry services as well.

**STORER:** And is that a statewide organization or-- primarily, just--

**ASHLEY WILKSEN:** Right now, we actually have just historically been in Lincoln, but we just opened a house in Omaha as well.

**STORER:** OK. And how many-- about how ma-- how many years has that been in existence or--

**ASHLEY WILKSEN:** Honu Home opened originally, I believe, in 2018, when the Vocational Life Skills Grant came available from the Nebraska Department of Corrections.

**STORER:** OK. And how many people have you served through the years and--

**ASHLEY WILKSEN:** I'm actually not sure through the years. It has been, I believe-- on average, I want to say it's a-- just at the home itself, I want to say it's around 100 a year. But I can't-- I, I can't-- I don't want to-- don't quote me on that because I'm not sure of my numbers.

**STORER:** No, I'm just trying to sort of get an idea of, of--

**ASHLEY WILKSEN:** Yeah. Absolutely. But within our reentry services, there are-- we-- because we work with individuals that are also inside before they come out, we have lots and lots of engagement with the population.

**STORER:** OK. Thank you.

**ASHLEY WILKSEN:** Yeah. Thank you.

**BOSN:** Any other questions? You've brought up a good point. Maybe we should take a senator trip to go see the Honu House. Because I was able to see it lot-- between the interim, and it really would probably paint a good picture for some of my colleagues.

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**ASHLEY WILKSEN:** Yeah. Absolutely. That would be wonderful.

**BOSN:** Can you tell me about how many individuals work with mental health associates?

**ASHLEY WILKSEN:** How many are employed?

**BOSN:** Right.

**ASHLEY WILKSEN:** Right now, I believe we are about at 65 employees.

**BOSN:** OK. All right. Thank you. I appreciate it.

**ASHLEY WILKSEN:** Thank you.

**BOSN:** Next proponent.

**JAMES THIELE:** My name is James Thiele, J-a-m-e-s T-h-i-e-l-e. And I work as a clergy with the Department of Corrections. I visit individuals, and I also run kind of an online Bible study. And I've seen firsthand the change in many of the inmates, and I believe many of them deserve a second chance. I know I'm not even the same person I was when I was younger. None of us are. And change does happen, especially if we can incorporate some kind of spiritual development in their life. It seems to be very effective. I also have a letter from one of the inmates. His name is Ira Leon. He said, I'm so grateful to have a voice in this conversation. My name is Ira Leon, and I've been serving a life sentence since February 19, 1992. At my sentencing hearing, the Honorable Judge Rowlands read documents provided by ND-- NDCS into the record that ensured that I would be able to obtain parole in 25 or 30 years as long as I met certain criteria, such as abiding by the rules and regulations of the institution, completing all recommended-- recommended programming, and not having any misconduct reports for the last five years. However, this has not been the case. I have served 33 years so far, with the Parole Board stating that they cannot promote me without receiving communication from the Parole [SIC] Board first. I have completed all the recommended programming and have also completed programs just out of the desire to continue education myself and grow in new ways. I have been even blessed with the opportunity to become a certified intentional peer supporter, which allows me to have one-on-one sessions with other individuals in order-- in an effort to learn from one another and focus on reaching goals aimed at positivity. Never have I given up or allowed setbacks to lead me down a bad path. I continue to conduct myself in the best manner possible, knowing God would provide what I needed in time. I was 19 years old when I-- went-- the fel-- felony murder law made me part of the crime I did not commit.

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I didn't give up. And these words you're listening to are not from the 19-year-old. This 52-year-old man is sharing with you the leaps and bounds I have grown since, since then. I pray that you will find a way to pass the Second Look Act, giving those who pro-- prove themselves for their actions a chance for freedom. I personally know that I have a lot to offer out there and that I would be welcomed-- and additionally to the community. I will continue to take advantage of every opportunity while I'm here, but I'm hopeful that you will provide the avenue that enables me to share all that I've learned with the community. Thank you so much for your time and effort. I am truly grateful. Ira Leon.

**BOSN:** Thank you. Any questions for this testifier? Seeing none. Thank you for being here and for sharing the story.

**JAMES THIELE:** You're welcome.

**BOSN:** Yes. Next proponent.

**JASON WITMER:** Thank you for having me here, Chairperson Bosn and Judiciary Committee and Holdcroft for bringing this bill. I am Jason Witmer, J-a-s-o-n W-i-t-m-e-r. And I am here on behalf of ACLU in support of LB215. LB215 has two components: the Clean Slate Act and the second chance relief. Both concepts are important to reforming our criminal legal system. LB215 seeks to break down barriers created by the legal system to sup-- sorry-- created by the legal system, and the ACLU Nebraska has long supported and will continue to support the concept that Nebraskans ensnared in the system need treatment, rehabilitation, and investment over purely punitive actions or collateral concre-- consequences that leave individuals and communities worse off than they were before. The clean slate reform gives individuals a fresh start to move on with their lives after they're involved in the criminal legal system. While LB215 has a clean slate provision, we would urge an amendment to remove the broad exclusions of obtaining the relief from that, that provision. A more effective clean slate provision would include an automatic clean slate for certain offenses, as LB215 does, but would also allow judicial discretion for granting clean slate relief for more offenses rather than a blanket exclusion-- many of the crimes that are in LB15 [SIC] as it does in its current form. So when it comes to the second chance relief portion of the bill, we offer our full support. This commonsense provision does not strip any authority from the Parole Board but instead simply encourages the Parole Board to use and exercise its discretion to recommend a commutation, which is the reducing of somebody's sentence so that they are provided the opportunity to be granted parole. Should

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this recommendation be accepted, then the Pardon Board retains the discretion to grant or deny it. Should a commutation be granted, the power is handed back to the Parole Board, and the Parole Board will then again have the discretion to grant parole or not. And if parole was granted, they also have the discretion of when. So what I'm saying essentially is this has taken no power away from them boards. And so moving this forward grants-- just prompts them to provide the opportunity of recommending individuals to the Por-- Parole-- Pardon Board and perhaps "commutating" a sentence and granting somebody the opportunity to be released based on who they have become. So we offer our support for LB215, the second chance relief. And with respect, we would ask that the broad exclusions of sentences in the clean slate be considered to remove and grant that power to the decision-makers at the front to decide on how they would-- how they would-- who they would grant clean state to for what crimes and whatnot. So with that, we, we ask that that portion be moved forward and any consideration on the rest of it where-- we would support.

**BOSN:** Any questions?

**JASON WITMER:** I think I did a lot of-- too many words.

**BOSN:** No, you did great.

**JASON WITMER:** But the-- I'm open to answer any questions if I didn't make sense there.

**BOSN:** Well, he might have a question even though he thinks you made sense. Senator Rountree.

**ROUNTREE:** I thought it made a lot of sense. Thank you so much, Chairman--

**JASON WITMER:** OK.

**ROUNTREE:** --Bosn. Not-- it does, but I just wanted you to talk a little bit more about the-- eliminating this, the granting of the-- that full broad exclusion, taking it out and having it more specific in. Do you think there's not enough opportunity for a member to be eligible for this Clean Slate Act? Is that what you're saying?

**JASON WITMER:** I, I absolutely believe there's not enough opportunity. A true clean slate is for everybody, but with the discretion of the front line, the judge, who, who would be making that decision. The, the prosecutor, the, the attorney that represents them and the individuals talking about this-- what this does is automatically eliminates them if



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they have a crime that fits this. Because right in this bill, we're talking about second chances. And I can tell you now a lot of them men in there doing life behaved way better than I did. And I have no-- other than-- I don't know-- I can't imagine what I would do to go back to prison. I can imagine I would act ridiculous and offend somebody, but. So I absolutely believe in-- the-- I would take any of the men as neighbors, but also I think the clean slate should reflect that redemptive value to everybody.

**ROUNTREE:** All right. Thank you.

**BOSN:** Thank you. Any other questions? Senator Hallstrom.

**HALLSTROM:** And with regard to your recommendation to narrow the exclusions or do away with them, the way I read the bill right now is that the court administrator notifies the court of those that are eligible, and it seems to be more pro forma. It's just automatically granted if they qualify. So you would say that for the universe that opens up, if we remove those exclusions that then the judge presumably or-- you said the decision-maker. I assume that's going to be the court or the judge is going to have to decide on a case-by-case basis whether they should be entitled to the relief or the clean slate.

**JASON WITMER:** Yeah. I would say here-- of course we'd work that out, but I would say here, those already automatic would remain automatic. Those that we feel for whatever reason that there was put in here for exclusions would be then discretionary choiz-- chosen by the judge and whoever he's working with or she's working with to decide that factor, as opposed to this, where it just eliminates that opportunity to have that, that chance of removing something from the record so somebody can get housing, so somebody can get work, so somebody can go about their life like a, a citizen that we would all want to be one day and not-- never be marked with the mark of Cain that we can never get forward from.

**HALLSTROM:** OK. Thank you.

**JASON WITMER:** You're welcome.

**BOSN:** Was that a Cain and Abel reference?

**JASON WITMER:** Yeah. I don't know. Sometimes if I talk too much, stuff comes out my mouth.

**BOSN:** Always a pleasure to have you. Thank you for being here.

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**JASON WITMER:** Thank you. Thank you for listening. Thank you, Senator, for bringing this. And I look forward for-- to more discussion.

**BOSN:** Next proponent.

**HUNTER TRAYNOR:** Good afternoon--

**BOSN:** Welcome.

**HUNTER TRAYNOR:** --Chairwoman Bosn, members of the Judiciary Committee. My name is Hunter Traynor. That is spelled H-u-n-t-e-r T-r-a-y-n-o-r. I'm here today on behalf of the Nebraska Chamber of Commerce and Industry, the Greater Omaha Chamber, as well as the Lincoln Chamber of Commerce to tender our support for LB215. We have membership throughout the state who in recent years have undertaken work reentry programs to help folks who are exiting the criminal justice system and providing them dignified opportunities to enter the workforce and build sustainability, predictability, and, and dignity for themselves. That goes for folks like TMC0 here in Lincoln to Bruckman Rubber out in Hastings. And while a clean slate program in this bill's distinct from work reentry programs, those two concepts certainly flow from the same wellspring. We wanted to appear on record in support not only of the bill but of AM361, which was presented to you, because it contains some of the concerns that, at least from the employer's perspective, we sometimes have as it relates to an employer complying with federal law or in a highly regulated industry like banking, insurance, common carriers, and child care. And so if the committee decides to move this bill forward and the Legislature undertakes this idea or decides to expand it in the future, we wanted the business community to be on record in a collaborative, supportive, proactive posture as we work with our membership and as other granular regulatory issues may arise. So with that, I just wanted to thank Senator Holdcroft. Urge this committee to consider and support this bill because we think it's a laudable effort at combating recidivism. And as I said at the beginning of my testimony, giving people meaningful opportunities to exit the criminal justice system and then hopefully find dignity and stability through work. So with that, I would welcome any questions. Thank you.

**BOSN:** Thank you. Any questions for this testifier? Senator Storer.

**STORER:** Thank you, Chairman Bosn. I was just going to clarify. You had, you had referenced amendment-- what was the amendment that you referenced, AM3-- AM3--

**HUNTER TRAYNOR:** AM361.

**STORER:** OK.

**HUNTER TRAYNOR:** And you'll likely hear of that--

**STORER:** I thought that was right.

**HUNTER TRAYNOR:** --later this afternoon from some of our members that we've spoken to who, for one reason or another, they may work in a highly regulated industry where the compliance with federal regulations, for example, may not comport precisely with how a clean slate program would work. And so just ensuring that those two things can fit together well is, is our more technical concern. But, yeah, I think you'll hear more from those folks later today.

**STORER:** OK. Thank you.

**HUNTER TRAYNOR:** You're welcome.

**BOSN:** Thank you. Any other questions for this testifier? Thank you for being here.

**HUNTER TRAYNOR:** You're very welcome.

**BOSN:** Yes.

**HUNTER TRAYNOR:** Thank you.

**BOSN:** Next proponent. Welcome.

**SPIKE EICKHOLT:** Thank you. Good afternoon, members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the Nebraska Criminal Defense Attorneys Association in support of LB215. We support both components of the bill. We're probably more, as practitioners, enthusiastic about the clean slate provision. But I'm going to talk more about the second chance provision because I think, frankly, that probably has more-- likely-- is probably more likely to be passed or at least advanced from the committee. Many of our members do represent people who are seeking pardons. In Nebraska, a sentence is final. In other words, if a judge imposes a sentence and it's appealed and affirmed and-- it's rare if-- never that an appellate court will revert a sentence for being excessive. It stays the same. If it's 50 years to 100 years. If it's life, it's life. The only way that a person can have that sentence modified in Nebraska is for the Board of Pardons to commute it or just shorten it or change it somehow. If you go to a Board of Pardons hearing, what you will typically see at the beginning of every hearing

is a two- or three-page listing of people who are inside prisons who are requesting a commutation. And the last several years at least, what the Board of Pardons does is simply deny those without a hearing as a group. And in defense of the Board of Pardons, what I think they do that for is because what you have is you have people who are inside the prison who are serving sometimes just a year or two that are simply swinging for the fence, that are just going to do a Hail Mary application for a pardons application. And they're sort of mixed in with the people who've been inside for 20, 25 years. In other words, what's so good about this bill-- and I want to commend Senator McKinney, who had a similar bill that did this last year, and Senator Holdcroft-- is it requires and directs the Board of Parole to have a meaningful process to assist the Board of Pardons for the applications that they receive. And that's what this bill does. I think that's completely consistent with the way our constitution provides the Board of Pardons and Parole for how to work. In other words, when the Board of Pardons-- which is the governor, the Attorney General, and the Secretary of State-- considers these things, they'll at least have some sort of meaningful information that's provided by the Board of Parole so they can make an informed decision. And I think that's very good. And it's consistent with what we ought to have with the rehabilitative model. If the Board of Pardons commutes a sentence, that doesn't mean the person just goes home and they're free to be as they are and, and it's over. Their sentences change in such a way where they can be parole eligible. Because if you get life, life means life. You're never going to go in front of a, a Pardons Bo-- the Parole Board ever. You're never going to be paroled. You're going to die in prison. If they change it from life to, say, something like 80 years to 100 years, that means if you've served the 40 years and you got actual good time, that means that you're parole eligible, that you can go in front of the Parole Board, they can release you with certain conditions-- ankle monitor, residency requirements, drug testing, all of those things-- and if you screw up, you go back. It's a-- truly is a second chance. We would urge the committee to advance the entire bill if possible. But if not, the second chance component as well. And I'll answer any questions if anyone has any.

**BOSN:** Senator Storm.

**STORM:** I got a question. Thank you, Chair Bosn. Thank you, Spike. I have a question. So if you have a felony murder chi-- charge--

**SPIKE EICKHOLT:** Right.

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**STORM:** --is that not considered first-degree murder? Or how did it-- how does that work?

**SPIKE EICKHOLT:** Felony murder is first-degree murder. It's a type of first-degree murder. And it's a form-- it's a-- you can commit first-degree murder in a variety of different ways. With premeditation, you intentionally kill somebody.

**STORM:** So if, if-- you have a group of people--

**SPIKE EICKHOLT:** Right.

**STORM:** --and there's one shooter--

**SPIKE EICKHOLT:** Right.

**STORM:** --the other people in that group can be charged with felony murder? They can all get the same charge?

**SPIKE EICKHOLT:** Yes.

**STORM:** Is that how that works?

**SPIKE EICKHOLT:** Yes. If you are-- if you participate with others in certain felonies-- they can be burglary, robbery, sexual assault. Maybe there's-- maybe arson's one of them as well-- and you sort of participate in that act as an aider and abetter and there's a death that results, then you can be charged as if the person who actually committed the murder.

**STORM:** Does that happen very often? Is that normally how they charge group activity like that? Or is it rare?

**SPIKE EICKHOLT:** It's not rare. It does happen on occasion. And it does happen. For instance, there's a case that's-- it does happen regularly. And as a matter of fact, there's been legislative efforts to make felony murder something less than first-degree murder, because it's like-- punishment is always very controversial. There's a case-- Senator Mike McDonnell will talk about it, where there was an arson. And on the way there, someone set fire to a building. On the way there, the fire crew was there, and somebody fell off a truck and died. That's felony murder. Now, I understand that seems to be-- you know, the argument for felony murder-- and I don't necessarily-- I'm not the one to make it necessarily-- is that you start something that's very dangerous like that, and if death results, you sort of deserve what you got coming to you. But it does happen regularly. We heard-- when we

were at the event that-- on Sunday night some people referenced, there was some-- there was an incident where somebody was a lookout driver for a robbery. And during the robbery, someone was shot inside. They didn't even go in the store, but that's still guilty of felony murder.

**STORM:** So in that situation, the shooter is-- gets the same sentence as the people who are with him.

**SPIKE EICKHOLT:** That's right.

**STORM:** OK.

**SPIKE EICKHOLT:** You hope at least the prosecutors, the county attorneys will exercise some discretion on how they charge. And in their defense, they do on occasion. In other words, they'll drop the charge down for someone who drove or who didn't actually do the shooting.

**STORM:** But so is felony murder the same as first-degree murder?

**SPIKE EICKHOLT:** Yes. Felony murder--

**STORM:** Just a different-- same term, just a different way of saying it.

**SPIKE EICKHOLT:** Different way of proving. That's right.

**STORM:** OK. That's all I have. Thanks.

**BOSN:** Before we go to the next, just so I can clarify, you said they get the same sentence. The prosecutor doesn't pick that. They get the same conviction.

**SPIKE EICKHOLT:** Right.

**BOSN:** The judge is who does the sentencing. So I just--

**SPIKE EICKHOLT:** I misspoke. The prosecutors don't always have to pursue a first-degree murder charge. They can do attempted, they can do a second-degree murder, or they can reduce it down. They have that discretion to figure out who's more culpable and who's not.

**BOSN:** But even if convicted of the same crime, certainly the judge is who decides what the sentence is going to be.

**SPIKE EICKHOLT:** But if it's first degree, it's either life or it's death.

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**BOSN:** Right. Any other questions for-- oh. I'm sorry. Senator Hallstrom.

**HALLSTROM:** Technical question, Mr. Eickholt. On page 9, line 10, it talks about the qualified offense was committed on or after January 1, 2021. What's the significance of that-- picking that date?

**SPIKE EICKHOLT:** Oh, for the clean slate?

**HALLSTROM:** Yes. If you know.

**SPIKE EICKHOLT:** I-- you know, I don't know, admittedly. But let me just kinda look and see if I can-- I don't know if it's-- I just don't know.

**HALLSTROM:** And I can ask Senator Holdcroft in case he has something on that. And with regard to the second chance, are, are the, the lifers-- are, are-- do they have parole eligibility dates in some cases, all cases, no cases?

**SPIKE EICKHOLT:** If they're serving life to life, if [INAUDIBLE] life sentence, they don't have a parole date. They don't. Because the only way they can get a parole date is if their sentence is commuted to a term of years by the Board of Pardons.

**HALLSTROM:** And with this apply equally, the second chance portion of the bill, apply equally to life-- to lifers and those that have parole eligibility dates?

**SPIKE EICKHOLT:** Yes. If you look on page 15, lines 2 through 3, the first part of the second chance-- I guess it has the findings, but it says individuals serving long term or life sentences. They still have to be at least 25 years or 30 years to be eligible for this. So it has to be at least that much that they'd like to serve to even get the opp-- the opportunity to--

**HALLSTROM:** OK. And then--

**SPIKE EICKHOLT:** --have that.

**HALLSTROM:** Mr. Witmer and you have both indicated in your testimony, written or otherwise, that minimizing or removing the exclusions, and then would it be your position as well that you'd have some automatics that are reported-- as I questioned him earlier-- by the Supreme Court administrator and that the rest-- if, if Senator Holdcroft or the Legislature were to remove some of those exclusions, would that be the court would have to make those determinations on a case-by-case basis?

**SPIKE EICKHOLT:** I think so. If you look at what Senator Holdcroft has for the clean slate. For those eligible nonexcluded offenses, there is that process that the judge makes the determination as far as whether they should be [INAUDIBLE].

**HALLSTROM:** So it's not-- I mean, I read it that, that the court administrator gives the names and then there-- they issue an order approving it. It didn't seem to me that there was any, any discretion to say yes or no if they were qualified.

**SPIKE EICKHOLT:** Yeah. Maybe I read that wrong, but, but I think that's the intent, at least, to have it be case by case.

**HALLSTROM:** And you know where my next question is going is--

**SPIKE EICKHOLT:** I do. That's fine.

**HALLSTROM:** If the judges have the discretion, are you concerned that they're either going to rubber-stamp that and deny all of them or, or accept all of them?

**SPIKE EICKHOLT:** Admittedly, some I think are going to deny.

**HALLSTROM:** OK.

**SPIKE EICKHOLT:** You know. And-- but some will at least hear you and, and perhaps deny a grant.

**HALLSTROM:** And with regard to the second chance, I think you described that it's an opportunity. The, the Parole Board already has that opportunity, but this may cause them to pause and reflect and have more meaningful information to make a decision.

**SPIKE EICKHOLT:** That's exactly right.

**HALLSTROM:** OK. Thank you.

**BOSN:** Senator McKinney.

**McKINNEY:** Thank you, Chair Bosn. Thank you, Spike. Spike, for historical context, when did the state, like, end the practice of paroling individuals after, like, 25 and 30 years?

**SPIKE EICKHOLT:** You know, there's a testifier earlier that said something about after ten years, you can get parole. And there, there really is-- or at least pardoned. There really isn't any-- maybe I'm not answering your question. But it's not really-- it's all kind of



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anecdotal. I mean, I-- when I first got in private practice, I did some pardons hearing, and that was when-- governor was Dave Heineman. And there was a certain predictability, if you will, for how long you had to be out of-- and complete your sentence for eligibility, which offenses were longer and which ones were just never going to happen. And then during the-- most of the term when Governor Ricketts was governor, the Board of Pardons has never really met at all. There's, like, a three-year gap they didn't hear anything. And this current makeup in their defense are catching up on sort of the backlog. So there really isn't a predictability or a, a, a clear measure of who's going to be granted a pardon and who's not. And how long it's been or whatever, that doesn't really seem to be--

**McKINNEY:** Yeah. Because I remember-- I've talked to a few people since being here. And I've been told that in the '80s, maybe the '70s and a little bit in the '90s, even people that were serving life were being let out after about 25 and 30 years.

**SPIKE EICKHOLT:** Right. Yeah. And that's a little before my time, but that was common for the older inmates that had health problems, that weren't going to be a risk, that, that were serving life sentences or de facto life sentences. The Board of Pardons would more readily convert those to terms of years so that they could be paroled for medical purposes or just to-- just because they've been reformed. And that's-- it's-- just doesn't happen as much now.

**McKINNEY:** All right. Thank you.

**BOSN:** Mr. Eickholt, you and I have spoken a couple of times about this bill and some of the concerns that I think we've anticipated. Speaking from a constitutionality perspective, whether we like the idea here or not, that there are those real concerns. I don't know if you've been provided with a copy of the Board of Pardons' letter from February 26, 2025.

**SPIKE EICKHOLT:** They didn't send me a copy, no.

**BOSN:** I'm happy to share mine. But in it, they state the Nebraska Attorney General has previously indicated that the Legislature cannot compel the board to consider a specified class of clemency petitions in a particular manner. And in the interest of time I won't go on, but they cite a 1996 opinion that, that they rely on for their argument of cons--

**SPIKE EICKHOLT:** That's probably Otey, I suppose.

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**BOSN:** Yes, it i-- no. I don't know that it-- I think it's just an opinion.

**SPIKE EICKHOLT:** OK.

**BOSN:** So I don't know that that's in reference to a case. They do later cite Otey, but. I think there's those of us who think that this is a good idea and those who are saying there's constitutionality challenges here that we can't overcome with this bill even if we want to. Is there a-- do you, do you understand where I'm going with that?

**SPIKE EICKHOLT:** I do.

**BOSN:** OK.

**SPIKE EICKHOLT:** I think I do. We talked about it before.

**BOSN:** And you and I kind of bounced around the idea of, is this going to have to come in the form of a constitutional amendment? And-- I guess could you speak a little to that?

**SPIKE EICKHOLT:** I don't think that-- there are some parts of the bill, admittedly, that probably run into some trouble, because I think what the Attorney General's probably saying through the Board of Pardons and then that letter is that the Legislature cannot tell the Board of Pardons what to do. And I think that's clear. The Board of Pardons has sort of independent authority to grant or deny a pardon or a commutation for any reason or no reason at all, I think, is what the Nebraska Supreme Court says in Otey. And I don't think they can be told what to do by the Legislature. But I think the Legislature can give tools that the Board of Pardons can use, and the Legislature has. If you look at 60-6211.05, that's-- that is a current-- that's a statute that allows courts and the Board of Pardons to order interlock for 15-year license revocations. In other words, people can lose their license for second, third offense DUIs and other crimes, and they lose it for 15 years. That's part of the sentence. If a judge doesn't say you're eligible to get to have the interlock during that time of sentence, you don't get it. But you can apply for a commutation with the Board of Pardons for your license revocation. And the Legislature has said, well, you know what? If the, if the Board of Pardons does that, let's give them the authority and we'll direct the Department of Motor Vehicles to honor an order from the Board of Pardons to give them the interlock. That's kind of what this bill does here. You are telling the Board of Parole what to do with certain inmates. That Board of Pardons doesn't have to hear that-- they don't have to read what's sent

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to them by the Board of Parole. They don't have to act on it consistent with the case. Now, there are some parts of the bill that seemingly tell the Board of Pardons what to do, and I admit that's probably constitutionally suspect, but I think can easily be fixed. And if you look on page 17-- I don't have the amendment, but 17-- or-- excuse me-- page 16, lines 12 and 13, lines 18, lines 21, and lines 24 uses the term "shall." I think if those were converted to "may" that would not be binding on the Board of Pardons and it wouldn't run into a constitutional problem. It would be interpreted, in my opinion, as a legislative expression of what you want the Board of Pardons to do. And I think that would-- I th-- I don't think that would be a constitutional problem then.

**BOSN:** Thank you. It's just my questions. Anyone else? Senator Hallstrom.

**HALLSTROM:** I didn't, I didn't hear all of your mays to shall. Did you include line 3 on page 16 as well?

**SPIKE EICKHOLT:** I didn't, because that's the Board of Parole.

**HALLSTROM:** OK. Excuse me. Thank you. Thank you.

**BOSN:** Any other questions in light of that? Thank you for being here.

**SPIKE EICKHOLT:** Thanks.

**BOSN:** Next proponent. Last call. I knew there would be one. Welcome.

**PAUL FEILMANN:** Good afternoon, Senator Bosn and Judiciary committee. Name is Paul Feilmann, F-e-i-l-m-a-n-n. 317 Clear Creek Drive, Yutan, Nebraska. I'm a retired mental health counselor. And when I retired about six or eight years ago, I had an opportunity to provide mental health support to members at the 7th Step program at Nebraska State Penitentiary. I've been attending their groups regularly, except for during COVID, and wanted to come and speak today and talk about the leadership that I've met and followed closely in that group. They are the guys that have been there the longest and provide all the direction and support to the other residents and motivate them to try and make changes in their lives. And I just see that group of individuals as really low-hanging fruit in terms of the people that you want to give a chance to get out in the community. They, they're-- they've shown, you know, great restraint and leadership in the prison. And I think that this would be a really low-risk population. You've heard all the stories from the other family members, the leadership and so forth. And the only other thing I will say today-- I won't take too much more

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time-- is I sent out an email. When I first started working in the prison, I came across a gentleman from Nebraska named Shon Hopwood. If you don't know Shon Hopwood-- I got to meet him. Fascinating individual. His story is done in a 60 Minutes episode. I put a link to it in my, in my email. And I listened to it again on the way down here. I just shake my head every time I listen to it. But he was in Central City. Grew up in Central City, had a pretty good life. But when he became 19, just started drinking, partying, not wanting to work hard, drank his way through the Navy, you know, lost a scholarship, and eventually came back to his hometown, talked to some buddies when they were 19, and decided that robbing banks to get some easy money would be something that would be productive to do. And he describes it all in this video. And it, it's pretty powerful. And he talks about how they made that decision and then ended up getting incarcerated. But during that time, he, he ended up be-- learning about the law. And it-- the rest of the video explains how he got out, had a second chance, and now is licensed to practice law and is also a law professor at Georgetown Law School. It's a fascinating story, and it really will give you some insights in the value of second chances for people in, in the issue of rehabilitation, in incarceration, instead of-- he talks about warehousing versus rehabilitation and support. He said when he was in prison, there was nothing being done there except warehousing. And if we can do rehabilitation-- I think this legislation today is really a great step. I appreciate Senator Holdcroft and the rest of the committee for considering a way to make it happen.

**BOSN:** Thank you very much. Let's see if there's any questions from the committee. Questions of this testifier? Senator Storm.

**STORM:** Thank you, Chair Bosn. One, one comment. So Shon Hopwood grew up in David City, where I live.

**PAUL FEILMANN:** Oh, did I say-- did I say Central City?

**STORM:** Yeah.

**PAUL FEILMANN:** Sorry.

**STORM:** He's from David City. It's a pretty amazing story, so.

**PAUL FEILMANN:** It is. It, it, it, it's a fascinating-- it's-- you know, and there's-- that story is-- you, you multiply that times hundreds in the prison, and that's what, what we're missing out on in terms of rehabil-- the other one I would suggest that people look at if they get a chance is College Behind Bars, PBS special. It aligns a lot with what

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Southeast Community College is doing. And College Behind Bars looks at the college program and Bard College, go-- wen-- has a program inside of the prisons. And those folks are-- a lot of them are lifers. But it really shows a fascinating side of what rehabilitation should look like, so. Thank you. Have a good afternoon.

**BOSN:** Thank you. Next proponent. Any other proponents? If there are other proponents, if you guys want to come forward just in the interest of time so I know how many there are. I-- that would be great. Thank you for being here.

**BESSIE LEE:** Hello. My name is Bessie Lee. I come on behalf--

**BOSN:** Could you spell your first and last name?

**BESSIE LEE:** Yes. B-e-s-s-i-e; last name, L-e-e. And I come here to-- on behalf of my cousin, Bernard Long, who's been through-- who's been incarcerated for about 25 years. I'm here to share with you his transformat-- his transformation and witness-- and, and witnessing him, and humbly request a clean-- to request a clean slate under LB215. Over the years, I've seen, I've seen my, my cousin undergo a remarkable transformation. He's taken advantage of counseling, educational programs, and vocational training, demonstrating a genuine commitment to personal and rehabilitation growth. Through his hard work and determination, my cousin has earned GEDs and countless certificates and is currently in college, and became a mentor to his peers. His dedication to self-improvement is a testimony to his character and resilience. LB215 offers individuals like my cousin a second chance and an opportunity to start anew and contribute positively to society. I firmly believe that my cousin has earned his chance. He's demonstrated a commitment to rehabilitation, and I'm confident he'll continue to make positive choices upon release. I urge you to consider Bernard Long case under LB215. Grant him a clea-- clean slate. Would not only be a testament to his personal growth but also recognition to human capacity for redemption and change. I thank you for your time and consideration, and I believe that my cousin-- in confidence, he'll make the most of this opportunity. Thank you so much.

**BOSN:** Thank you. Any questions for this testifier? I've met Bernard many times, and I-- he also holds a degree from Baylor. So I, I'm sure he's very grateful for you coming here today. And I'm sure he's very proud.

**BESSIE LEE:** Thank you.

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**BOSN:** Thank you. Any other proponents? All right. Let's move on to opponents. Anyone here in opposition to LB215? Welcome.

**JEANIE MEZGER:** Thank you. I could easily have put myself into the proponent side, because I agree with everything that I've heard, but I wanted to be really emphatic about the Clean Slate Act. So my name is Jeanie Mezger, J-e-a-n-i-e M-e-z-g-e-r. And I advocate for people listed on the sex offender registry and for their families. For over ten years, I've been moderating support meetings for people affected by the registry. The people I've met come home from prison to work hard, to live good lives, and to provide for their families even when the stigma of the registry makes it difficult for them to find housing and jobs. I've also met some for whom the hopelessness was too much and they ended their own lives. I oppose LB2-- LB215 because it includes the Sleas-- the Clean Slate Act. If that were removed, I would support it enthusiastically. The Clean Slate Act has laudable goals listed in Section 2: to provide an incentive for offenders to remain crime free, provide hope to offenders who are trying to rehabilitate themselves, save the state money that must be spent when we have-- when offenders recidivate. If the Clean Slate Act can do all of that, why not provide the incentive and the hope to every offender? Why not save the state even more money by offering the clean slate to more people? Instead, this bill crushes the hopes of families with members living an admirable life in spite of being on the registry. If the registry includes the people you most fear offending, why withhold the incentive to remain crime free? Section 5 of the Clean Slate Act includes five different ways to exclude convictions from its benefits. Subsection (2) lists 80 separate crimes, half a dozen of which will put your name on the registry. I thought maybe some people on the registry might benefit. And then I read subsection (3), which flat out excludes anything that requires registration. Subsection (4) excludes any crime that has sexual contact or sexual penetration as an element of the crime. Subsection (5) in-- excludes all the attempt, conspiracy, aiding/abetting convictions, which I assume include some sex offenses. The Clean Slate Act in Sections 1 to 10 is confusing and repetitive and should be removed from this bill to be rewritten with the focus on hope instead of fear. In contrast, Section 11-- the second look part of this bill-- is clearly written and offers hope to anyone who is serving life or a very long sentence. This should be the Nebraska way. When people in prison have worked to transform themselves, we should welcome them back into our neighborhoods. Nebraska could be the state of mercy and grace if you would let it. Thank you.

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**BOSN:** Thank you. Let's see if there's any questions from the committee. Any questions for this testifier? Can you just tell us what the second page of this is?

**JEANIE MEZGER:** Oh. Yeah. It's just-- I included it because I didn't want to read it, because that would have put me over my time.

**BOSN:** Well, thank you for being respectful of that. But, just further information?

**JEANIE MEZGER:** It's just further information, yeah. It comes from the Cato Institute. And I just thought it had some really interesting stuff, so.

**BOSN:** Thank you for being here.

**JEANIE MEZGER:** Thank you.

**BOSN:** Next opponent. Welcome.

**RACHEL BOLTON:** Good afternoon. My name is Rachel Bolton, R-a-c-h-e-l B-o-l-t-o-n. I'm testifying on behalf of the Nebraska County Attorneys Association in opposition to the Clean Slate Act provisions within LB215. While rehabilitation is a noble and critical goal of our criminal justice system, this bill raises serious concerns about public safety, accountability, and fairness to victims. A criminal record is not just a punishment. It ensures accountability. Sealing records without review undermines the justice system and sends the wrong message about consequences. Courts should retain discretion to evaluate rehabilitation case by case rather than applying a blanket policy. Automatically sealing criminal records puts communities at risk by allowing individuals with histories of theft, fraud, or drug-related crimes to obtain jobs in sensitive areas, secure housing without proper vetting, which is currently in place. Employers, landlords, and community organizations rely on background checks to maintain the safety of our community members. Limiting access to this information increases the risk of repeat offenses by providing opportunities. Employers in finance, child care, and public service should know if an applicant has a criminal record. Landlords must be able to make informed decisions to protect tenants, and sealing records without transparency has the potential to pose liabilities for those employers and landlords. There are a number of qualified offenses within this bill, bill that, by their nature, involve victims. Victims and their families often suffer long after sentencing. This bill does not ensure that they are notified when records are sealed or provide an

opportunity to-- for them to object. Victims also rely on criminal records to obtain protective orders, restitution, and legal support. I further have concerns about the practicality of the administration of this type of automatic system, but I would not be the most appropriate person to testify as to that concern. I have reviewed the fiscal note, and I noted that implementing this would be costly in the millions of dollars for Nebraska tax-- taxpayers. This bill prioritizes offenders over victims, employers, and public safety. The current system of set-asides and pardons operates as designed, and a set-aside is the appropriate remedy for these offenses and also appropriately balances public safety, accountability, and victim rights, as I have addressed. For those reasons, I would urge this committee to reject the Clean Slate Act provisions in LB215. I would welcome your questions.

**BOSN:** Thank you. Any questions from the committee? Senator McKinney.

**McKINNEY:** Thank you. Thank you. And thank you for your testimony. Just on the clean slate part of this. So if this was to have, like, some, like, provisions about, like, review, victim notification, those type of things, would that lessen your opposition?

**RACHEL BOLTON:** If the automatic nature of the-- if that was removed entirely, I suppose it would lessen it. I would have to reread whatever new proposal it was in order to determine whether I would still oppose or not-- or, the association would still oppose. But the automatic nature removes judicial discretion from something that I think judicial discretion is, is paramount.

**McKINNEY:** OK. All right. Thank you.

**RACHEL BOLTON:** Absolutely.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. Thanks for being here. Does your group take any position on the second chance portion of the bill?

**RACHEL BOLTON:** It's my understanding they've taken no position.

**DeBOER:** They've taken no position. OK. Thank you.

**BOSN:** Any other questions in light of that? Thank you for being here.

**RACHEL BOLTON:** Absolutely.



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**BOSN:** Yes. Next opponent. Are there any individuals wishing to testify in the neutral capacity? Welcome.

**COREY STEEL:** Thank you, Chairwoman Bosn, members of the Judiciary Committee. My name is Corey Steel, C-o-r-e-y S-t-e-e-l. And I'm the Nebraska State Court Administrator. I'm here opp-- testifying in a neutral capacity. We came today to testify from the judicial branch, primarily fiscal note. We know this is a very large fiscal note. We've taken a lot of time in working with Senator Holdcroft, who actually give us a copy of the bill back in, I believe, December, to start vetting to see what the potential cost to our JUSTICE system would be to implement the clean slate portion. And that's all that would concern the judicial branch at this time, is the clean slate portion. One of the things our JUSTICE system, as you have all heard, is a very old, archaic system. It is a case-based centric case management system. So when you do a clean slate on a person, we would have to go and do multiple cases at times for these individuals. So it's not putting a name in and doing a clean slate on all of their cases. It doesn't work that way and function that way currently. Somebody can have multiple cases in multiple different counties across the state, and therefore it would be multiple types of actions that would have to take place. I've provided a list of what we have gone through-- that's about a page and a, and a half-- that really identifies all of the critical issues and programming that we would have to do in our JUSTICE system. Our JUSTICE system is a COBOL system, which means COBOL programming, which is very costly and expensive, and there are very few people that kind of do that programming at this point in time. The bulk of our fiscal note is reprogramming our JUSTICE system, reprogramming it to identify the correct offenses-- as has been discussed, multiple offenses are listed in the bill that would not be clean slate worthy in the sense, and then those that would-- so I wanted to come today in respect to, to, to the senator introducing the bill. And we've, we've had conversations and worked with him to say this is in no way, shape, or form is any opposition to the policy decision. This is in no way, shape, or form to discourage the Legislature from passing this legislation if they so choose. This is the reality of our system and what it would take to implement this type of program at this point in time. So I'd be happy to answer any questions that you may have, but I felt because we had a high fiscal note that I needed to come in front of the committee and explain and give some justification to that.

**BOSN:** Questions? Senator DeBoer.

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**DeBOER:** Thank you. So I know you all are in the process of looking at clean up with the JUSTICE 2.0 or a new programming system. Where are you at in that process?

**COREY STEEL:** So, so currently, we have hired a consultant that has come in, and they are mapping our current JUSTICE system, which means, because over the years since it was created in the, in the early-- in the late 1980s to ear-- and then implemented in the 9-- early '90s and has been built upon over the years, there's not really a true map of all the inner workings of what JUSTICE does. There's been a lot of different programmers that have worked on it from-- over the years, and a, a system mapping of all of the steps that it takes to enter each individual case and all of the information in those cases and all the case types that are implemented within the JUSTICE system. So we have a consultant coming in and mapping, which is a step one to show us what is it as we move forward, what type of system do we need to make sure we capture the same court flow and court process in our case types that we have today in JUSTICE and move us into the next generation. So that's the first step. We then have a, a two-year plan laid out of looking-- doing an RFI, request for information, from vendors, and then taking a look and having them come in and present to us on what a new system would look like, whether it's off the shelf. There's some companies that already have off the shelf versus build, like we have. Our JUSTICE system is built from the ground up. And then after we gain all that information and know exactly what we want, going to an RFP, and then working with the Legislature on what that cost is going to entail.

**DeBOER:** OK. That seems like a lot of preparing.

**COREY STEEL:** It is.

**DeBOER:** So what is the timeline for having it put in place?

**COREY STEEL:** I can tell you that other states had-- have implemented new state court management systems say it's a two- to a four-year process before you-- start to finish of implementing a new system.

**DeBOER:** So is that including the-- this preparing time we're in now?

**COREY STEEL:** Correct. Correct.

**DeBOER:** So in two to four years, we should have a new system, assuming that we find the money to support you all and, and help you get it, right?

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**COREY STEEL:** I hope so.

**DeBOER:** OK. When can we start to make bills-- when can we start to pass laws to do things that we want to change that basically we have been unable to do because we can't get our outdated system to work? When, when can the Legislature take back its legislating ability so that we can do things that it, it hasn't been able to do because of the money that--

**COREY STEEL:** Because of the cost.

**DeBOER:** --because of, of this outdated system? Do you have a sense of that?

**COREY STEEL:** I think-- when, when we get a new system, that is on the forefront. So we've had discussions that it needs to be both a person-centered system and a case-specific system. So it should be able to do both, which would make it easier. The other thing is, is moving away from code programming to new technology and new programming that it is quicker, faster, and easier to program some of these changes.

**DeBOER:** So can we get on your agenda now so that when you're putting a new one in that the, the changes that this Legislature wants to make, we can sort of get them put in as you're building it rather than, than later so that Senator Holdcroft can get his bill in the, the legislat-- you know. I mean--

**BOSN:** In the queue.

**DeBOER:** Yeah. We, we want-- we'd like to be a part of getting the changes made that we-- you know, I-- you know I passed a bill six years ago or something now that you guys still haven't done because you can't afford to do it or you can't figure out how to do it-- so when do we get to be the Legislature again?

**COREY STEEL:** And, and trust me, I had this conversation with many senators. And Senator John Cavanaugh is very frustrated as well because of bills that he would like. And, and it's just the information isn't there or we can't program it to get the right information.

**DeBOER:** You've explained it. And I understand why you can't, but, but, like, at this point, I think the Legislature ought to have at least some seat at the table with--

**COREY STEEL:** Oh, you will have a seat. That's--

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**DeBOER:** --creating a list of all the things that we want you to put in place that we've already passed. I mean, I feel a little bit like we put laws in place and you guys are like, oh, that's cute. No. And it's-- I get it. But it-- that's very frustrating as a legislator.

**COREY STEEL:** I, I, I totally understand. And, yes, you will have a seat at the table. After this mapping and going into that RFI and the RFP process, we will have a committee structure, and legislative seats are in that committee structure to make sure.

**DeBOER:** It does feel like a separation of powers thing is kind of not happening here, where we get to make the laws and you do them when we don't get to make the laws.

**COREY STEEL:** Well, I think-- you could, again, pass this law and we can implement this.

**DeBOER:** Well--

**COREY STEEL:** It just costs money to make sure our system is programmed the way to get the information and get, get the system out. So it's not we're saying, no, we can't do it. And that's, that's one of the reasons I came here today, because-- I've been here a long time and I know-- years ago, somebody didn't want something passed. It was a high fiscal note to deter. We spent months on this bill and going through detail--

**DeBOER:** I appreciate that. I--

**COREY STEEL:** --because I don't want this body to think and this committee to think that we don't support it or we, or we don't want this. It's, this is the cost as, as close as we can get it to this point in time to program our system. I inherited the system. Trust me, I'm as frustrated as anybody else with this system. But we also know, are-- do we want to put \$2 million into a system that in three to five years we'll have a new system that we can program these things into that as we're building it and as we're moving forward? We can do that.

**DeBOER:** What if we passed this bill with an effective date five years hence?

**COREY STEEL:** That's a possibility as well.

**DeBOER:** If we pass this part of the bill, the, the-- because I'm assuming the, the second chance part is not the expensive part. It's the Clean Slate Act.

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**COREY STEEL:** No, the second chance does not affect us at all. This is primarily all the clean slate.

**DeBOER:** So if we put a five-year effective date on that, you guys would be able to have the new system in place. And by the way, that makes us partners because now we're going to help you get that new system in place.

**COREY STEEL:** I, I would love to partner.

**DeBOER:** So-- OK. Thank you.

**COREY STEEL:** Because we're going to have to partner. I mean.

**DeBOER:** Thank you. Yeah.

**BOSN:** Any other questions? I just want to be on record also verbalizing my disdain for the JUSTICE system and its archaic nature. However, if I'm understanding you, what you're saying-- and I'm trying to go back to my days of using JUSTICE, INQROA to find out the names of all the previous cases. What you're saying is you need individuals to actually run those types of searches to do this under an automatic, which is what's proposed in the legislation. And one of the opponents testified perhaps this being more of a discretionary. And then that person could apply for it. They would be responsible for telling you these are the cases. Would that eliminate--

**COREY STEEL:** That would eliminate a lot.

**BOSN:** Yeah.

**COREY STEEL:** There would still need to be some, but not near what it is here. You have to look at the bill too as well. This is retroactive to 2021. So we have to build a program to search all of those identified cases that are outlined as available to be-- and then the notification to the judge and, and so forth. So if it was an application-- let's say like the juvenile law--

**BOSN:** Right. That's what I'm thinking of. Yeah.

**COREY STEEL:** --where it's an application for clean slate and they come in with a motion, that's a different process than what is outlined in the law right now-- or, in this legislation right now.

**BOSN:** OK. And I've, I-- you know, I think that maybe makes more sense to try and accommodate some of the opposition as to make it more of a

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discretionary, at least until-- I mean, I, I suppose the alternative is if we pass it and there's no funding for it, you can't do it and you're set up to fail, which I don't know serves any of us in, in moving forward either. But I appreciate your willingness to try and work with it.

**COREY STEEL:** Absolutely.

**BOSN:** Any other questions in light of that? Thank you for being here.

**COREY STEEL:** Thank you.

**BOSN:** Any other neutral testifiers? Welcome.

**RYAN McINTOSH:** Thank you.

**BOSN:** Are you lost? You're never in this committee. Just kidding. Welcome.

**RYAN McINTOSH:** Dunno what to tell you. Some of the bills I thought would be here maybe got referenced elsewhere. Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Ryan McIntosh, M-c-I-n-t-o-s-h. And I appear before you today as a registered lobbyist for the Nebraska Bankers Association in a neutral capacity on LB215. Specifically, I'll just talk about AM361, which is provisions requested by the Nebraska Bankers Association and others. We appreciate Senator Holdcroft's willingness to work with us on this issue. Under federal law, both financial institutions and insurance companies have certain requirements for hiring of individuals previously convicted of, of certain crimes. For instance, Section 19 of the Federal Deposit Insurance Act prohibits hiring of individuals who have con-- been convicted of or entered in pretrial diversion programs specifically for criminal offenses involving dishonesty, breach of trust, or money laundering without prior consent-- written consent of the FDIC. Additionally, the Violent Crime Control and Law Enforcement Act of 1994-- which coincidentally is aimed at white collar crimes-- includes insurance fraud as something that is prohibited from being hired by an insurer as defined in the amendment. So AM361 strikes the existing Section 8 and replaces it as sort of a white copy to the section for purposes of what the Nebraska Bankers Association and the Nebraska Insurance Indus-- Nebraska Insurance Federation requested. Page 2, lines 29 through 31 adds a definition for federal law, which includes both federal statutes and federal regulations. Page 3, lines 1 through 4, a definition is added for financial institution, which is tied to existing state law, and, and a definition for insurer, which is tied to

federal law in that specific federal statute I mentioned earlier. On page 4, lines 9 through 12, a new subsection is included to allow financial institutions and insurers to inquire to criminal history just and only to the extent that it is required by federal law. This provides transparency to the potential employees who are aiming to take advantage of this act, making clear that he or she may still be required to disclose certain information required by federal law if applying at a financial institution or insurer. So again, this is not a carve-out for the banking industry or insurance industry. It's only limited to those-- I think I mentioned four infractions-- that are required under federal law. So with that, we'd urge the committee to adopt the amendment. Thank you.

**BOSN:** Thank you. Any questions for this testifier? Thank you for being here. Oh. Did you have one?

**HALLSTROM:** Is it correct that the individual is prohibited from being employed in the financial institutions arena and the financial institution is also prohibited from employing such individuals or has to disconnect with them?

**RYAN McINTOSH:** Correct. They need prior written consent from the FDIC in order to do so. And there are criminal fines for both the financial institution and the individual for doing so. So even if it was an oversight, there is potential criminal liability.

**HALLSTROM:** This is a pretty big deal.

**RYAN McINTOSH:** Yes. It's something like up to \$1 million a day for the bank.

**HALLSTROM:** Thank you.

**RYAN McINTOSH:** Yeah. Thank you.

**BOSN:** Thank you for being here. Next neutral testifier. Welcome.

**MARY VAGGALIS:** Thank you. Good afternoon, Chair Bosn, members of the Judiciary Committee. My name is Mary Vaggalis, M-a-r-y V-a-g-g-a-l-i-s. And I'm here today as a registered lobbyist for the Consumer Data Industry Association, or CDIA. CDIA's membership includes the three national consumer reporting agencies, nationwide, regional, and specialized credit bureaus, background check companies, and others. Our members rely on public records, including court records, to accumulate consumer data, which are used by prospective employers, landlords, financial institutions, and other vital service providers. CDIA has no

position on whether or not legislatures provide a clean slate relief but works to ensure that there are sufficient reporting mechanisms in these type of proposals. I want to thank Senator Holdcroft for proposing AM361, which makes several important changes necessary to ensure individuals who are receiving clean slate re-- relief actually get the benefits afforded under the bill. First, AM361 directs the State Court Administrator to create a standard format for clean slate relief orders issued in Nebraska. The bill also sets out the minimum personal, case, record, and time identifiers to be included in the orders so that our members can properly match and update records for these individuals. The courts are then also directed to send notice of those orders to the State Court Administrator. The State Court Administrator is then asked to compile and release at least monthly a comprehensive list of orders for clean slate relief issued by the courts in the state in the prior month, either by subscription or XML access. Thank you again to Senator Holdcroft for working with us on this amendment. Please consider CDIA as a resource as you consider this legislation. Thank you. And I'll do my best to answer any questions.

**BOSN:** Any questions for this testifier? Seeing none. Thank you for being here.

**MARY VAGGALIS:** Thank you.

**BOSN:** Any other neutral testifiers? All right. Well, while Senator Holdcroft makes his way up here, I will note for the record there were 60 proponent comments submitted, 3 opponent comments submitted, and 5 neutral comments submitted. And although I haven't had a chance to read all of them, most that I've gotten through so far have been very, very thoughtful, so I'd encourage the committee to read them.

**HOLDCROFT:** Thank you, Chairwoman Bosn. Thank you for your patience today. Thank you for all the testifiers who came. You know, I think Senator DeBoer's recommendation about postponing the first part of the bill, the Clean Slate bill, would-- is a-- is, is certainly worth looking into. It would certainly relieve the issue of the, of the fiscal note, although-- and you probably don't know this, but I have a computer science degree from 1982. I am a COBOL programmer, and I'm looking for security in my retirement. OK. I think the, the start date from Senator Hallstrom, I think the 1 January 2000-- 2026 start date is just to give the court administrator time to do the changes in the software. So that would be the place where we could make that simple change to 2035 or whatever. And, and then, then we'd be off and running. So that's, that's a thought. The idea of the clean slate is to be automatic. So once you hit the thresholds, the ten years, the seven



years, the five years for these various offenses, then your, your, your record is automatically sealed for those, for those prescribed sentences. And again we're not changing sentences. We-- all we're doing is sealing records so that when a background investigation is done, if you've committed these crimes, it won't show up. So to make it automatic-- and it's automatic for all Class III and IV felonies and all misdemeanors and all infractions, we-- there are certain ones that we really don't want to seal, and those are the 80 that are listed in the bill. Those are 80 specific offenses that we really don't want to seal, so that, so that when there's a background investigation-- we still want those to be there. And they fall in the general categories such as assault on a, a police officer, assault on a corrections, assault on DHHS, assault on an EMT, and domestic assaults. And then where this comes in is all sexual abuse, sexual type of, of, of offenses. And I think we really do want to keep that from being sealed. I think that's really important, particularly-- you know, if you're doing background investigations for individuals that are going to be working with youth or, or, or-- it's-- that's important to keep that sealed. And then also arson and terroristic threats. So those 80 specific offenses kind of fall into those categories. And the idea is we're going to do this automatically. So we still want to have certain offenses show up when the background investigation's done. The automatic piece of this-- and this is-- we're getting down in the weeds here a little bit. The automatic piece of it only applies to misdemeanors and infractions. If you want to seal a Class III or IV felony, you need to file. So it's still possible, but that is also part of the bill, that there has to be a separate action on the part of the individual. Otherwise, it's automatically performed. So back to second chance. And, you know, I-- you know, I, I think it's pretty clear. The best part of the bill is, is the second chance part of the bill. And I got to give credit to Senator McKinney. It's his bill. You know, he got this-- he brought it forward. So if you like the bill, you know, it's my bill. But if there's pieces of it you don't like, Senator McKinney [INAUDIBLE]. OK. There are 6,000 incarcerated individuals-- or, just under 6,000 incarcerated individuals in our corrections system. The average stay is three and a half years. OK. Last year in 2024, 2,500 individuals were discharged from our corrections system. So imagine yourself with a life sentence and you see this turn over and you're there with no hope. So that's kind of what this is all about. So we claim to be, you know, rehabilitated and, and restoration and, and so-- we claim that we're doing all these things to rehabilitate these people and then we just-- you know, for those people who have been there with a life sentence-- I mean, we just, I guess, discount them. Dr. Jeffreys is, is-- was hired due to his expertise in reentry. And he's worked

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very hard with reentry. And this feeds right into his program. If we pass this bill, it will impact 141 individuals. They were the ones that would qualify based on the thresholds that we set in the bill. 141 individuals. So the ultimate decision continues to remain with the, the, the Board of Pardons. So we're not taking away any authority from the Board of Pardons. They still have the ultimate authority of whether to, to, to, to, to commute or not to commute. What we're giving them are tools. And, and I hate to agree with, with Spike on this, but he did-- I thought described it pretty well. You know, we're we're using our tools and our processes with the Board of Parole to provide some information to the Board of Pardons so they can, you know, kind of streamline the process and, and hopefully work to get more people eligible for, for commutation. So I'm sure you have questions for me. I'm ready to answer.

**BOSN:** Thank you. Questions for Senator Holdcroft? Starting with Senator Hallstrom.

**HALLSTROM:** Yeah. First, it's a comment. I appreciate the amendment that you brought forward that addressed some very significant issues that employers need to find out because of federal law.

**HOLDCROFT:** I really didn't like helping the bankers out much with that.

**HALLSTROM:** Well, something. But there were others in there. The other issue that I had is my question was a little bit different. It had to do with page 9, line 10, regarding why the starting date for the commission of qualified offenses was January 1, 202--

**HOLDCROFT:** Yeah. I don't know the answer to that one.

**HALLSTROM:** OK.

**HOLDCROFT:** I'm going to go-- pull, pull that back. You have to wait-- for some offenses, you have to wait ten years. For some offense, offenses, you have to wait seven years. And for some offenses, you have to wait five years. And so you need to have some kind of a start date for that. But why we picked that date I have to--

**HALLSTROM:** OK. Thank you.

**HOLDCROFT:** --I have to go check that out.

**HALLSTROM:** Thank you.

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**BOSN:** I think because if it goes into effect in 2026 and you take that five years back, that gets you to 2021. I'm not great at math, but I think that's how you get to 2021. Right? Because if it goes into effect 2026 and they have to serve five years, it would go back to 2021. Right?

**HALLSTROM:** Well, I, I think that's right. But it makes it retroactive in some respects?

**BOSN:** For eligibility is what you're saying. Yeah.

**HALLSTROM:** Thank you.

**BOSN:** OK. Any other questions? Senator McKinney.

**McKINNEY:** Thank you. And thank you, Senator Holdcroft. I just wanted to say thank you for bringing this.

**HOLDCROFT:** Well, thank you. Thank you, Senator McKinney.

**McKINNEY:** Thank you.

**BOSN:** So there were a number of individuals who brought different ideas in terms of how we can fix some of the constitutional challenges. I assume you were provided a copy of the letter from--

**HOLDCROFT:** Oh, yeah. Yeah. And I think-- well, I think Spike-- I think, I think they, they did-- we, we did get specific on some of the tasking to the Department of-- I mean to the Board of Pardons. Specifically, we told them if they denied commutation, they had to say why. And then they have to have some kind of a process for going forward. And then if, if the individual does those things, then they are, are tasked to do an expedited review. So those are some pretty specific things we're telling the Board of Pardons to do, and the Board of Pardons in the constitution is separate from, from the Legislature. So I think if we kind of back away from some of those, maybe they'll-- they, they'll be OK with going forward. But we're really-- I think the, the gist of, of the bill is about, you know, bringing in the Board of Parole. And they, they do the research. They, they look for victims. They-- you know, they, they put together a package. They make a recommendation of commutation to the Board of Pardons. And then-- and if it's passed, if they get commuted, then it goes back to the Board, Board of Parole. And, you know, we're just not letting them out the door. I mean, they have to have a transition plan. They have to have a job. They have to have a place to stay. They have to have support. But there's also some specific guidance in there about helping with victim communication and

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reconciliation, so. I think it's a good bill. Thank you, Senator McKinney again.

**McKINNEY:** Thank you.

**BOSN:** But only for the good parts.

**HOLDCROFT:** Only-- no, the bad parts. But-- sorry.

**BOSN:** All right. Any other questions? This been a great hearing. Thank you.

**HOLDCROFT:** Thank you.

**BOSN:** That concludes LB215. Next up, we will hear from Senator Juarez. Is she here yet? Oh. I'm sorry. LB226. And despite having respectfully been asked to ask how many proponents and opponents there are for bills, I forgot to do that earlier. How many are here to testify in some capacity on LB226? In any capacity. Two individuals? No one else? All right. Thank you.

**HOLDCROFT:** Maybe we should skip it.

**BOSN:** That's kind of rude. We were doing so well. Welcome, Senator Juarez.

**JUAREZ:** Thank you. Think this is my first time to be in front of you guys.

**BOSN:** We're a very friendly committee.

**DeBOER:** Except him.

**STORER:** Except, except for Holdcroft.

**BOSN:** Except for that one.

**JUAREZ:** It's a pleasure to be here with you. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Margo Juarez, M-a-r-g-o J-u-a-r-e-z. And I represent District 5 in south Omaha. Today, I'm happy to introduce LB226, which was brought to me by a constituent. You'll hear his story today, which I think shows why this bill is so important. Put simply, Nebraskans have no legal recourse if the government uses sealed records improperly. In 2022, the Supreme Court ruled in Doe v. Nebraska that although the Nebraska State Patrol wrongly released a sealed criminal history as part of a background check, the plaintiff, quote, has not alleged a tort claim as that term

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is defined in the State Tort Claims Act. And the state has therefore not waived its sovereign immunity with respect to the plaintiff's claim, because there was simply no statute waiving the state's sovereign immunity in this particular ca-- instance. This bill closes this loophole by creating a cause of action to allow private individuals to sue state agencies and political subdivisions for violating the Security, Privacy, and Decimation-- Dissemination of Criminal History Information Act, which is a law governing-- governing the release of sealed records. If a citizen is harmed by the, the unlawful release of information by a government agency, they should be able to seek damages. In addition, LB226 provides for the setting aside and expunging of certain concealed weapons offenses. Two years ago, the Legislature made clear that carrying a concealed weapon without a permit is no longer a crime by passing Senator Brewer's LB77. Therefore, I believe that anyone found guilty of a concealed weapons offense prior to the passage of that bill at least deserves an opportunity to have their case reheard in the context of the current law. To be clear, this proposal only applies to criminal statutes that were affected by LB77. Furthermore, this language provides courts with commonsense guidelines that allow them to make sensible decisions based on the person's postrelease behavior and the likelihood of further criminal activity. And with that, while I don't have a law degree, I'm happy to answer any questions you may have.

**BOSN:** Thank you. Any questions for Senator Juarez? Are you staying to close?

**JUAREZ:** Yes.

**BOSN:** Awesome. Thank you.

**JUAREZ:** Thank you.

**BOSN:** First proponent.

**RORY LAUGHLIN:** I got some documents [INAUDIBLE].

**BOSN:** Sorry?

**RORY LAUGHLIN:** I got some documents for you guys and--

**BOSN:** Oh. Some handouts.

**RORY LAUGHLIN:** I just put everything in, like, folders with names on them. [INAUDIBLE] some extra ones for you guys.

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**BOSN:** Awesome. Thank you.

**RORY LAUGHLIN:** All right. So when do you want me to start, right now?

**BOSN:** Yeah, you can start whenever. But just don't forget to state and spell your first and last name.

**RORY LAUGHLIN:** All right. Rory, R-o-r-y; Laughlin, L-a-u-g-h-l-i-n. So I know I got three minutes and so I don't-- I guess I'm not really sure what I'm supposed to say in three minutes that's going to leave, you know, any kind of a lasting impact before I believe that you guys will just finish shoving that spear through my side. I seen all the opponents here. I mean, there's, like, about-- there's, like, one person who supports and there's, like, 50 agencies that don't support it, and I-- and we can clearly see why. Imagine telling the story that somebody tried to bribe you with the Ten Commandments. How would you begin telling that story? Or imagine if somebody gave you a copy of the Ten Commandments as a gift and, and you had to report it. How much are those worth-- or, how much are they worth to you personally? I never thought I'd have to try to convince a county attorney to take me to court and she would refuse. An entire branch of government essentially swarmed me. They plotted against me, they set me up, and then they carried it out. And now I'm looking for a prosecutor. And conveniently, I can't find one. Sticking with the Ten Commandments. Like when God told Moses, you shall have no other gods before me, he wasn't just talking about, like, a golden calf as an example. Money can be a god, power, a police badge. And that's exactly what I believe that we're seeing here. And I, and I definitely have nothing against Bosn here, but I just want to put on record here that you're not a county attorney anymore. And so-- and what I mean by that is it's not your job to try to defend these people. You're supposed to be, what I believe, a neutral judge. And so, like, when you see clear corruption, you're not supposed to look at it and try to move stuff around to help them out. I included a news article in that folder I gave you. It's not about my case. Mine is separate. I made a Bible study, which probably won't surprise some of you about what I believe God thinks about sovereign immunity. I have my case listed on there if you want to read it, but the news article is actually-- I just disco-- when I first met with the senator at the library when I asked her to bring this because none of you would, I didn't know about that. I actually just discovered that news article. That's all been going on behind the scenes for, like, the last couple years, I guess. So even if they just did it to me, that would be one thing. But look at that behavior and look how long it's been going on for. Like, you give those people immunity. Tho-- if you read that article, those people are doing business with drug dealers or

sexually assaulting-- I mean, look at those-- what the allegations are in that. Those are troopers who are saying it. That's not out-- those are troopers who are testifying that's what's going on inside the patrol. And so-- and you guys gave them immunity. I mean, you can't say this is like a BLM, defund the police thing because actually the person that got defunded was me. You want to talk about credibility for-- an example. Let's say that the scales of justice were here. I'm not talking about the rigged ones you guys have now where everything is sovereignly immune. But let's say that God just touched his finger on them and he reset them. Let's say on the left scale you have a guy handing out Bible studies and the Ten Commandments, respecting the rule of law, and let's say on the other one you have the people in that news article-- so you have people who are assaulting, raping, lying, cheating, and doing it under immunity. Imagine if you had to figure out which one of those to pick and imagine that that choice was actually difficult. I could have brought a gun with me to settle the score. I'm not saying I should have said, so don't take what I'm saying out of context. But, like, when they pardoned me in 2016, I bought a ton of guns because I'm a, I'm a big supporter of the Second Amendment. My one thing I will note is that I, I, I had a record, but it was all juvenile. Like, it was when I was young-- so 13 to, like, 16. I've never served one day in an adult correctional facility, and they, they know that. Everybody knows that. And so it was just-- I-- you know, like, in the '90s, they overprosecuted. I mean, they were tough, you know. So, like, if you did something when you were crossing over, like, 17, they would charge you as an adult. So I got charged as an adult for a theft. So by the age of 16, I was a convicted felon. I got the pardon in 2016 from Ricketts, and I was just under the impression at the time that it expunged. I didn't know. I just-- I figured so. So I started applying at jobs and it kept coming up. And I-- and so then I started driving down here. And it took two years, by the way it's not like, you know, I'm, like, Tom Peed where I just hand out \$10,000 and just say, here, do it. You know what I'm saying? Like, it took-- I had to drive back and forth from Omaha for two years, and finally I got somebody to do it. And then I got my records sealed, and I started seeing progress. And then the State Patrol illegally, by the way-- I, I read these to-- I won't go to-- go into all of them, but if we just want to stick with the Attorney General-- I read these objections. These aren't even legitimate. Like, they're saying whoopsie. Like, they're saying, what if there's a whoopsie? What if the State Patrol does it on accident? You know. Like, I sent you-- I don't know if you check your emails. I gave you all my stuff unredacted, even if it put me in a bad light. Like, I, I didn't even redact anything because I was trying to show you in real time how it happened. What they did was illegal. It wasn't

negligence. They did it intentionally. I mean, you know that. And so, like-- but let's entertain this for a second. Let's say it was negligent. Like, if I run-- see, I don't understand the way this place works. Like, let's say I ran into your house, Bosn. Let's say your grandma was in the living room and I just crashed my car in there because I was looking at the stereo and ran her over. There's damages. If I-- no one-- if I do something intentionally or negligent, there's damages. If I did it intentionally because I hate her-- which is what the State Patrol did to me-- there's damages. Like, sometimes justice has damages attached to it. It's not-- like, you guys are really, like-- you'll pick where you can apply money. Like, we don't want the taxpayer on the hook for this guy who just got killed by the State Patrol, but we'll spend \$300 million on prison. \$300 million on a prison versus-- you know what I'm saying? Like, I don't understand your guys' reasoning, but, like-- even the reasoning that the Attorney General's applying here, it doesn't make sense. They're saying, what if there's an accident? Well, what if there was?

**BOSN:** Can you wrap it up just a little bit since I've--

**RORY LAUGHLIN:** I mean, that's, that's-- I mean, it-- ev-- well, the reason why I gave you that little folder, everything you need is right there. I mean, there's nothing-- like, if I didn't even show up, you could decide this entire issue in that folder. So that's why I created that. Like, that bumper sticker as an example, you may know of any-- most people here don't know, but I like to create artwork. I do portraits. I did the Ten Commandments. Some of you don't know. I only had three copies, so I gave them out. But, like, that bumper sticker, as an example, when Pillen appointed you, you said that, right? So I'm just taking a quote that you originally said, and now it doesn't apply no more? You, you believe that people can use discretion without abusing it.

**BOSN:** I'm going to ask you to-- final thought.

**RORY LAUGHLIN:** My final thought is just in that folder. So I'm-- if you guys have any questions, I'll--

**BOSN:** Any questions? Thank you for being here.

**RORY LAUGHLIN:** All right.

**BOSN:** Any other proponents? Any opponents? Anyone wishing to testify in opposition to LB226?



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**RACHEL BOLTON:** I had six copies of my testimony. I know that's not enough. I-- my printer's--

**BOSN:** She can make-- somebody can make copies. It's fine.

**RACHEL BOLTON:** Thank you.

**BOSN:** Welcome.

**RACHEL BOLTON:** Members of the Judiciary Committee. Rachel Bolton, R-a-c-h-e-l B-o-l-t-o-n. Here on behalf of the Nebraska County Attorneys Association. Testifying in opposition to LB226. While we support fairness in the justice system, this bill poses significant risk to public safety and judicial discretion. Currently, Nebraska law avow-- allows individuals to petition for a set-aside for their conviction, meaning that the conviction is noted as legally set aside but still remains accessible to law enforcement and certain agencies. LB226, however, expands this into expungement, which would completely erase concealed weapon convictions under 28-1220 from public record. This shift removes important safeguards, making it harder to track repeat offenders and assess risks in future cases. Firearm-related offenses demand accountability. The ability to expunge concealed weapon convictions diminishes the deterrent effect of these laws and weakens law enforcement's ability to assess threats. Expungement allows individuals with prior concealed weapon violations to appear as first-time offenders in future cases, which limits the ability of prosecutors to seek appropriate sentencing and bonds. Beyond law enforcement and prosecutors, the public deserves to know if someone has a history of unlawfully carrying a firearm. Allowing for expungement under this bill will affect hiring decisions, licensing, and the individual's potential future testimony. Keeping these records intact while still allowing for judicial discretion in set-asides ensures a fair balance between rehabilitation and public safety. This bill creates a rebuttable presumption in favor of the set-aside and then subsequently mandates that the court follow through with expungement. This undermines judicial discretion and forces the state to justify why a lawfully obtained conviction should remain, rather than requiring the petitioner to demonstrate rehabilitation. Courts must retain the ability to weigh all relevant factors, including public safety concerns and the individual's history. If law enforcement or prosecutors cannot access prior concealed weapon violations, they may make charging and sentencing decisions without the full context of that individual's criminal history. This could have significant consequences for repeat offenders who may pose a higher risk to the community. Nebraska's current set-aside process already allows courts to acknowledge

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rehabilitation while maintaining necessary records for public safety. A set-aside grants individuals relief without erasing their record, ensuring accountability while allowing individuals to move forward. LB226 goes too far by mandating expungement for certain cases, eliminating key protections that ensure law-- firearm laws remain enforceable and meaningful, and presents a dangerous precedent that prioritizes record clearing over public safety. This bill provides a clear path for anyone with this conviction to receive full expungement of a crime that they did commit-- first by creating that rebuttable presumption that it be set aside, and then by requiring the judge that issued the set-aside to also-- also issue expungement. We urge the committee to reject this bill or amend it to preserve judicial discretion and law enforcement access to curr-- criminal histories. Thank you for your time. I'm happy to answer questions.

**BOSN:** Any questions for this testifier? Senator McKinney.

**McKINNEY:** Thank you. Thank you for your testimony. Curious question.

**RACHEL BOLTON:** Absolutely.

**McKINNEY:** How does expungements work in other states?

**RACHEL BOLTON:** I don't know. I've never practiced law in any other state. I apologize.

**McKINNEY:** OK. All right. Thank you.

**BOSN:** Any other questions? Senator Storer.

**STORER:** Thank you, Chairman Bosn. Help me understand a little bit. Like, today, would there be judicial discretion as to whether or not to--

**RACHEL BOLTON:** The current set-aside?

**STORER:** --on any crime to--

**RACHEL BOLTON:** In asking for a set-aside?

**STORER:** Yeah.

**RACHEL BOLTON:** Yes. So the current process in asking for a set-aside is a defendant who was previously convicted would file for that set-aside. The prosecutor's office would be notified. A prosecutor would appear, and then the judge would weigh the interests of the individual as well

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as the recidivism risk, the, the risk to community if it be set aside. In my experience, when set-asides are requested and the statute allows them to be granted, judges are almost always granting them. And that's in my experience in the counties that I've practiced in.

**STORER:** So is there-- what, what is sort of the record if somebody-- is there a barrier to requesting that set-aside? Is there a financial barrier? Is there-- what makes that-- I'm just trying to get my head wrapped around, why wouldn't everybody do that? I mean, if they--

**RACHEL BOLTON:** So generally, what I-- what we see is people who want-- who are requesting set-asides are requesting them for a specific reason: they've run into a barrier with wanting a specific job or they're, they're, they're seeing that it's causing issues and someone has told them, oh, you can get a set-aside. Someone has to file it. So I suppose the financial barrier could be finding an attorney to file it for you. And then the statute sets specific-- what can be set aside and what can't. So for example, if the conviction is, is sexual in nature, requires-- sex offender registration violation, you can't get it set aside while you're still actively on that va-- on the registry. So, so there are built-in reasons why someone couldn't get a set-aside. There's-- I think there's timeframes in the current statute as well.

**STORER:** So convictions of concealed weapons does qualify for a request for a set-aside?

**RACHEL BOLTON:** Yes. Yep. So, so someone who has a violation under 28-1220, that this bill notes, would absolutely be able to come in for a set-aside. And, and I don't see if, if they are-- if they've been law-abiding since that incident, I don't see why a judge wouldn't grant it. I-- in my experience, like I said, I've-- most judges grant the set-asides.

**STORER:** OK. Thank you.

**BOSN:** Senator McKinney.

**McKINNEY:** Thank you. So if you do have the conviction for a firearm and you get a set-aside, can you still purchase a firearm?

**RACHEL BOLTON:** I'm not sure. I have not looked into that for sure. I'm not sure that it qualifies as something that prohibits someone from posse-- because it's not a felony.

**McKINNEY:** OK.

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**RACHEL BOLTON:** I, I haven't looked into the specific rules on that, though.

**McKINNEY:** All right. Thank you.

**BOSN:** Any other questions? Thank you for being here. Next opponent. Anyone wishing to testify in the neutral capacity? All right. While Senator Juarez is making her way up, I will note-- oh. I'm on the-- oh. I am on the right bill. There are 8 opponent comments, 5 proponent comments, and no neutral comments submitted for the record. Welcome back.

**JUAREZ:** Thank you. I want to thank everyone who came to testify today. I hope you've learned more about Mr. Laughlin's situation and why this is an important fix. If a state agency breaks a law resulting in direct harm to a citizen, they should be held liable. If the state wants to avoid the associated legal costs, they should put safeguards in place to ensure that they don't unlawfully release sealed criminal history, inadvertent or not. Moreover, with the passage of LB77 in 2023, Nebraska has shown support for a permit-- permitless concealed weapon-- concealed carry. So those convicted of carrying a concealed weapon without a permit deserve a second chance under the new law. The commonsense guidelines in this bill ensure that courts maintain healthy discretion over which cases warrant a set-aside and expungement and which don't. I have full confidence in our judicial system to keep Nebraska safe while doing justice to those affected by LB77's changes. With that, thank you for your time. And I heard the-- one of the presenters say about doing an amendment to preserve judicial discretion. I think that if that would help, that I would be willing to add that. And I'm happy to answer any other further questions that you have. Thank you.

**BOSN:** Thank you. Any questions for Senator Juarez? Seeing none. Thank you for being here.

**JUAREZ:** Thank you very much.

**BOSN:** That will conclude our hearing for LB226. And last but certainly not least, we have LB704 with our own Senator McKinney.

**McKINNEY:** All right. Good afternoon, Chair Bosn and members of the Judiciary Committee. My name is Terrell McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y. I represent District 11 in the Legislature in north Omaha. And I urge support for LB704, a bill that seeks to ensure fairness in Nebraska child support system by modifying how child

support orders are reviewed for incarcerated individuals. This bill recognizes the realities of incarceration and the importance of maintaining just and reasonable child support obligations. Under the current system, a noncustodial parent who becomes incarcerated for more than 180 days is responsible for their full child support obligation despite having little to no income. Unlike a job loss in the civilian world, where an individual can seek unemployment or quickly reenter the workforce, incarceration severely limits a parent's ability to earn money. Without the ability to modify the child support order promptly, incarcerated parents often accumulate overwhelming debt. This financial burden persists long after their release, making it nearly impossible for them to meet their obligations and reintegrate into society successfully. LB704 ensures that child support orders are reviewed and modified in a timely manner when a noncustodial parent is incarcerated for more than 180 days. This bill requires the Department of Health and Human Services to initiate a review of child support order within 30-- 15 business days of learning a parent's incarceration. This provision prevents undue delays in addressing an incarceration parent's inability to pay. It also ensures that a parents are notified of their right to request a review and provide financial information, a crucial step in preventing unnecessary debt accumulation. Far too often, incarceration-- incarcerated parents are unaware that they have the option to seek a modification, leaving them trapped in the cycle of financial hardship. Additionally, the bill allows for a fair process if DHHS determines that a modification is not warranted, ensuring that incarcerated parents have a voice in the process and that decisions are based on accurate financial circumstances. Reforming the child support system in this way brings several key benefits. First, it prevents unmanageable debt. Without this reform, many incarcerated parents leave prison burdened with thousands of dollars in unpaid child support, making it harder for them to rebuild their lives. LB704 ensures that child support obligations reflect financial realities, preventing unnecessary hardship. Second, it promotes successful reintegration. Overwhelming debt is one of the biggest barriers to reentry after incarceration. If we want-- if we want formerly incarcerated parents to become productive members of society, they need a fair chance to regain financial stability by ensuring that financial modifications take place when necessary. LB704 provides that opportunity. Third, this bill ultimately supports the well-being of the children. Some may argue that modifying child support while a parent is incarcerated harms children financially, but this-- the opposite is true. When a parent reenters society burdened with un-- insurmountable debt, they are less likely to be able to provide

long-term financial support for their children. By ensuring realistic child support modification during incarceration, this bill increases the likelihood that parents can meet their obligations postrelease, leading to better outcomes for their children in the long run. LB704 does not absolve parents of their responsibility to support their children. Instead, it acknowledges that incarceration creates an unavoidable financial hardship and, and provides a fair, efficient mechanism to ensure child-- child support orders reflect reality. By reducing unmanageable debt, supporting reentry, and ensuring fairness in our system, this bill benefits not only incarcerated parents but also their children and the broader community. I urge the committee to support the bill and ensure that the child support system is just and effective. And with that, I'd answer any questions.

**BOSN:** Thank you. Questions from the committee? Senator Storer.

**STORER:** Thank you, Chairman Bosn. Thank you, Senator McKinney. I-- help me understand this a little bit. In these circumstances-- and I understand the intent. Clearly, when you're incarcerated, you have fewer opportunities to generate income. From the, from the viewpoint of the custodial parent and the child or children, how, how are they then taken care of? How is that-- how is that substituted if there's, if there's a change in determination of what the noncustodial parent pays in child support? Ultimate-- ultimately-- I guess in my viewpoint, ultimately, this is the, the child and the custodial parent who is really going to suffer the harm from that.

**McKINNEY:** Sure. But in, in, in reality, though, unless-- well-- so there's two ways to look at this. So currently, a incarcerated individual could apply for a modification. It's not automatic. But the issue and reason why I brought the bill is a lot of people aren't aware of the process. Although the change was made, it was made before I got in office-- so maybe in '19 or '18 for the modification review. But, yes, I understand that with the modification there's a decrease in child support payments. But the reality is most people incarcerated are not making those payments anyway. So it's just accruing. So although a parent-- let's say a dad is supposed to pay \$500 a month, with or without this bill, they're not paying \$500 a month. All this does is say, decrease the amount they're supposed to pay while inside because they're not paying it anyway. So when they get out, it's less debt. But once they get out, it goes back to that amount.

**STORER:** So who is filling the gap in the interim?

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**McKINNEY:** It-- so it depends. Let's say the custodial parent is making a good living. They're-- the-- that's, that's how it's happening. So nobody's making up the difference because it's not being paid. It's just the incarcerated parent is going into debt. When they get out, they got to start making those payments right away. So essentially, it's not being made up when they in jail.

**STORER:** And I, and I think you see where I'm coming from. And I'm not--

**McKINNEY:** Yeah. No, no. I get what you're saying, so.

**STORER:** There are, there are just--

**McKINNEY:** Or--

**STORER:** --caring for children, right? Whether-- there's no way around that. So--

**McKINNEY:** And then if the parent is on child support, the parent who might not be well off could apply for assistance any-- state assistance to, like, food, SNAP, or Medica-- Medicaid or something like that, which they're already doing because the payments aren't happening--

**STORER:** Right.

**McKINNEY:** --because they're in jail.

**STORER:** And, and I understand that. I guess-- you know, there, there's going to be a variety of situations, like you said, depending on the, on the custodial parent's position. But, you know, often-- and one of those-- one of those situations may be a custodial parent has to take out, you know, a second mortgage or, you know, take out debt themselves. And if, and if the noncustodial parent under this circumstance got absolved of any of their obligations-- under the current circumstance, there's a potential that they can have help repaying that debt, the custodial parent.

**McKINNEY:** So it's, it's just a modification of the obligation while they're incarcerated. Just-- because it, it could go from \$500 to, let's say, \$25 a month. Primarily-- so when the parent gets out, they're not in debt. Because what happens is somebody gets out and they owe back child support. You can't get a passport. Sometimes your, your driver's license gets revoked. All those things happen, but if they're not in so much debt, maybe-- they're still going to be in debt most, most of the time anyway. We're just decreasing-- trying to decrease the amount of what the debt is. So it's not like this massive amount where

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you just stuck in a hole that you might or might not can get, get out of depending on what type of employment you get when you get out. That's all.

**STORER:** And I'm just trying to get a good perspective of-- that debt is going to be on someone's shoulders, because there's cost to care for the children.

**McKINNEY:** Children. Yeah. No. And I understand that. It's, it's just the, the fact of they're in jail not-- they're in prison not paying it regardless. And there-- but there might be special circumstances where the person inside might have-- might be well off. And that's why we have the review process where they can look at the financial information and say, OK. Maybe you're not indigent. Maybe you do have some financial resources or assets where maybe you still could pay something.

**STORER:** So if I understood you correct, they can, they can apply to have this reviewed now, but your bill just makes it automatic or streamlines or how does this help--

**McKINNEY:** Streamlines it. Because not a lot-- I've talked to people inside, none of them know of the process in dealing with the department and-- depending on the, the, the person and the institution, it's not simple.

**STORER:** Thank you.

**McKINNEY:** No problem.

**BOSN:** I've just a couple of questions. Have you had a chance to read some of the online comments--

**McKINNEY:** Yeah. I saw what the departments-- I mean, DHHS said. So I'm cool with--

**BOSN:** Yeah. So are you willing to be flexible on-- because they're just saying, you know, yes, we could do this, but the 90-day timeline is essentially not enough time for them. And to sort of clar-- if, if I'm understanding her question and your responses, the issue isn't so much that they're paying child support. It's that interest is accruing on top of their-- if I'm remembering correctly, it used to be \$50 a month was the minimum that incarcerated individuals were paying. But if it stays at the \$250 a month, the interest is accruing at a level that they will be paying almost certainly into perpetuity. I mean--



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**McKINNEY:** Yes.

**BOSN:** And I think there's a fairly decent explanation of that from a Ms. Smith in the, in the online comments about her spouse or ex-spouse is paying \$900 a year in child support but \$2,000 a year in interest. And so is that the goal here, is to try to figure out how to--

**McKINNEY:** Yes.

**BOSN:** --fix that? And-- but you're willing-- I mean, because I guess my other concern is, are you willing to be flexible on the 180 days? Because there are some individuals where that isn't quite the-- it doesn't create that same concern as someone who's going to serve three years, five years, or, as we heard from today, some of those individuals have never even seen their children outside of bars.

**McKINNEY:** Yeah. I'm, I'm willing to be fel-- flexible. So I'm OK.

**BOSN:** Any other quest-- I guess I jumped the gun. Did I ask if everybody had questio-- OK. All right. Oh. Senator Hallstrom.

**HALLSTROM:** Yeah. Senator McKinney, if you can just clarify. And I'm, I'm not sure I can tell from the face of, of the bill here-- and maybe there's other existing statutes-- but right now, there is a requirement to give notice to the, to the person under these conditions that's incarcerated?

**McKINNEY:** They can apply for a modification. It's not--

**HALLSTROM:** Well, but-- but there's notice given within 15 days under the current statute.

**McKINNEY:** Yeah.

**HALLSTROM:** So they should be aware that there is a right to take some action.

**McKINNEY:** The issue is if the, if the notice is or isn't being-- that's, that's the problem.

**HALLSTROM:** OK. But the statute says within 15 business days it's, it's to be given. So you think there's situations where maybe it's not being given even with the statutory directive?

**McKINNEY:** It's-- or whatev-- for whatever reason, the request for the modifications aren't-- however that is happening is not happening how

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it's supposed to. And you got a lot of people inside who might qualify, but, for whatever reason, it's not happening.

**HALLSTROM:** OK. And this indicates that the state will initiate the review and make a determination? Are you, are you anticipating something outside of the court system and a formal modification of the award being made by the original court?

**McKINNEY:** DHHS will just set up-- they're saying call it a conference. And then they'll the review all the information. And then that's when-- if-- approve the modification [INAUDIBLE].

**HALLSTROM:** So, so you envision that the department would have independent authority to modify a, an original court-ordered amount of child support.

**McKINNEY:** They could recommend it.

**HALLSTROM:** OK. But would it still have to go through the court process or the court system?

**McKINNEY:** Possibly.

**HALLSTROM:** OK. I think we should probably clarify that. And then the other issue is I don't-- and I understand what your intent is, but I don't see anywhere in here where it says that the award is only modified during the period of incarceration and it automatically goes back to the--

**McKINNEY:** It, it does.

**HALLSTROM:** OK. You'd, you'd be amenable if we need to clarify that.

**McKINNEY:** But it's already, it's already in the statutes.

**HALLSTROM:** OK. Separately?

**McKINNEY:** Yeah.

**HALLSTROM:** OK. Thank you. That's what I, what I wasn't aware of. And there is-- if you look at 43-512.12, it talks about folks that are receiving services under Title IV-D of the federal Social Security Act, and it's actually referred to the county attorney or the authorized attorney for the more traditional filing of an application for modification. That might be another, another way to, to address this. So.

**McKINNEY:** All right.

**HALLSTROM:** Thank you.

**McKINNEY:** Yeah.

**BOSN:** Any other que-- oh. Sorry. Senator Storer.

**STORER:** Thank you, Chairman Bosn. And this may be a dual question, but going back to Senator Bosn's comments about the interest accruing, is the, is the intent of this to stop the accrual of interest or is the intent to actually reduce the overall obligation--

**McKINNEY:** The inte--

**STORER:** --like the monthly obligation?

**McKINNEY:** The intent is to not have individuals leave prison with so-- with a big amount of debt, which is why the modification's needed. Because a lot of the individuals are not making the payments and accruing a bunch of debt.

**STORER:** So right now-- and, and maybe, Senator Bosn, I can visit about this off-- at another, at another time-- but right now, the way I read it, it's really just to reduce the obligation-- the monthly obligation is the intent of--

**McKINNEY:** Yes.

**STORER:** --your bill, right?

**McKINNEY:** Yes.

**STORER:** Thank you.

**BOSN:** Senator Hallstrom.

**HALLSTROM:** And maybe this is in line with what Senator Storer was saying earlier, but would you agree that the needs of the children don't change just because someone's been incarcerated and doesn't have the ability to pay?

**McKINNEY:** No. The needs never change, and they most likely increase. The issue is they're not paying it and accruing debt. So when this individual is released, they got back child support. More than likely are going to get a minimum wage job, let's say, that is going to make it very-- and child support is taking probably half of that check. So

it-- I think it compounds the issue of if we want parents to be in their kids' lives, could we do something that-- yes, they ended up in prison for whatever. I'm not excusing that. But at the end of the day, if want tem-- if we want them to reenter and not return, I just think we should be doing something to try to-- not saying it's going to be perfect, because somebody might get out and still might not be in their kids' lives. But most men I've talked to with kids in prison try to get back in their kids' lives. So that's--

**HALLSTROM:** But it's clearly not the fault of the children in that the parent's in, in prison.

**McKINNEY:** No, I would never say that. I would-- yeah. I was a kid with a parent in prison, and I visited my dad in prison. And it wasn't my fault. But I had to deal with the impact of my dad going to prison.

**HALLSTROM:** OK. Thank you.

**McKINNEY:** Yeah.

**BOSN:** Senator DeBoer.

**DeBOER:** Thank you. Let me see if I understand a way to, to get at what we've been talking about here. While the needs of the children, we all agree, remain the same-- and as you say, maybe even go up because now they're-- they don't have a second parent around. The, the person who is incarcerated, their situation has changed. Much like if you had a alimony situation where a spouse suddenly gets a lot less money, then you could revisit that question. And maybe they do that in child support. I am way over my skis on trying to figure out how that goes. So what you're saying is they're in a new situation. You recognize that. And the good that you're trying to do is get them a parent back as soon as possible by trying to make sure that they are not failing at the reentry because of the amount of debt that they have. Is that-- did I characterize that right?

**McKINNEY:** Yes.

**DeBOER:** So your intention is to help the children by making sure that during the pendency of their stay in the carceral system, that they pay less because they can't pay more. And we all recognize they're not going to pay more. So they pay the amount they can pay, which is all they can pay. And those kids aren't going to get more from them because you can't get blood out of a turnip. Right? And so then when the person comes out, they're going to have that child support that's current that

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they need to pay. And you want to set up the parent for success so that they can even get that current payment.

**McKINNEY:** Exactly.

**DeBOER:** OK. So it is unfair to the kids that they're missing out on that money, but that money's never going to be found, because their parent is in jail and-- or prison and that earning capacity is just gone for that time period. OK. So what you're trying to do is set up the parent for success so that when they get out they can best be there for their kids.

**McKINNEY:** Yes, I am.

**DeBOER:** OK. I get it.

**BOSN:** Alternatively, we provide them with an opportunity to make enough money while incarcerated to pay their child support.

**McKINNEY:** That's a good discussion.

**BOSN:** For another day.

**McKINNEY:** Unless they work for tech industries.

**BOSN:** Unless they get selected for tech. Yeah. Senator Hallstrom.

**HALLSTROM:** Senator McKinney, you might look into this. I just did a little googling. It says that an incarcerated individual may seek a modification of his or her child support order if certain qualifications are met. And then it gives a couple numbers at the Nebraska Child Support Customer call center. It'd be interesting to see what you find out when, when you call that number if it's of any assistance to someone that would be in that, in that situation.

**McKINNEY:** Yeah. I mean, I just-- yes, a suggestion. Maybe, yes, they could call. But I think when we could-- I clearly have saw and-- since I've been in the Legislature or heard of situations and talked to people where this has been an issue and just life experience. I know it has been an issue with-- you know, my father got out of prison, and dude is probably behind on child support for the rest of his life because of this same scenario. And all I'm trying to do is, you know, is-- the debt is going to be there. It's not like they're ne-- they get out and not going to pay their child support or that obligation just eliminates. All this is trying to do is streamline a process and also decrease the amount while they're incarcerated, because we just know

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factually, if somebody gets out with \$10,000 of debt from prison, they barely could get a job anyway at certain places. That is a mountain people have climbed. I'm not saying it's impossible, but do we want a society where we're making it easier for people to reenter or not? And, yes, there's things people could have been doing, but clearly for whatever reason it's a issue right now. And that's why we're senators, and that's why I brought the bill, so we could fix the issue.

**BOSN:** Random question that I'm just trying to find-- if you know the answer. Do you know what the current statutory minimum period of incarceration is for purposes of a reduction?

**McKINNEY:** I don't, not off the top of my head.

**BOSN:** OK. Thank you.

**McKINNEY:** Yeah.

**BOSN:** Senator Rountree.

**ROUNTREE:** Thank you so much [INAUDIBLE] Chairman Bosn. So just as we've been talking about, we've talked a lot about the mental health. And as I'm listening to our conversation, I'm thinking about coming out of college with a mountain of debt and trying to start to liquidate that. So Is there ever any opportunities or chances that when you apply for that reduction that the judge may say, no, we're not going to reduce it? Did we ever encounter any situations like that?

**McKINNEY:** I guess it, it just depends on the person and, and their financial situation. Because there are people in prison that are well off. They just ended up in prison for whatever reason. So it's not everybody in prison is broke, but a lot of people are. Or if they're not, they're going broke while sitting in prison. So there might be situations where they review all this and say, no. You know, you have the financial resources. So it's, it's not a guarantee.

**ROUNTREE:** All right. Thanks. OK.

**McKINNEY:** Yeah.

**BOSN:** It's at least three months and expected to last for an additional six months, for the record.

**McKINNEY:** All right.

**BOSN:** Thank you.

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**McKINNEY:** Thank you.

**BOSN:** I assume you're staying to close.

**McKINNEY:** Yes.

**BOSN:** First proponent. Proponents of LB704. I think that's your cue.  
Mr. Eickholt. Welcome.

**SPIKE EICKHOLT:** Thank you. Good afternoon, members of the committee and Chair Bosn. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing on behalf of the ACLU of Nebraska in support of LB704. It's a little bit outside of our area, but, but we hear about this situation regularly regarding legal intake, and we wanted to support it because we weren't sure that anyone else would appear to support this proposal. I've got my written testimony. I just want to say a couple things in response to the questions. But first, child support is ordered by a court, either in a paternity case or a divorce case, something like that. And when a court enters the order, the court sets a judgment interest rate on that as well. So if you're ordered to pay \$500 a month and you're delinquent in paying it by a certain month, interest is assessed on the debt. It used to be the cases said-- and I've got a quote from one of the cases. In the 1980s and '90s, our Supreme Court interpreted-- I should say if you get a child support order, you can always have it modified. The court keeps jurisdiction. If there's a material change in financial circumstances to one of the parties, then you can ask the judge to adjust the child support. Those parties have to initiate the case to do so. And it used to be our court would just [INAUDIBLE] eliminate incarceration as a consideration of material change in circumstances on the argument that, you're the one that chose to break the law and you're the one that went to prison. That's foreseeable. That's like quitting a job. You don't get your child support reduced because you walk off the worksite. In 2007, the Legislature did say, however, that incarceration is a consideration that courts can have when determining child support order for Title IV-D child support orders. That's what we're talking about here. If you look on page 2 of the bill, the very first part of the statute and these series of statutes talk about child support orders in cases in which a party has applied for services. So if somebody applies for ADC and they're unmarried and they want to get food stamps or, or, or med-- or assistance for their children, they've got to identify the father. And then the state initiates paternity cases against them to try to get the father to pay for-- behalf of the children or pay the state back for covering the costs. In private party divorces in which there's a husband and a wife but during that divorce or whatever-- or, during the

marriage or at some point after the marriage has ended, if one of the parties gets Title XX daycare expenses, that they get ADC, something like that, then the state will intervene through the county attorney's office under the Title IV-D authority, and they'll try to collect child support as well. What this will do is for those kinds of cases where the state is already involved with HHS and the county attorney's office, it will allow for an automatic review of adjustment or modifying the amount of child support if somebody is incarcerated for at least 180 days. Senator Hallstrom is right. Notice is sent now to those people inside. If you look on page 3, lines 19 through 20, there's a requirement that the notice needs to be sent from HHS to where the person is incarcerated. Senator Chambers got that put in a bill, along with Senator Riepe, in 2018 or so because notice was being sent to whatever address they had listed in the divorce case, which who knows where it's going. So a lot of times they weren't even getting the notice. But what Senator McKinney is saying is accurate. They get a notice. They're still bewildered. They just probably got to prison if they came from the jail or from the street, for that matter. They can request a hearing, but district courts don't always accommodate-- sorry.

**BOSN:** You may finish.

**SPIKE EICKHOLT:** --don't always accommodate for a civil case that's unrelated to a criminal matter, having a defendant be heard. Sometimes the state will assist in representation, but you don't have any right to have appointed counsel for that kind of a thing. And what happens is, unfortunately-- and you're dealing probably with a personality more likely than not, they just disregard it, hope it'll go away like everything else that's bad in their life. It doesn't. That monthly amount of child support keeps ticking. The interest is on top. When you get out, if you're delinquent on child support, you can't have a driver's license. You can't have an occupational license. So what you have is you have people who are released-- and you've heard this before in interim studies that we've had on this issue. Somebody gets out of prison, they've got a wall of six-figure debt, they're never going to pay it. They work illegally so you can't garnish. And so that's just what you have. And that's-- what I think this-- the bill is trying to do. The law does allow for modification. And to answer maybe what Senator Storer says, that-- if there's a material change of financial circumstances, it can always go up. So if the person gets out and they're working really well, that child support can be increased or modified. And the Title IV-D obligation-- as Senator Bosn probably knows from doing child support that you did in, in county attorney's office-- it can be used by the state to collect back paid ADC that was



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paid for the children by the state when the person was in custody. So if he was supposed to be paying child support and he was locked up for three years, for those three years the state paid basically welfare, ADC assistance. But then that debt can be a tax on to him, and the state could pursue that obligation to make him pay the state of Nebraska back.

**BOSN:** Senator Storer.

**STORER:** So-- thank you. So to follow up on that question on-- if, if it's reduced then-- so if I understand you correctly, the-- they can-- their debt can be attached to basically repay the state--

**SPIKE EICKHOLT:** Right.

**STORER:** --for what the state-- so if it's reduced under these circumstances, under incarceration, then that's less than they owed to begin with, but the state's still probably going to be paying because someone has to care for the child. It just reduces their obligation to pay back the state?

**SPIKE EICKHOLT:** No, they still have to sta-- pay back the state whatever they are able to pay. And there's child support guidelines that say what their amount is per month based on what their income is. It can go all the way up into the thousands per month if they're making that much money. But to answer your question, the state can collect-- to the extent the child support guidelines allow them-- as much as they can collect from them for what is owed. And it's retroactive. For instance, in paternity cases, a noncustodial parent can be required to pay birthing expenses, daycare expenses, and those things after the fact.

**STORER:** But this would be reducing the amount that they technically owe. I mean, it would, it would allow the option for the-- for what they owe to be reduced. So there would be no other record of what they owe. Does that makes sense?

**SPIKE EICKHOLT:** I think so. What this does is it allows them to modify or lower it during the period of incarceration.

**STORER:** So therefore they would-- their, their record of what they owe would be less--

**SPIKE EICKHOLT:** Right.

**STORER:** --and the state would get reimbursed for less once they're--

**SPIKE EICKHOLT:** Oh. I see what you're saying.

**STORER:** --fully employed.

**SPIKE EICKHOLT:** So if he was supposed to pay \$500 a month and it gets reduced to \$50 for the year he was in jail, say, but then the state gave her \$500 a month, I think he can still be ordered to pay the, the state back for the \$500 that the state paid in lieu of him, minus maybe what he paid, the \$50 a month. That's the way I understand it. But admittedly, I'm not an expert and it's been a while since I've practiced in this area.

**STORER:** And that would-- that, that would be a huge difference in the understanding of the bill in terms of-- because as I listen to Senator McKinney, his intent was to reduce the burden of debt when they get out of jail.

**SPIKE EICKHOLT:** That's right. And maybe that--

**STORER:** Under your explanation, it-- that doesn't really reduce their burden of debt. It just reduces what they're paying per month. Yeah. I, I probably still have a lot of questions. I had one other question when you were speaking and will probably come back to me as soon as we move on.

**BOSN:** Do you have a question or no?

**DeBOER:** I mean, I'll ask a question to take up some time while she's thinking of her question.

**STORER:** OK. It'll come back to me. It's the end of the day.

**HALLSTROM:** And, and maybe I can [INAUDIBLE]. I was going down the same path that if-- and we need the answer to that question. Not necessarily that you be the one that finds it, but. If, if it's limited to the \$50, in your example, then the state's going to be short-changed from having provided that. And if he's required to pay the full amount back, notwithstanding the reduction in the modification, then this bill doesn't ultimately help that individual because the debt's either unpaid child support or it's repaying the state for that. So I, I think that's important. And the other thing I, I just-- what was going through my mind is that-- is, is incarceration voluntary unemployment? And you have addressed some of the court cases. There's also 45 CFR 20-- 302.56(c)(3) that talks about states being barred from using this as voluntary unemployment, and it does provide 180-day time period under, under a federal regulation.

**SPIKE EICKHOLT:** And that's probably why we have that in the statute, I imagine.

**HALLSTROM:** And then the next question I would have if you can clarify, is this says the state will review and make a determination. Is that done outside of the court system? It's DHHS that's--

**SPIKE EICKHOLT:** Yeah. It's DHHS and the Child Support Division working with the local county attorney's office. And I admittedly don't know how that works, but they do review these.

**HALLSTROM:** The, the language may be inartful because it--

**SPIKE EICKHOLT:** Mm-hmm.

**HALLSTROM:** --it says the, the state will complete the review and notify the parties of its determination. And I would presume the court has to ultimately make the, the modification of the award. But maybe not.

**SPIKE EICKHOLT:** No, the-- you're right. The-- I had-- the-- DHHS reviews the order and I think they have some general information. They'll send notice to the parties informally asking them for income information. Because to go back into court on a proper motion to modify the child support, they want to know if there's actually been a material change in circumstances. There's some protections in the guidelines for going below poverty level for either party and stuff that's not reflected in the statute because those are rules, court rules. So I think sometimes the department does review and then doesn't request the county attorney to file anything just because--

**HALLSTROM:** Which would be notifying them of their determination. And I may just not be seeing the whole statutory scheme to see what happens and how it happens logistically.

**STORER:** It came back to me.

**BOSN:** Senator Storer.

**STORER:** Thank you.

**HALLSTROM:** I'll defer.

**STORER:** Thank you for-- you kind of prompted my memory. So currently, because the way this reads, it says the department shall initiate the review of the noncustodial parent's child support order. Who, who is

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sending that notice now? Like, when someone's incarcerated, they receive a notice--

**SPIKE EICKHOLT:** Right.

**STORER:** Do, do you know who's currently-- that-- does that, does that come from DHHS--

**SPIKE EICKHOLT:** DHHS and also the county attorney's office when they're looking at it.

**STORER:** So how does-- because this is new language in this bill.

**SPIKE EICKHOLT:** Right.

**STORER:** How is that change? Do-- can you help me understand that?

**SPIKE EICKHOLT:** The no-- how, how has the notice changed?

**STORER:** Right. Like, the burden of initiated-- initiation. If it, if it's currently DHHS and this appears to be new language in the bill, if that's already-- who's initiating it--

**SPIKE EICKHOLT:** I think--

**STORER:** --how does that change--

**SPIKE EICKHOLT:** I think the notice part is not changed because they have to give notice now. And they do-- if you look on page 3, lines 10 through 21, that's the notice provision now.

**STORER:** Right. But that, but that-- that department shall initiate a review of the con-- noncustodial parent's child support order is new language in this bill.

**SPIKE EICKHOLT:** The, the fact that they have to do a review, that's correct. But right now, you simply have to give-- within 15 days of learning that the noncustodial will be incarcerated, the department shan sell-- sha-- shall send notice by first-class mail to both parents informing them of the right to request the state to review and, if appropriate, adjust the order. So now if somebody's locked up and they're in prison and they're going to be there for at least six months, or the department thinks they're going to be there for at least six months, they're sent notice now saying you can request a modification of the order if you want to.

**STORER:** So this just moves it from notice to actually initiating the entire review.

**SPIKE EICKHOLT:** That's right.

**STORER:** Whereas now they're sent notice, the noncustodial parent has to initiate the review, has to request a review--

**SPIKE EICKHOLT:** That's right.

**STORER:** --is the big difference of-- OK.

**SPIKE EICKHOLT:** That's right. And what he-- what Senator McKinney-- I'm sorry I'm not an expert in child support stuff. [INAUDIBLE] practiced in the area, but. What I think Senator McKinney's trying to do is to sort of just deal with the practical reality that, right or wrong, that the people who are locked up just don't initiate this-- which is frustrating, admittedly so, perhaps. But what you have as a consequence is that it's just-- it's going do-- if they don't do it, no one's going to do it. And the, and the debt's just going to grow. And then no one's going to be paid. I mean, you can't make people work and you can't get a job if you don't have a driver's license.

**STORER:** So ultimately the state--

**SPIKE EICKHOLT:** That's right.

**STORER:** --has a debt that no one is going to repay.

**SPIKE EICKHOLT:** That's right. But I think with the bill, the likelihood of getting payment back to the state is enhanced.

**STORER:** OK. Wait. You gotta explain that one. You're gonna have to explain that one to me.

**SPIKE EICKHOLT:** Well, if you just assume that no one is requesting the review themselves, the child support's going to keep clicking.

**STORER:** Right.

**SPIKE EICKHOLT:** They'll get out. And you've heard-- not today, unfortunately, but you've heard of situations where people get out and they've got \$100,000, \$200,000 debt. They can't get a driver's license. If they had a landscaping license or something before, that's been suspended as well. They can't get that back until they get that debt resolved.

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**STORER:** Would it make more sense for us to modify some of those restrictions to enable people to be, be better fully employed rather than erase the debt?

**SPIKE EICKHOLT:** It would, but I think that's required. The license suspension is required under the IV-D federal rules. I think. I'm pretty sure about that.

**STORER:** Thank you.

**BOSN:** Any other questions for this testifier? Given the late hour, none. All right. Next proponent. Any other proponents? We'll move on to opponents. Any opponents for LB704? Any neutral testifiers? All right. Well, while Senator McKinney makes his way up, I will note there were 5 proponent comments submitted, no opponent, and 1 neutral comment submitted. Welcome back.

**McKINNEY:** Thank you. And thank you, members of the committee. Thank you, Spike, for testifying. I think this is a commonsense bill to address an issue of individuals in prison returning back home to society with thousands of dollars of debt. Currently, people could get modifications. You could get a modification right now if you're on the streets, if you lose your job, or you get a decrease in pay. So all I'm trying to do is just get these individuals a modification considering the circumstances. And, and that's all that this is attempting to do. It's not saying somebody should not be absolved of their obligations or they shouldn't pay these debts back. But we just got to be real and honest that if somebody returns from prison with \$200,000 of child support debt, the-- they're, one, most likely going to keep-- get their-- getting their driver's license suspended because it's hard to get a job when you have a felony. Two, you can't get a passport. It's just a lot of issue-- it's, it's a bunch of issues. And it strains the relationship with the child and their father. I'm not saying that the-- father or mother, whoever went to jail, but I'm not saying they should've went to jail or, or saying that was right or wrong. But the reality is, if we could do something to assist, I think we should do it. So thank you.

**BOSN:** Thank you. Any questions for Senator McKinney? Senator Hallstrom.

**HALLSTROM:** I have no further questions.

**BOSN:** Just in time. All right. That concludes our hearings for today. And see you tomorrow.