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FLOOR DEBATE

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committed offender solely because of the committed offender's failure to comply with the department-approved personalized program plan, but such failure may be considered by the board," meaning the Parole Board, "in its deliberations on whether or not to grant parole to a committed offender." This language goes to a person's eligibility to be considered for parole. The Parole Board would be in a position to determine, under all of the facts, if the unwillingness, the failure, the declining, or whatever word is used to describe a person's not completing this program, the board would be able to review the facts and determine if the failure was of such a nature that it should prohibit the person from being paroled at that time. I think since the discretion as to when somebody would be paroled has been placed by the constitution and the statutes in the Parole Board, we should take from the department any arbitrary power that inadvertently wound up in their hands due to what I feel is a deliberate and intentional misreading of the law. I am not here today to debate the Department of Corrections because they are not at our level while we are legislating. I will answer any questions that you have, but now I want to put all of this in a nutshell so it might help you formulate questions, if you have them, or persuade you that it's been clearly enough explained so that you don't have questions. Currently, if a person does not finish this particular personalized program and the department says that failure to finish is an intentional noncompliance, they can impose disciplinary action and take up to three months' of good time from the person. If it is a program designed to benefit the inmate, and the inmate, for any reason or no reason, chooses not to go through that program, that in itself should not lead to punishment because the sentence imposed by the court is not finish this program or serve more time. We wanted these personalized programs to help these inmates get in a position to get out of there sooner, but it has been used in such a way to lock people in who but for that would have been paroled. So what my amendment says is that that language will be stricken and we will allow the Parole Board to take into consideration an inmate's failure to complete this program, and in the exercise of its discretion, meaning the Parole Board's discretion, consideration can be given as to whether that failure should impact on the time when the person will be released. If you have any questions, I will be pleased