

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 841

FINAL READING

Introduced by Pansing Brooks, 28; Baker, 30; Brewer, 43; Ebke, 32;
Morfeld, 46; Schumacher, 22.

Read first time January 04, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal justice; to amend sections 28-322,
2 29-2252, 29-2935, 29-4019, 71-961, 81-1401, 83-174.03, 83-174.04,
3 83-174.05, 83-191, 83-192, 83-198, 83-1,102, 83-1,103, 83-1,103.01,
4 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107.01,
5 83-1,107.02, 83-1,109, 83-1,111, 83-1,112, 83-1,112.01, 83-1,114,
6 83-1,118, 83-1,120, 83-1,121, 83-1,125, and 83-4,157, Reissue
7 Revised Statutes of Nebraska, sections 47-624, 47-624.01, 47-627,
8 47-629, 47-903, 47-908, 47-919, 83-170, 83-171, 83-184, 83-1,100,
9 83-1,100.02, 83-1,101, 83-1,107, 83-1,119, 83-1,122.01, 83-1,135,
10 83-1,135.02, and 83-933, Revised Statutes Cumulative Supplement,
11 2016, and sections 29-2261 and 83-1,110.02, Revised Statutes
12 Supplement, 2017; to define and redefine terms; to change provisions
13 relating to conditional release of committed offenders; to rename
14 the Office of Parole Administration; to change the title of Parole
15 Administrator; to provide and change powers and duties for the
16 Department of Correctional Services, Board of Parole, Division of
17 Parole Supervision, and Director of Supervision and Services; to
18 change provisions relating to administration of parole services and
19 conditions of parole; to create a fund; to prohibit and provide a
20 penalty for certain acts toward employees of the Board of Parole; to
21 change conditions for eligibility for medical parole; to provide for

1 applicability of certain provisions; to provide duties for the
2 medical director of the Department of Correctional Services; to
3 require a staffing analysis by the department; to require an
4 implementation plan for the accelerated parole review process; to
5 require reports; to eliminate provisions regarding deputy parole
6 officers and certain violations of parole; to repeal the original
7 sections; and to outright repeal section 83-1,124, Reissue Revised
8 Statutes of Nebraska.

9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-322, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-322 For purposes of sections 28-322 to 28-322.03:

4 (1) Inmate or parolee means any individual confined in a facility
5 operated by the Department of Correctional Services or a city or county
6 correctional or jail facility or under parole supervision; and

7 (2) Person means (a) an individual employed by the Department of
8 Correctional Services or by the Division of Parole Supervision ~~Office of~~
9 ~~Parole Administration~~, including any individual working in central
10 administration of the department, any individual working under contract
11 with the department, and any individual, other than an inmate's spouse,
12 to whom the department has authorized or delegated control over an inmate
13 or an inmate's activities, (b) an individual employed by a city or county
14 correctional or jail facility, including any individual working in
15 central administration of the city or county correctional or jail
16 facility, any individual working under contract with the city or county
17 correctional or jail facility, and any individual, other than an inmate's
18 spouse, to whom the city or county correctional or jail facility has
19 authorized or delegated control over an inmate or an inmate's activities,
20 and (c) an individual employed by the Office of Probation Administration
21 who performs official duties within any facility operated by the
22 Department of Correctional Services or a city or county correctional or
23 jail facility.

24 Sec. 2. Section 29-2252, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-2252 The administrator shall:

27 (1) Supervise and administer the office;

28 (2) Establish and maintain policies, standards, and procedures for
29 the system, with the concurrence of the Supreme Court;

30 (3) Prescribe and furnish such forms for records and reports for the
31 system as shall be deemed necessary for uniformity, efficiency, and

1 statistical accuracy;

2 (4) Establish minimum qualifications for employment as a probation
3 officer in this state and establish and maintain such additional
4 qualifications as he or she deems appropriate for appointment to the
5 system. Qualifications for probation officers shall be established in
6 accordance with subsection (4) of section 29-2253. An ex-offender
7 released from a penal complex or a county jail may be appointed to a
8 position of deputy probation or parole officer. Such ex-offender shall
9 maintain a record free of arrests, except for minor traffic violations,
10 for one year immediately preceding his or her appointment;

11 (5) Establish and maintain advanced periodic inservice training
12 requirements for the system;

13 (6) Cooperate with all agencies, public or private, which are
14 concerned with treatment or welfare of persons on probation;

15 (7) Organize and conduct training programs for probation officers.
16 Training shall include the proper use of a risk and needs assessment,
17 risk-based supervision strategies, relationship skills, cognitive
18 behavioral interventions, community-based resources, criminal risk
19 factors, and targeting criminal risk factors to reduce recidivism and the
20 proper use of a matrix of administrative sanctions, custodial sanctions,
21 and rewards developed pursuant to subdivision (18) of this section. All
22 probation officers employed on or after August 30, 2015, shall complete
23 the training requirements set forth in this subdivision;

24 (8) Collect, develop, and maintain statistical information
25 concerning probationers, probation practices, and the operation of the
26 system and provide the Community Corrections Division of the Nebraska
27 Commission on Law Enforcement and Criminal Justice with the information
28 needed to compile the report required in section 47-624;

29 (9) Interpret the probation program to the public with a view toward
30 developing a broad base of public support;

31 (10) Conduct research for the purpose of evaluating and improving

1 the effectiveness of the system. Subject to the availability of funding,
2 the administrator shall contract with an independent contractor or
3 academic institution for evaluation of existing community corrections
4 facilities and programs operated by the office;

5 (11) Adopt and promulgate such rules and regulations as may be
6 necessary or proper for the operation of the office or system. The
7 administrator shall adopt and promulgate rules and regulations for
8 transitioning individuals on probation across levels of supervision and
9 discharging them from supervision consistent with evidence-based
10 practices. The rules and regulations shall ensure supervision resources
11 are prioritized for individuals who are high risk to reoffend, require
12 transitioning individuals down levels of supervision intensity based on
13 assessed risk and months of supervision without a reported major
14 violation, and establish incentives for earning discharge from
15 supervision based on compliance;

16 (12) Transmit a report during each even-numbered year to the Supreme
17 Court on the operation of the office for the preceding two calendar years
18 which shall include a historical analysis of probation officer workload,
19 including participation in non-probation-based programs and services. The
20 report shall be transmitted by the Supreme Court to the Governor and the
21 Clerk of the Legislature. The report submitted to the Clerk of the
22 Legislature shall be submitted electronically;

23 (13) Administer the payment by the state of all salaries, travel,
24 and actual and necessary expenses incident to the conduct and maintenance
25 of the office;

26 (14) Use the funds provided under section 29-2262.07 to augment
27 operational or personnel costs associated with the development,
28 implementation, and evaluation of enhanced probation-based programs and
29 non-probation-based programs and services in which probation personnel or
30 probation resources are utilized pursuant to an interlocal agreement
31 authorized by subdivision (16) of this section and to purchase services

1 to provide such programs aimed at enhancing adult probationer or non-
2 probation-based program participant supervision in the community and
3 treatment needs of probationers and non-probation-based program
4 participants. Enhanced probation-based programs include, but are not
5 limited to, specialized units of supervision, related equipment purchases
6 and training, and programs that address a probationer's vocational,
7 educational, mental health, behavioral, or substance abuse treatment
8 needs;

9 (15) Ensure that any risk or needs assessment instrument utilized by
10 the system be periodically validated;

11 (16) Have the authority to enter into interlocal agreements in which
12 probation resources or probation personnel may be utilized in conjunction
13 with or as part of non-probation-based programs and services. Any such
14 interlocal agreement shall comply with section 29-2255;

15 (17) Collaborate with the Community Corrections Division of the
16 Nebraska Commission on Law Enforcement and Criminal Justice and the
17 Division of Parole Supervision ~~Office of Parole Administration~~ to develop
18 rules governing the participation of parolees in community corrections
19 programs operated by the Office of Probation Administration;

20 (18) Develop a matrix of rewards for compliance and positive
21 behaviors and graduated administrative sanctions and custodial sanctions
22 for use in responding to and deterring substance abuse violations and
23 technical violations. As applicable under sections 29-2266.02 and
24 29-2266.03, custodial sanctions of up to thirty days in jail shall be
25 designated as the most severe response to a violation in lieu of
26 revocation and custodial sanctions of up to three days in jail shall be
27 designated as the second most severe response;

28 (19) Adopt and promulgate rules and regulations for the creation of
29 individualized post-release supervision plans, collaboratively with the
30 Department of Correctional Services and county jails, for probationers
31 sentenced to post-release supervision; and

1 (20) Exercise all powers and perform all duties necessary and proper
2 to carry out his or her responsibilities.

3 Each member of the Legislature shall receive an electronic copy of
4 the report required by subdivision (12) of this section by making a
5 request for it to the administrator.

6 Sec. 3. Section 29-2261, Revised Statutes Supplement, 2017, is
7 amended to read:

8 29-2261 (1) Unless it is impractical to do so, when an offender has
9 been convicted of a felony other than murder in the first degree, the
10 court shall not impose sentence without first ordering a presentence
11 investigation of the offender and according due consideration to a
12 written report of such investigation. When an offender has been convicted
13 of murder in the first degree and (a) a jury renders a verdict finding
14 the existence of one or more aggravating circumstances as provided in
15 section 29-2520 or (b)(i) the information contains a notice of
16 aggravation as provided in section 29-1603 and (ii) the offender waives
17 his or her right to a jury determination of the alleged aggravating
18 circumstances, the court shall not commence the sentencing determination
19 proceeding as provided in section 29-2521 without first ordering a
20 presentence investigation of the offender and according due consideration
21 to a written report of such investigation.

22 (2) A court may order a presentence investigation in any case,
23 except in cases in which an offender has been convicted of a Class IIIA
24 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic
25 infraction, or any corresponding city or village ordinance.

26 (3) The presentence investigation and report shall include, when
27 available, an analysis of the circumstances attending the commission of
28 the crime, the offender's history of delinquency or criminality, physical
29 and mental condition, family situation and background, economic status,
30 education, occupation, and personal habits, and any other matters that
31 the probation officer deems relevant or the court directs to be included.

1 All local and state police agencies and Department of Correctional
2 Services adult correctional facilities shall furnish to the probation
3 officer copies of such criminal records, in any such case referred to the
4 probation officer by the court of proper jurisdiction, as the probation
5 officer shall require without cost to the court or the probation officer.

6 Such investigation shall also include:

7 (a) Any written statements submitted to the county attorney by a
8 victim; and

9 (b) Any written statements submitted to the probation officer by a
10 victim.

11 (4) If there are no written statements submitted to the probation
12 officer, he or she shall certify to the court that:

13 (a) He or she has attempted to contact the victim; and

14 (b) If he or she has contacted the victim, such officer offered to
15 accept the written statements of the victim or to reduce such victim's
16 oral statements to writing.

17 For purposes of subsections (3) and (4) of this section, the term
18 victim shall be as defined in section 29-119.

19 (5) Before imposing sentence, the court may order the offender to
20 submit to psychiatric observation and examination for a period of not
21 exceeding sixty days or such longer period as the court determines to be
22 necessary for that purpose. The offender may be remanded for this purpose
23 to any available clinic or mental hospital, or the court may appoint a
24 qualified psychiatrist to make the examination. The report of the
25 examination shall be submitted to the court.

26 (6) Any presentence report, substance abuse evaluation, or
27 psychiatric examination shall be privileged and shall not be disclosed
28 directly or indirectly to anyone other than a judge, probation officers
29 to whom an offender's file is duly transferred, the probation
30 administrator or his or her designee, alcohol and drug counselors, mental
31 health practitioners, psychiatrists, and psychologists licensed or

1 certified under the Uniform Credentialing Act to conduct substance abuse
2 evaluations and treatment, or others entitled by law to receive such
3 information, including personnel and mental health professionals for the
4 Nebraska State Patrol specifically assigned to sex offender registration
5 and community notification for the sole purpose of using such report,
6 evaluation, or examination for assessing risk and for community
7 notification of registered sex offenders. For purposes of this
8 subsection, mental health professional means (a) a practicing physician
9 licensed to practice medicine in this state under the Medicine and
10 Surgery Practice Act, (b) a practicing psychologist licensed to engage in
11 the practice of psychology in this state as provided in section 38-3111,
12 or (c) a practicing mental health professional licensed or certified in
13 this state as provided in the Mental Health Practice Act.

14 (7) The court shall permit inspection of the presentence report,
15 substance abuse evaluation, or psychiatric examination or parts of the
16 report, evaluation, or examination, as determined by the court, by the
17 prosecuting attorney and defense counsel. Beginning July 1, 2016, such
18 inspection shall be by electronic access only unless the court determines
19 such access is not available to the prosecuting attorney or defense
20 counsel. The State Court Administrator shall determine and develop the
21 means of electronic access to such presentence reports, evaluations, and
22 examinations. Upon application by the prosecuting attorney or defense
23 counsel, the court may order that addresses, telephone numbers, and other
24 contact information for victims or witnesses named in the report,
25 evaluation, or examination be redacted upon a showing by a preponderance
26 of the evidence that such redaction is warranted in the interests of
27 public safety. The court may permit inspection of the presentence report,
28 substance abuse evaluation, or psychiatric examination or examination of
29 parts of the report, evaluation, or examination by any other person
30 having a proper interest therein whenever the court finds it is in the
31 best interest of a particular offender. The court may allow fair

1 opportunity for an offender to provide additional information for the
2 court's consideration.

3 (8) If an offender is sentenced to imprisonment, a copy of the
4 report of any presentence investigation, substance abuse evaluation, or
5 psychiatric examination shall be transmitted immediately to the
6 Department of Correctional Services. Upon request, the Board of Parole or
7 the Division of Parole Supervision ~~Office of Parole Administration~~ may
8 receive a copy of the report from the department.

9 (9) Notwithstanding subsections (6) and (7) of this section, the
10 Supreme Court or an agent of the Supreme Court acting under the direction
11 and supervision of the Chief Justice shall have access to psychiatric
12 examinations, substance abuse evaluations, and presentence investigations
13 and reports for research purposes. The Supreme Court and its agent shall
14 treat such information as confidential, and nothing identifying any
15 individual shall be released.

16 Sec. 4. Section 29-2935, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 29-2935 For purposes of evaluating the treatment process, the
19 Division of Parole Supervision ~~Office of Parole Administration~~, the
20 Department of Correctional Services, the Board of Parole, and the
21 designated aftercare treatment programs shall allow appropriate access to
22 data and information as requested by the Department of Health and Human
23 Services.

24 Sec. 5. Section 29-4019, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-4019 (1) When sentencing a person convicted of an offense which
27 requires lifetime community supervision upon release pursuant to section
28 83-174.03, the sentencing court shall:

29 (a) Provide written notice to the defendant that he or she shall be
30 subject to lifetime community supervision by the Division of Parole
31 Supervision ~~Office of Parole Administration~~ upon release from

1 incarceration or civil commitment. The written notice shall inform the
2 defendant (i) that he or she shall be subject to lifetime community
3 supervision by the division office upon release and that the division
4 office shall conduct a risk assessment and evaluation to determine the
5 conditions of community supervision which will minimize, in the least
6 restrictive manner that is compatible with public safety, the risk of the
7 defendant committing additional offenses, (ii) that a violation of any of
8 the conditions of community supervision imposed by the division office
9 may result in the revision of existing conditions, the addition of new
10 conditions, a recommendation that civil commitment proceedings should be
11 instituted, or criminal prosecution, and (iii) of his or her right to
12 challenge the determination of the conditions of community supervision by
13 the division office and the right to a periodic review of the conditions
14 of community supervision pursuant to section 83-174.03 to determine if
15 the conditions are still necessary to protect the public;

16 (b) Require the defendant to read and sign a form stating that the
17 duty of the defendant to comply with the conditions of community
18 supervision and his or her rights to challenge the conditions of
19 community supervision imposed by the division office has been explained;
20 and

21 (c) Retain a copy of the written notification signed by the
22 defendant.

23 (2) Prior to the release of a person serving a sentence for an
24 offense requiring lifetime community supervision by the Division of
25 Parole Supervision ~~Office of Parole Administration~~ pursuant to section
26 83-174.03, the Department of Correctional Services, the Department of
27 Health and Human Services, or a city or county correctional or jail
28 facility shall:

29 (a) Provide written notice to the person that he or she shall be
30 subject to lifetime community supervision by the division office upon
31 release from incarceration. The written notice shall inform the person

1 (i) that he or she shall be subject to lifetime community supervision by
2 the division office upon release and that the division office shall
3 conduct a risk assessment and evaluation of the defendant to determine
4 the conditions of community supervision which will minimize, in the least
5 restrictive manner that is compatible with public safety, the risk of the
6 person committing additional offenses, (ii) that a violation of any of
7 the conditions of community supervision imposed by the division office
8 may result in the revision of existing conditions, the addition of new
9 conditions, a recommendation that civil commitment proceedings should be
10 instituted, or criminal prosecution, and (iii) of his or her right to
11 challenge the determination of the conditions of community supervision by
12 the division office and the right to a periodic review of the conditions
13 of community supervision pursuant to section 83-174.03 to determine if
14 the conditions are still necessary to protect the public;

15 (b) Require the defendant to read and sign a form stating that the
16 duty of the defendant to comply with the conditions of community
17 supervision and his or her right to challenge the conditions of community
18 supervision imposed by the division office has been explained; and

19 (c) Retain a copy of the written notification signed by the person.

20 Sec. 6. Section 47-624, Revised Statutes Cumulative Supplement,
21 2016, is amended to read:

22 47-624 The division shall:

23 (1) Collaborate with the Office of Probation Administration, the
24 Division of Parole Supervision ~~Office of Parole Administration~~, and the
25 Department of Correctional Services to develop and implement a plan to
26 establish statewide operation and use of a continuum of community
27 correctional facilities and programs;

28 (2) Develop, in consultation with the probation administrator and
29 the Director of Supervision and Services of the Division of Parole
30 Supervision ~~Parole Administrator~~, standards for the use of community
31 correctional facilities and programs by the Nebraska Probation System and

1 the parole system;

2 (3) Collaborate with the Office of Probation Administration, the
3 Division of Parole Supervision ~~Office of Parole Administration~~, and the
4 Department of Correctional Services on the development of additional
5 reporting centers as set forth in section 47-624.01;

6 (4) Analyze and promote the consistent use of offender risk
7 assessment tools;

8 (5) Educate the courts, the Board of Parole, criminal justice system
9 stakeholders, and the general public about the availability, use, and
10 benefits of community correctional facilities and programs;

11 (6) Enter into and administer contracts, if necessary, to carry out
12 the purposes of the Community Corrections Act;

13 (7) In order to ensure adequate funding for substance abuse
14 treatment programs, consult with the probation administrator and the
15 Director of Supervision and Services of the Division of Parole
16 Supervision ~~Parole Administrator~~ and develop or assist with the
17 development of programs as provided in subdivision (14) of section
18 29-2252 and subdivision (8) of section 83-1,102;

19 (8) Study substance abuse and mental health treatment services in
20 and related to the criminal justice system, recommend improvements, and
21 evaluate the implementation of improvements;

22 (9) Research and evaluate existing community correctional facilities
23 and programs, within the limits of available funding;

24 (10) Develop standardized definitions of outcome measures for
25 community correctional facilities and programs, including, but not
26 limited to, recidivism, employment, and substance abuse;

27 (11) Report annually to the Legislature and the Governor on the
28 development and performance of community correctional facilities and
29 programs. The report submitted to the Legislature shall be submitted
30 electronically. The report shall include, but not be limited to, the
31 following:

1 (a) A description of community correctional facilities and programs
2 currently serving offenders in Nebraska, which includes the following
3 information:

4 (i) The target population and geographic area served by each
5 facility or program, eligibility requirements, and the total number of
6 offenders utilizing the facility or program over the past year;

7 (ii) Services, programs, assessments, case management, supervision,
8 and tools provided for offenders at the facility, in the program, or
9 under the supervision of a governmental agency in any capacity;

10 (iii) The costs of operating the facility or program and the cost
11 per offender; and

12 (iv) The funding sources for the facility or program;

13 (b) The progress made in expanding community correctional facilities
14 and programs statewide and an analysis of the need for additional
15 community corrections services;

16 (c) An analysis of the impact community correctional facilities and
17 programs have on the number of offenders incarcerated within the
18 Department of Correctional Services; and

19 (d) The recidivism rates and outcome data for probationers,
20 parolees, and problem-solving-court clients participating in community
21 corrections programs;

22 (12) Grant funds to entities including local governmental agencies,
23 nonprofit organizations, and behavioral health services which will
24 support the intent of the act;

25 (13) Manage all offender data acquired by the division in a
26 confidential manner and develop procedures to ensure that identifiable
27 information is not released;

28 (14) Establish and administer grants, projects, and programs for the
29 operation of the division; and

30 (15) Perform such other duties as may be necessary to carry out the
31 policy of the state established in the act.

1 Sec. 7. Section 47-624.01, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 47-624.01 (1) The division shall collaborate with the Office of
4 Probation Administration, the Division of Parole Supervision ~~Office of~~
5 ~~Parole Administration~~, and the Department of Correctional Services in
6 developing a plan for the implementation and funding of reporting centers
7 in Nebraska.

8 (2) The plan shall include recommended locations for at least one
9 reporting center in each district court judicial district that currently
10 lacks such a center and shall prioritize the recommendations for
11 additional reporting centers based upon need.

12 (3) The plan shall also identify and prioritize the need for
13 expansion of reporting centers in those district court judicial districts
14 which currently have a reporting center but have an unmet need for
15 additional reporting center services due to capacity, distance, or
16 demographic factors.

17 Sec. 8. Section 47-627, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 47-627 The director shall develop and maintain a uniform crime data
20 analysis system in Nebraska which shall include, but need not be limited
21 to, the number of offenses, arrests, charges, probation admissions,
22 probation violations, probation discharges, participants in specialized
23 community corrections programs, admissions to and discharges from
24 problem-solving courts, admissions to and discharges from the Department
25 of Correctional Services, parole reviews, parole hearings, releases on
26 parole, parole violations, and parole discharges. The data shall be
27 categorized by statutory crime. The data shall be collected from the
28 Board of Parole, the State Court Administrator, the Department of
29 Correctional Services, the Division of Parole Supervision ~~Office of~~
30 ~~Parole Administration~~, the Office of Probation Administration, the
31 Nebraska State Patrol, counties, local law enforcement, and any other

1 entity associated with criminal justice. The division and the Supreme
2 Court shall have access to such data to implement the Community
3 Corrections Act.

4 Sec. 9. Section 47-629, Revised Statutes Cumulative Supplement,
5 2016, is amended to read:

6 47-629 (1) The Board of Parole may parole an offender to a community
7 correctional facility or program pursuant to guidelines developed by the
8 division.

9 (2) The Department of Correctional Services and the Division of
10 Parole Supervision ~~Office of Parole Administration~~ shall utilize
11 community correctional facilities and programs as appropriate.

12 Sec. 10. Section 47-903, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 47-903 For purposes of the Office of Inspector General of the
15 Nebraska Correctional System Act, the following definitions apply:

16 (1) Administrator means a person charged with administration of a
17 program, an office, or a division of the department or administration of
18 a private agency;

19 (2) Department means the Department of Correctional Services;

20 (3) Director means the Director of Correctional Services;

21 (4) Division of Parole Supervision means the division created
22 pursuant to section 83-1,100;

23 (5) Inspector General means the Inspector General of the Nebraska
24 Correctional System appointed under section 47-904;

25 (6) ~~(5)~~ Malfeasance means a wrongful act that the actor has no legal
26 right to do or any wrongful conduct that affects, interrupts, or
27 interferes with performance of an official duty;

28 (7) ~~(6)~~ Management means supervision of subordinate employees;

29 (8) ~~(7)~~ Misfeasance means the improper performance of some act that
30 a person may lawfully do;

31 (9) ~~(8)~~ Obstruction means hindering an investigation, preventing an

1 investigation from progressing, stopping or delaying the progress of an
2 investigation, or making the progress of an investigation difficult or
3 slow;

4 (10) ~~(9)~~ Office means the office of Inspector General of the
5 Nebraska Correctional System and includes the Inspector General and other
6 employees of the office;

7 ~~(10) Office of Parole Administration means the office created~~
8 ~~pursuant to section 83-1,100;~~

9 (11) Private agency means an entity that contracts with the
10 department or contracts to provide services to another entity that
11 contracts with the department; and

12 (12) Record means any recording in written, audio, electronic
13 transmission, or computer storage form, including, but not limited to, a
14 draft, memorandum, note, report, computer printout, notation, or message,
15 and includes, but is not limited to, medical records, mental health
16 records, case files, clinical records, financial records, and
17 administrative records.

18 Sec. 11. Section 47-908, Revised Statutes Cumulative Supplement,
19 2016, is amended to read:

20 47-908 All employees of the department, all employees of the
21 Division of Parole Supervision ~~Office of Parole Administration~~, and all
22 owners, operators, managers, supervisors, and employees of private
23 agencies shall cooperate with the office. Cooperation includes, but is
24 not limited to, the following:

25 (1) Provision of full access to and production of records and
26 information. Providing access to and producing records and information
27 for the office is not a violation of confidentiality provisions under any
28 statute, rule, or regulation if done in good faith for purposes of an
29 investigation under the Office of Inspector General of the Nebraska
30 Correctional System Act;

31 (2) Fair and honest disclosure of records and information reasonably

1 requested by the office in the course of an investigation under the act;

2 (3) Encouraging employees to fully comply with reasonable requests
3 of the office in the course of an investigation under the act;

4 (4) Prohibition of retaliation by owners, operators, or managers
5 against employees for providing records or information or filing or
6 otherwise making a complaint to the office;

7 (5) Not requiring employees to gain supervisory approval prior to
8 filing a complaint with or providing records or information to the
9 office;

10 (6) Provision of complete and truthful answers to questions posed by
11 the office in the course of an investigation; and

12 (7) Not willfully interfering with or obstructing the investigation.

13 Sec. 12. Section 47-919, Revised Statutes Cumulative Supplement,
14 2016, is amended to read:

15 47-919 The Division of Parole Supervision ~~Office of Parole~~
16 ~~Administration~~ shall provide the Public Counsel and the Inspector General
17 with direct computer access to all computerized records, reports, and
18 documents maintained ~~by the office~~ in connection with administration of
19 the Nebraska parole system, except that access for the Public Counsel and
20 the Inspector General to a parolee's medical or mental health records
21 shall be subject to the parolee's consent.

22 Sec. 13. Section 71-961, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-961 (1) All records kept on any subject shall remain confidential
25 except as otherwise provided by law. Such records shall be accessible to
26 (a) the subject, except as otherwise provided in subsection (2) of this
27 section, (b) the subject's legal counsel, (c) the subject's guardian or
28 conservator, if any, (d) the mental health board having jurisdiction over
29 the subject, (e) persons authorized by an order of a judge or court, (f)
30 persons authorized by written permission of the subject, (g) agents or
31 employees of the Department of Health and Human Services upon delivery of

1 a subpoena from the department in connection with a licensing or
2 licensure investigation by the department, (h) individuals authorized to
3 receive notice of the release of a sex offender pursuant to section
4 83-174, (i) the Nebraska State Patrol or the department pursuant to
5 section 69-2409.01, or (j) the Division of Parole Supervision ~~Office of~~
6 ~~Parole Administration~~ if the subject meets the requirements for lifetime
7 community supervision pursuant to section 83-174.03.

8 (2) Upon application by the county attorney or by the administrator
9 of the treatment facility where the subject is in custody and upon a
10 showing of good cause therefor, a judge of the district court of the
11 county where the mental health board proceedings were held or of the
12 county where the treatment facility is located may order that the records
13 not be made available to the subject if, in the judgment of the court,
14 the availability of such records to the subject will adversely affect his
15 or her mental illness or personality disorder and the treatment thereof.

16 (3) When a subject is absent without authorization from a treatment
17 facility or program described in section 71-939 or 71-1223 and is
18 considered to be dangerous to others, the subject's name and description
19 and a statement that the subject is believed to be considered dangerous
20 to others may be disclosed in order to aid in the subject's apprehension
21 and to warn the public of such danger.

22 Sec. 14. Section 81-1401, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 81-1401 For purposes of sections 81-1401 to 81-1414.10, unless the
25 context otherwise requires:

26 (1) Commission means the Nebraska Commission on Law Enforcement and
27 Criminal Justice;

28 (2) Council means the Nebraska Police Standards Advisory Council;

29 (3) Director means the director of the Nebraska Law Enforcement
30 Training Center;

31 (4) Felony means a crime punishable by imprisonment for a term of

1 more than one year or a crime committed outside of Nebraska which would
2 be punishable by imprisonment for a term of more than one year if
3 committed in Nebraska;

4 (5) Handgun means any firearm with a barrel less than sixteen inches
5 in length or any firearm designed to be held and fired by the use of a
6 single hand;

7 (6) Incapacity means incapable of or lacking the ability to perform
8 or carry out the usual duties of a law enforcement officer in accordance
9 with the standards established by the commission due to physical, mental,
10 or emotional factors. Incapacity does not exist if a law enforcement
11 officer remains employed as a law enforcement officer, including
12 employment as a law enforcement officer in a restricted or limited-duty
13 status;

14 (7) Law enforcement agency means the police department or the town
15 marshal in incorporated municipalities, the office of sheriff in
16 unincorporated areas, and the Nebraska State Patrol;

17 (8)(a) Law enforcement officer means any person who is responsible
18 for the prevention or detection of crime or the enforcement of the penal,
19 traffic, or highway laws of the state or any political subdivision of the
20 state for more than one hundred hours per year and is authorized by law
21 to make arrests and includes, but is not limited to:

22 (i) A full-time or part-time member of the Nebraska State Patrol;

23 (ii) A county sheriff;

24 (iii) A full-time, part-time, or reserve employee of a county
25 sheriff's office;

26 (iv) A full-time, part-time, or reserve employee of a municipal or
27 village police agency;

28 (v) A full-time or part-time Game and Parks Commission conservation
29 officer;

30 (vi) A full-time or part-time deputy state sheriff; or

31 (vii) A full-time employee of an organized and paid fire department

1 of any city of the metropolitan class who is an authorized arson
2 investigator and whose duties consist of determining the cause, origin,
3 and circumstances of fires or explosions while on duty in the course of
4 an investigation;

5 (b) Law enforcement officer does not include employees of the
6 Department of Correctional Services, probation officers under the
7 Nebraska Probation System, parole officers appointed by the Director of
8 Supervision and Services of the Division of Parole Supervision ~~Parole~~
9 ~~Administrator~~, or employees of the Department of Revenue under section
10 77-366; and

11 (c) A law enforcement officer shall possess a valid law enforcement
12 officer certificate or diploma, as established by the council, in order
13 to be vested with the authority of this section, but this subdivision
14 does not prohibit an individual from receiving a conditional appointment
15 as an officer pursuant to subsection (2) of section 81-1414;

16 (9) Training academy means the training center or such other
17 council-approved law enforcement training facility operated and
18 maintained by a law enforcement agency which offers certification
19 training that meets or exceeds the certification training curriculum of
20 the training center;

21 (10) Training center means the Nebraska Law Enforcement Training
22 Center; and

23 (11) Training school means a public or private institution of higher
24 education, including the University of Nebraska, the Nebraska state
25 colleges, and the community colleges of this state, that offers training
26 in a council-approved pre-certification course.

27 Sec. 15. Section 83-170, Revised Statutes Cumulative Supplement,
28 2016, is amended to read:

29 83-170 As used in the Nebraska Treatment and Corrections Act, unless
30 the context otherwise requires:

31 ~~(1) Administrator means the Parole Administrator;~~

- 1 ~~(1) (2)~~ Board means the Board of Parole;
- 2 ~~(2) (3)~~ Committed offender means any person who, under any provision
3 of law, is sentenced or committed to a facility operated by the
4 department or is sentenced or committed to the department other than a
5 person adjudged to be as described in subdivision (1), (2), (3)(b), or
6 (4) of section 43-247 by a juvenile court;
- 7 ~~(3) (4)~~ Department means the Department of Correctional Services;
- 8 ~~(4) (5)~~ Director means the Director of Correctional Services;
- 9 (5) Director of Supervision and Services means the Director of
10 Supervision and Services appointed pursuant to section 83-1,101;
- 11 (6) Facility means any prison, reformatory, training school,
12 reception center, community guidance center, group home, or other
13 institution operated by the department;
- 14 (7) Good time means any reduction of sentence granted pursuant to
15 sections 83-1,107 and 83-1,108;
- 16 (8) Maximum term means the maximum sentence provided by law or the
17 maximum sentence imposed by a court, whichever is shorter;
- 18 (9) Minimum term means the minimum sentence provided by law or the
19 minimum sentence imposed by a court, whichever is longer;
- 20 (10) Pardon authority means the power to remit fines and forfeitures
21 and to grant respites, reprieves, pardons, or commutations;
- 22 (11) Parole term means the time from release on parole to the
23 completion of the maximum term, reduced by good time;
- 24 (12) Person committed to the department means any person sentenced
25 or committed to a facility within the department;
- 26 (13) Restrictive housing means conditions of confinement that
27 provide limited contact with other offenders, strictly controlled
28 movement while out of cell, and out-of-cell time of less than twenty-four
29 hours per week; and
- 30 (14) Solitary confinement means the status of confinement of an
31 inmate in an individual cell having solid, soundproof doors and which

1 deprives the inmate of all visual and auditory contact with other
2 persons.

3 Sec. 16. Section 83-171, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 83-171 There is hereby created a Department of Correctional Services
6 which shall:

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

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

13 (3) Supervise parolees who have been committed to the department;
14 and

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

20 Sec. 17. Section 83-174.03, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
23 convicted of or completes a term of incarceration for a registrable
24 offense under section 29-4003 and has a previous conviction for a
25 registrable offense under such section, (b) is convicted of sexual
26 assault of a child in the first degree pursuant to section 28-319.01, or
27 (c) is convicted of or completes a term of incarceration for an
28 aggravated offense as defined in section 29-4001.01, shall, upon
29 completion of his or her term of incarceration or release from civil
30 commitment, be supervised in the community by the Division of Parole
31 Supervision ~~Office of Parole Administration~~ for the remainder of his or

1 her life.

2 (2) Notice shall be provided to the division ~~Office of Parole~~
3 ~~Administration~~ by an agency or political subdivision which has custody of
4 an individual required to be supervised in the community pursuant to
5 subsection (1) of this section at least sixty days prior to the release
6 of such individual from custody.

7 (3) Individuals required to be supervised in the community pursuant
8 to subsection (1) of this section shall undergo a risk assessment and
9 evaluation by the division ~~Office of Parole Administration~~ to determine
10 the conditions of community supervision to be imposed to best protect the
11 public from the risk that the individual will reoffend.

12 (4) Conditions of community supervision imposed on an individual by
13 the division ~~Office of Parole Administration~~ may include the following:

14 (a) Drug and alcohol testing if the conviction resulting in the
15 imposition of community supervision involved the use of drugs or alcohol;

16 (b) Restrictions on employment and leisure activities necessary to
17 minimize interaction with potential victims;

18 (c) Requirements to report regularly to the individual's community
19 supervision officer;

20 (d) Requirements to reside at a specified location and notify the
21 individual's community supervision officer of any change in address or
22 employment;

23 (e) A requirement to allow the division ~~Office of Parole~~
24 ~~Administration~~ access to medical records from the individual's current
25 and former providers of treatment;

26 (f) A requirement that the individual submit himself or herself to
27 available medical, psychological, psychiatric, or other treatment,
28 including, but not limited to, polygraph examinations; or

29 (g) Any other conditions designed to minimize the risk of
30 recidivism, including, but not limited to, the use of electronic
31 monitoring, which are not unduly restrictive.

1 Sec. 18. Section 83-174.04, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-174.04 An individual who violates one or more of the conditions
4 of community supervision established for him or her pursuant to section
5 83-174.03 shall undergo a review by the Division of Parole Supervision
6 ~~Office of Parole Administration~~ to evaluate the risk posed to the public
7 by the violation in question. The division ~~office~~ may take any of the
8 following actions in response to a violation of conditions of community
9 supervision:

10 (1) Revise or impose additional conditions of community supervision
11 in order to minimize the risk to the public from the continued presence
12 of the individual in the community;

13 (2) Forward to the Attorney General or the county attorney in the
14 county where the individual resides a request to initiate a criminal
15 prosecution for failure to comply with the terms of community
16 supervision; or

17 (3) Forward to the county attorney or Attorney General a
18 recommendation that civil commitment proceedings be instituted with
19 respect to the individual.

20 Sec. 19. Section 83-174.05, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-174.05 Failure to comply with the conditions of community
23 supervision imposed by the Division of Parole Supervision ~~Office of~~
24 ~~Parole Administration~~ is a Class IV felony for the first offense and a
25 Class III felony for any subsequent offense.

26 Sec. 20. Section 83-184, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 83-184 (1) When the conduct, behavior, mental attitude, and
29 conditions indicate that a person committed to the department and the
30 general society of the state will be benefited, and there is reason to
31 believe that the best interests of the people of the state and the person

1 committed to the department will be served thereby, in that order, and
2 upon the recommendation of the board in the case of each committed
3 offender, the director may authorize such person, under prescribed
4 conditions, to:

5 (a) Visit a specifically designated place or places and return to
6 the same or another facility. An extension of limits may be granted to
7 permit a visit to a dying relative, attendance at the funeral of a
8 relative, the obtaining of medical services, the contacting of
9 prospective employers, or for any other reason consistent with the public
10 interest;~~or~~

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

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

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

20 (c) Leave the facility to participate in substance abuse evaluations
21 or treatment, attend rehabilitative programming or treatment, seek
22 residency or employment, or participate in structured programming as
23 provided in section 83-182.01 and return to the same or another facility.
24 The department shall collaborate with community-based providers to
25 enhance the availability of community-based options for such
26 participation that meet the department's requirements for rehabilitative
27 programming or treatment or structured programming.

28 (2) The wages earned by a person authorized to work at paid
29 employment in the community under ~~the provisions of~~ this section shall be
30 credited by the chief executive officer of the facility to such person's
31 wage fund. The director shall authorize the chief executive officer to

1 withhold up to five percent of such person's net wages. The funds
2 withheld pursuant to this subsection shall be remitted to the State
3 Treasurer for credit as provided in subsection (2) of section 33-157.

4 (3) A person authorized to work at paid employment in the community
5 under ~~the provisions of~~ this section may be required to pay, and the
6 director is authorized to collect, such costs incident to the person's
7 confinement as the director deems appropriate and reasonable. Collections
8 shall be deposited in the state treasury as miscellaneous receipts.

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

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

18 (6) No person employed in the community under ~~the provisions of~~ this
19 section or otherwise released shall, while working in such employment in
20 the community or going to or from such employment or during the time of
21 such release, be deemed to be an agent, employee, or servant of the
22 state.

23 Sec. 21. Section 83-191, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-191 The members of the Board of Parole shall devote full time to
26 their duties with such board and shall not engage in any other business
27 or profession or hold any other public office. No member shall, at the
28 time of his or her appointment or during his or her tenure, serve as the
29 representative of any political party or of any executive committee or
30 governing body thereof or as an executive officer or employee of any
31 political party, organization, association, or committee. A member shall

1 resign from the board upon filing as a candidate for any elective public
2 office. Each member of the board shall receive an annual salary to be
3 fixed by the Governor. ~~Such On and after July 1, 1993, such~~ salaries
4 shall be paid in equal monthly portions.

5 Sec. 22. Section 83-192, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 83-192 (1) The Board of Parole shall:

8 (a) Determine the time of release on parole of committed offenders
9 eligible for such release;

10 (b) Fix the conditions of parole, revoke parole, issue or authorize
11 the issuance of warrants for the arrest of parole violators, and impose
12 other sanctions short of revocation for violation of conditions of
13 parole;

14 (c) Determine the time of mandatory discharge from parole;

15 (d) Visit and inspect any facility, state or local, for the
16 detention of persons charged with or convicted of an offense and for the
17 safekeeping of such other persons as may be remanded to such facility in
18 accordance with law;

19 (e) Within two years after July 1, 2006, implement the utilization
20 of a validated risk and needs assessment in coordination with the
21 Department of Correctional Services and the Division of Parole
22 Supervision ~~Office of Parole Administration~~. The assessment shall be
23 prepared and completed by the department or the division office for use
24 by the board in determining release on parole;

25 (f) Review the record of every parole-eligible committed offender
26 annually when he or she is within three years of his or her earliest
27 parole eligibility date. as follows:

28 (i) ~~If a committed offender has a parole eligibility date within~~
29 ~~five years of his or her date of incarceration, his or her record shall~~
30 ~~be reviewed annually;~~

31 (ii) ~~If a committed offender has a parole eligibility date which is~~

1 ~~more than five but not more than ten years from his or her date of~~
2 ~~incarceration, his or her record shall be reviewed during the first year~~
3 ~~of incarceration, and when he or she is within three years of his or her~~
4 ~~earliest parole eligibility date, his or her record shall be reviewed~~
5 ~~annually;~~

6 ~~(iii) If a committed offender has a parole eligibility date which is~~
7 ~~more than ten but not more than thirty years from his or her date of~~
8 ~~incarceration, his or her record shall be reviewed during the first year~~
9 ~~of incarceration, every five years thereafter until he or she is within~~
10 ~~five years of his or her earliest parole eligibility date, and annually~~
11 ~~thereafter;~~

12 ~~(iv) If a committed offender has a parole eligibility date which is~~
13 ~~more than thirty years from his or her date of incarceration, his or her~~
14 ~~record shall be reviewed during his or her first, tenth, and twentieth~~
15 ~~year of incarceration, and when he or she is within five years of his or~~
16 ~~her earliest parole eligibility date, his or her record shall be reviewed~~
17 ~~annually; and~~

18 ~~(v) If a committed offender is serving a minimum life sentence, his~~
19 ~~or her record shall be reviewed during the first year of incarceration~~
20 ~~and every ten years thereafter until such time as the sentence is~~
21 ~~commuted. If such sentence is commuted, the committed offender's record~~
22 ~~shall be reviewed annually when he or she is within five years of his or~~
23 ~~her earliest parole eligibility date.~~

24 ~~Such review shall include the circumstances of the offense, the~~
25 ~~presentence investigation report, the committed offender's previous~~
26 ~~social history and criminal record, his or her conduct, employment, and~~
27 ~~attitude during commitment, and the reports of such physical and mental~~
28 ~~examinations as have been made. The board shall meet with such committed~~
29 ~~offender and counsel him or her concerning his or her progress and~~
30 ~~prospects for future parole.~~

31 ~~The review schedule shall be based on court-imposed sentences or~~

1 statutory minimum sentences, whichever are greater. The board is not
2 required to review the record of a committed offender when the committed
3 offender's parole eligibility date is within one month of his or her
4 mandatory discharge date. Nothing in such schedule shall prohibit the
5 board from reviewing a committed offender's case at any time;

6 (g) Appoint and remove all employees of the board as prescribed by
7 the State Personnel System and delegate appropriate powers and duties to
8 them;~~and~~

9 (h) Adopt and promulgate rules and regulations; and

10 (i) Exercise all powers and perform all duties necessary and proper
11 in carrying out its responsibilities of the board under the Nebraska
12 Treatment and Corrections Act.

13 (2) The chairperson of the board shall:

14 (a) Supervise the administration and operation of the board;

15 (b) Serve in an advisory capacity to the director in administering
16 parole services within any facility~~and in the community;~~

17 (c) Interpret the parole program to the public with a view toward
18 developing a broad base of public support;

19 (d) Conduct research for the purpose of evaluating and improving the
20 effectiveness of the parole system;

21 (e) Recommend parole legislation to the Governor;

22 (f) Adopt and promulgate rules and regulations for the
23 administration and operation of the board; and

24 (g) Exercise all other powers and perform all other duties necessary
25 and proper in carrying out his or her responsibilities as chairperson.

26 (3) This section does ~~The provisions of this section shall~~ not
27 prohibit a committed offender from requesting that the board review his
28 or her record, except that the board is not ~~shall not be~~ required to
29 review a committed offender's record more than once a year.

30 Sec. 23. The Board of Parole Grant Awards Cash Fund is created. All
31 funds received by virtue of public grants awarded to the Board of Parole

1 shall be remitted to the State Treasurer for credit to the fund. The fund
2 shall be utilized by the board for the purposes stated in the individual
3 grant applications and awards. Any money in the fund available for
4 investment shall be invested by the state investment officer pursuant to
5 the Nebraska Capital Expansion Act and the Nebraska State Funds
6 Investment Act.

7 Sec. 24. Section 83-198, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 83-198 A person shall be guilty of a Class IV felony if he or she
10 threatens or attempts to threaten harm to a member or an employee of the
11 Board of Parole with the purpose to influence a his decision, an opinion,
12 a recommendation, a vote, or any other exercise of discretion as member
13 or employee of the board or if he or she privately addresses to any
14 member or employee of the board any representation, entreaty, argument,
15 or other communication designed to influence the outcome of any matter
16 which is or may come before the board on the basis of considerations
17 other than those authorized by law, ~~and shall be guilty of a Class IV~~
18 ~~felony.~~

19 Sec. 25. Section 83-1,100, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 83-1,100 (1) There is hereby created the Division of Parole
22 ~~Supervision Office of Parole Administration. Until July 1, 2016, the~~
23 ~~office shall be within the Department of Correctional Services. Beginning~~
24 ~~July 1, 2016, the office shall be within the Board of Parole. The~~
25 ~~director and the board shall jointly develop a transition implementation~~
26 ~~plan. The plan shall be presented to the Governor and to the Legislature~~
27 ~~no later than December 1, 2015. The report to the Legislature shall be~~
28 ~~delivered electronically. The employees of the division office shall~~
29 consist of the Director of Supervision and Services Parole Administrator,
30 the field parole service officers, and all other division staff. The
31 division office staff. The office shall be responsible for the following:

- 1 (a) The administration of parole services in the community;
- 2 (b) The maintenance of all records and files associated with the
- 3 Board of Parole;
- 4 (c) The daily supervision and training of staff members of the
- 5 division office, including training regarding evidence-based practices in
- 6 supervision pursuant to section 83-1,100.02; and
- 7 (d) The assessment, evaluation, and supervision of individuals who
- 8 are subject to parole supervision, including lifetime community
- 9 supervision pursuant to section 83-174.03.

10 (2) Parole officers shall be compensated with salaries substantially

11 equal to other state employees who have similar responsibilities,

12 including employees of the Office of Probation Administration. This

13 subsection shall apply only to field parole service officers and support

14 staff and shall not apply to the Director of Supervision and Services

15 ~~Parole Administrator, any deputy parole administrator, or any other~~

16 management-level similarly established management position.

17 (3) This section does not prohibit the division ~~Nothing in this~~

18 ~~section shall be construed to prohibit the office~~ from maintaining daily

19 records and files associated with the Board of Pardons.

20 Sec. 26. Section 83-1,100.02, Revised Statutes Cumulative

21 Supplement, 2016, is amended to read:

22 83-1,100.02 (1) For purposes of this section:

23 (a) Levels of supervision means the determination of the following

24 for each person on parole:

25 (i) Supervision contact requirements, including the frequency,

26 location, methods, and nature of contact with the parole officer;

27 (ii) Substance abuse testing requirements and frequency;

28 (iii) Contact restrictions;

29 (iv) Curfew restrictions;

30 (v) Access to available programs and treatment, with priority given

31 to moderate-risk and high-risk parolees; and

1 (vi) Severity of graduated responses to violations of supervision
2 conditions; and

3 (b) Risk and needs assessment means an actuarial tool that has been
4 validated in Nebraska to determine the likelihood of the parolee engaging
5 in future criminal behavior.

6 (2) The Division of Parole Supervision ~~Office of Parole~~
7 ~~Administration~~ shall establish an evidence-based process that utilizes a
8 risk and needs assessment to measure criminal risk factors and specific
9 individual needs.

10 (3) The risk and needs assessment shall be performed at the
11 commencement of the parole term and every six months thereafter by
12 division ~~office~~ staff trained and certified in the use of the risk and
13 needs assessment.

14 (4) The ~~office shall test the~~ validity of the risk and needs
15 assessment shall be tested at least every five years.

16 (5) Based on the results of the risk and needs assessment, the
17 division ~~office~~ shall ~~determine levels of supervision to~~ target parolee
18 criminal risk and need factors by focusing sanction, program, and
19 treatment resources on moderate-risk and high-risk parolees.

20 (6) The division ~~office~~ shall provide training to its parole
21 officers on use of a risk and needs assessment, risk-based supervision
22 strategies, relationship skills, cognitive behavioral interventions,
23 community-based resources, criminal risk factors, targeting criminal risk
24 factors to reduce recidivism, and proper use of a matrix of
25 administrative sanctions, custodial sanctions, and rewards developed
26 pursuant to section 83-1,119. All parole officers employed on August 30,
27 2015, shall complete the training requirements set forth in this
28 subsection on or before January 1, 2017. Each parole officer hired on or
29 after August 30, 2015, shall complete the training requirements set forth
30 in this subsection within one year after his or her hire date.

31 (7) The division ~~office~~ shall provide training for chief parole

1 officers to become trainers so as to ensure long-term and self-sufficient
2 training capacity in the state.

3 Sec. 27. Section 83-1,101, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 83-1,101 The Board of Parole shall appoint a Director of Supervision
6 and Services who Parole Administrator. ~~The Parole Administrator~~ shall be
7 a person with appropriate experience and training, including, but not
8 limited to, familiarity with the implementation of evidence-based
9 processes for utilizing risk and needs assessments to measure criminal
10 risk factors and specific individual needs.

11 Sec. 28. Section 83-1,102, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-1,102 The Director of Supervision and Services Parole
14 ~~Administrator~~ shall:

15 (1) Supervise and administer the Division of Parole Supervision
16 ~~Office of Parole Administration~~;

17 (2) Establish and maintain policies, standards, and procedures for
18 the field parole service and the community supervision of sex offenders
19 pursuant to section 83-174.03;

20 (3) Divide the state into parole districts and appoint district
21 parole officers, ~~deputy parole officers, if required,~~ and such other
22 employees as may be required to carry out adequate parole supervision of
23 all parolees, prescribe their powers and duties, and obtain division
24 offices ~~office quarters~~ for staff in each district as may be necessary;

25 (4) Cooperate with the Board of Parole, the courts, the Community
26 Corrections Division of the Nebraska Commission on Law Enforcement and
27 Criminal Justice, and all other agencies, public and private, which are
28 concerned with the treatment or welfare of persons on parole;

29 (5) Provide the Board of Parole and district judges with any record
30 of a parolee which the board or such judges ~~it~~ may require;

31 (6) Make recommendations to the Board of Parole or district judge in

1 cases of violation of the conditions of parole, issue warrants for the
2 arrest of parole violators when so instructed by the board or district
3 judge, notify the Director of Correctional Services of determinations
4 made by the board, and upon instruction of the board, issue certificates
5 of parole and of parole revocation to the facilities and certificates of
6 discharge from parole to parolees;

7 (7) Organize and conduct training programs for the district parole
8 officers and other employees;

9 (8) Use the funds provided under section 83-1,107.02 to augment
10 operational or personnel costs associated with the development,
11 implementation, and evaluation of enhanced parole-based programs and
12 purchase services to provide such programs aimed at enhancing adult
13 parolee supervision in the community and treatment needs of parolees.
14 Such enhanced parole-based programs include, but are not limited to,
15 specialized units of supervision, related equipment purchases and
16 training, and programs that address a parolee's vocational, educational,
17 mental health, behavioral, or substance abuse treatment needs, including
18 evidence-based peer and family support programs;

19 (9) Ensure that any risk or needs assessment instrument utilized by
20 the system be periodically validated;

21 (10) Report annually to the Governor and electronically to the Clerk
22 of the Legislature beginning January 1, 2015, the number of parole
23 revocations and the number of technical violations of parole; and

24 (11) Exercise all powers and perform all duties necessary and proper
25 in carrying out his or her responsibilities.

26 Sec. 29. Section 83-1,103, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 83-1,103 The field parole service, consisting of district parole
29 officers and ~~deputy parole officers~~ working under the direction of the
30 Director of Supervision and Services ~~Parole Administrator~~ or district
31 judge, shall be responsible for the investigation, supervision, and

1 assistance of parolees, probationers, or individuals subject to community
2 supervision under section 83-174.03. The field parole service shall be
3 sufficient in size to assure that no district parole officer carries a
4 case load larger than is compatible with adequate parole investigation or
5 supervision.

6 Sec. 30. Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 83-1,103.01 A parole officer assigned by the Director of Supervision
9 and Services administrator to supervise individuals subject to lifetime
10 community supervision pursuant to section 83-174.03 shall:

11 (1) Make investigations, prior to an individual subject to community
12 supervision being released from incarceration, in cooperation with
13 institutional caseworkers at prisons, mental health facilities, and
14 county jails, to determine the community supervision conditions necessary
15 to protect the public and make reasonable advance preparation for release
16 into the community;

17 (2) Assist individuals subject to community supervision to comply
18 with the conditions of supervision and to make a successful adjustment in
19 the community;

20 (3) Supervise individuals subject to community supervision by
21 keeping informed of their conduct and condition;

22 (4) Make reports as required by the Director of Supervision and
23 Services administrator to determine the effectiveness of community
24 supervision in protecting the public or the progress of an individual
25 subject to community supervision;

26 (5) Cooperate with social welfare agencies and treatment providers
27 to ensure that individuals subject to community supervision receive any
28 necessary services or treatment;

29 (6) Inform the Director of Supervision and Services administrator
30 when, in the opinion of the community supervision officer, an individual
31 is in violation of the conditions of his or her community supervision,

1 and whenever necessary exercise the power of arrest as provided in
2 section 83-1,102;

3 (7) Conduct periodic reviews of the conditions of community
4 supervision imposed on an individual as required by the Director of
5 Supervision and Services administrator; and

6 (8) Exercise all powers and perform all duties necessary and proper
7 in carrying out his or her responsibilities.

8 Sec. 31. Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 83-1,103.02 (1) Prior to the release from incarceration of an
11 individual subject to lifetime community supervision pursuant to section
12 83-174.03, the Division of Parole Supervision Office ~~of Parole~~
13 ~~Administration~~ shall:

14 (a) Notify the individual in writing that he or she is subject to
15 community supervision upon completion of his or her criminal sentence;

16 (b) Inform the individual subject to community supervision of the
17 process by which conditions of community supervision are determined and
18 his or her right to submit relevant information to the division office
19 for consideration when establishing the conditions of supervision;

20 (c) Determine the individual's risk of recidivism if released into
21 the community, utilizing a validated risk assessment tool;

22 (d) After considering the information required in subdivision (e) of
23 this subsection, determine the conditions of supervision which will most
24 effectively minimize the risk of the individual committing another sex
25 offense. The conditions shall be the least restrictive conditions
26 available, in terms of the effect on the individual's personal freedom,
27 which minimize the risk of recidivism and are compatible with public
28 safety; and

29 (e) In determining the conditions of supervision to be imposed, the
30 division office shall consider the following:

31 (i) A report prepared by the institutional caseworkers relating to

1 the individual's personality, social history, and adjustment to authority
2 and including any recommendations which the staff of the facility may
3 make;

4 (ii) All official reports of the individual's prior criminal record,
5 including reports and records of earlier probation and parole
6 experiences;

7 (iii) The presentence investigation report;

8 (iv) The reports of any physical, mental, and psychiatric
9 examinations of the individual;

10 (v) Any relevant information which may be submitted by the
11 individual, his or her attorney, the victim of the crime, or other
12 persons; and

13 (vi) Such other relevant information concerning the individual as
14 may be reasonably available.

15 (2) Upon completion of the risk assessment and the determination of
16 the conditions of community supervision and no later than thirty days
17 prior to the completion of the individual's criminal sentence, the
18 ~~division Office of Parole Administration~~ shall issue a certificate of
19 community supervision to the individual containing the conditions of
20 community supervision he or she will be required to comply with upon the
21 completion of his or her criminal sentence. The Director of Supervision
22 and Services administrator shall include with the certificate written
23 information on how to appeal the determination of the conditions of
24 community supervision.

25 Sec. 32. Section 83-1,103.03, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 83-1,103.03 The Division of Parole Supervision ~~Office of Parole~~
28 ~~Administration~~ shall review the conditions of community supervision
29 imposed on an individual pursuant to section 83-174.03 on an annual basis
30 and shall provide the individual the opportunity to submit written
31 materials to the division office for consideration during such review.

1 If the division office determines, after reviewing the individual's
2 conduct while under supervision and any other relevant facts, that one or
3 more of the conditions of community supervision imposed upon the
4 individual is no longer necessary to reduce the risk of the individual
5 reoffending or is no longer the least restrictive condition compatible
6 with public safety, the division office shall revise the conditions of
7 community supervision so that the individual's freedom is not
8 unnecessarily restricted.

9 Sec. 33. Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 83-1,103.04 (1) Whenever a determination or revision of the
12 conditions of community supervision is made by the Division of Parole
13 Supervision ~~Office of Parole Administration~~, the individual subject to
14 the conditions shall be entitled to an appeal. The appeal shall be heard
15 by the district court in the county where the individual resides. The
16 individual shall be informed of his or her right to request counsel, and
17 if counsel is requested the court shall determine if the individual is
18 indigent. If the court finds the individual to be indigent, it shall
19 appoint counsel from the public defender's office to represent the
20 individual during the appeal.

21 (2) In an appeal contesting the determination or revision of the
22 conditions of community supervision, the burden of proof shall be on the
23 individual subject to community supervision to show by clear and
24 convincing evidence (a) that the conditions in question will not reduce
25 the risk of the individual reoffending or otherwise protect the public or
26 (b) that the condition is overly restrictive of the individual's freedom
27 and a less restrictive condition is available which is equally or more
28 effective in reducing the risk of the individual reoffending.

29 Sec. 34. Section 83-1,104, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 83-1,104 A district parole officer shall:

1 (1) Make investigations, prior to a committed offender's release on
2 parole, in cooperation with institutional caseworkers and the Board of
3 Parole to determine the adequacy of parole plans and make reasonable
4 advance preparation for release on parole;

5 (2) Assist a committed offender who requests assistance prior to
6 release or a parolee to comply with the conditions of parole and to make
7 a successful adjustment in the community, including facilitating the
8 transitional needs of housing and employment, access to and participation
9 in job training services in the community, access to mental health
10 services, assisting with applications for health care coverage or
11 ensuring that the committed offender or parolee knows how to apply for
12 and obtain health care coverage, and assisting with enrollment in the
13 medical assistance program established pursuant to the Medical Assistance
14 Act, if eligible, to ensure that the committed offender or parolee has
15 access to such program close to the time of release or soon thereafter;

16 (3) Supervise parolees by keeping informed of their conduct and
17 condition, utilizing global positioning systems and other monitoring
18 technology as needed during the period of supervision;

19 (4) Make such reports as required by the Director of Supervision and
20 Services Parole Administrator or district judge to determine the
21 effectiveness of the parole system or the progress of an individual
22 parolee;

23 (5) Cooperate with social welfare agencies;

24 (6) Observe the work of any ~~deputy~~ parole officer under his or her
25 supervision from time to time;

26 (7) Inform the Director of Supervision and Services Parole
27 Administrator when, in his or her opinion, any eligible parolee's conduct
28 and attitude warrant his or her discharge from active supervision, or
29 when any parolee's violation of the conditions of parole is of sufficient
30 seriousness to require action by the Board of Parole or district judge
31 and whenever necessary exercise the power of arrest as provided in

1 section 83-1,119;

2 (8) Delegate in his or her discretion any of the above
3 responsibilities to a ~~deputy~~ parole officer under his or her supervision
4 ~~if provided for his or her district~~; and

5 (9) Exercise all powers and perform all duties necessary and proper
6 in carrying out his or her responsibilities.

7 Sec. 35. Section 83-1,107, Revised Statutes Cumulative Supplement,
8 2016, is amended to read:

9 83-1,107 (1)(a) Within sixty days after initial classification and
10 assignment of any offender committed to the department, all available
11 information regarding such committed offender shall be reviewed and a
12 committed offender department-approved personalized program plan document
13 shall be drawn up. The document shall specifically describe the
14 department-approved personalized program plan and the specific goals the
15 department expects the committed offender to achieve. The document shall
16 also contain a realistic schedule for completion of the department-
17 approved personalized program plan. The department-approved personalized
18 program plan shall be developed with the active participation of the
19 committed offender. The department shall provide programs to allow
20 compliance by the committed offender with the department-approved
21 personalized program plan.

22 Programming may include, but is not limited to:

23 (i) Academic and vocational education, including teaching such
24 classes by qualified offenders;

25 (ii) Substance abuse treatment;

26 (iii) Mental health and psychiatric treatment, including criminal
27 personality programming;

28 (iv) Constructive, meaningful work programs; and

29 (v) Any other program deemed necessary and appropriate by the
30 department.

31 (b) A modification in the department-approved personalized program

1 plan may be made to account for the increased or decreased abilities of
2 the committed offender or the availability of any program. Any
3 modification shall be made only after notice is given to the committed
4 offender. The department may not impose disciplinary action upon any
5 committed offender solely because of the committed offender's failure to
6 comply with the department-approved personalized program plan, but such
7 failure may be considered by the board in its deliberations on whether or
8 not to grant parole to a committed offender.

9 (2)(a) The department shall reduce the term of a committed offender
10 by six months for each year of the offender's term and pro rata for any
11 part thereof which is less than a year.

12 (b) In addition to reductions granted in subdivision (2)(a) of this
13 section, the department shall reduce the term of a committed offender by
14 three days on the first day of each month following a twelve-month period
15 of incarceration within the department during which the offender has not
16 been found guilty of (i) a Class I or Class II offense or (ii) more than
17 three Class III offenses under the department's disciplinary code.
18 Reductions earned under this subdivision shall not be subject to forfeit
19 or withholding by the department.

20 (c) The total reductions under this subsection shall be credited
21 from the date of sentence, which shall include any term of confinement
22 prior to sentence and commitment as provided pursuant to section
23 83-1,106, and shall be deducted from the maximum term, to determine the
24 date when discharge from the custody of the state becomes mandatory.

25 (3) While the offender is in the custody of the department,
26 reductions of terms granted pursuant to subdivision (2)(a) of this
27 section may be forfeited, withheld, and restored by the chief executive
28 officer of the facility with the approval of the director after the
29 offender has been notified regarding the charges of misconduct.

30 (4) The department shall ensure that a release or reentry plan is
31 complete or near completion when the offender has served at least eighty

1 percent of his or her sentence. For purposes of this subsection, release
2 or reentry plan means a comprehensive and individualized strategic plan
3 to ensure an individual's safe and effective transition or reentry into
4 the community to which he or she resides with the primary goal of
5 reducing recidivism. At a minimum, the release or reentry plan shall
6 include, but not be limited to, consideration of the individual's housing
7 needs, medical or mental health care needs, and transportation and job
8 needs and shall address an individual's barriers to successful release or
9 reentry in order to prevent recidivism. The release or reentry plan does
10 not include an individual's programming needs included in the
11 individual's personalized program plan for use inside the prison.

12 (5)(a) The department shall make treatment programming available to
13 committed offenders as provided in section 83-1,110.01 and shall include
14 continuing participation in such programming as part of each offender's
15 parolee personalized program plan.

16 (b) Any committed offender with a mental illness shall be provided
17 with the community standard of mental health care. The mental health care
18 shall utilize evidence-based therapy models that include an evaluation
19 component to track the effectiveness of interventions.

20 (c) Any committed offender with a mental illness shall be evaluated
21 before release to ensure that adequate monitoring and treatment of the
22 committed offender will take place or, if appropriate, that a commitment
23 proceeding under the Nebraska Mental Health Commitment Act or the Sex
24 Offender Commitment Act will take place.

25 (6)(a) Within thirty days after any committed offender has been
26 paroled, all available information regarding such parolee shall be
27 reviewed and a case ~~parolee personalized program~~ plan document shall be
28 drawn up and approved by the Division of Parole Supervision ~~Office of~~
29 ~~Parole Administration~~. The document shall specifically describe the
30 approved case ~~personalized program~~ plan and the specific goals the
31 division ~~office~~ expects the parolee to achieve. The document shall also

1 contain a realistic schedule for completion of the approved case
2 ~~personalized program~~ plan. The approved case ~~personalized program~~ plan
3 shall be developed with the active participation of the parolee. During
4 the term of parole, the parolee shall comply with the approved case
5 ~~personalized program~~ plan and the division office shall provide programs
6 to allow compliance by the parolee with the approved case ~~personalized~~
7 ~~program~~ plan.

8 Programming may include, but is not limited to:

- 9 (i) Academic and vocational education;
10 (ii) Substance abuse treatment;
11 (iii) Mental health and psychiatric treatment, including criminal
12 personality programming;
13 (iv) Constructive, meaningful work programs;
14 (v) Community service programs; and
15 (vi) Any other program deemed necessary and appropriate by the
16 division office.

17 (b) A modification in the approved case ~~personalized program~~ plan
18 may be made to account for the increased or decreased abilities of the
19 parolee or the availability of any program. Any modification shall be
20 made only after notice is given to the parolee. Intentional failure to
21 comply with the approved case ~~personalized program~~ plan by any parolee as
22 scheduled for any year, or pro rata part thereof, shall cause
23 disciplinary action to be taken by the division office resulting in the
24 forfeiture of up to a maximum of three months' good time for the
25 scheduled year.

26 (7) While the offender is in the custody of the board, reductions of
27 terms granted pursuant to subdivision (2)(a) of this section may be
28 forfeited, withheld, and restored by the director upon the recommendation
29 of the board administrator with the approval of the director after the
30 offender has been notified regarding the charges of misconduct or breach
31 of the conditions of parole. ~~In addition, the board may recommend such~~

1 ~~forfeitures of good time to the director.~~

2 (8) Good time or other reductions of sentence granted under the
3 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
4 or restored in accordance with the terms of the Nebraska Treatment and
5 Corrections Act.

6 (9) Pursuant to rules and regulations adopted by the probation
7 administrator and the director, an individualized post-release
8 supervision plan shall be collaboratively prepared by the Office of
9 Probation Administration and the department and provided to the court to
10 prepare individuals under custody of the department for post-release
11 supervision. All records created during the period of incarceration shall
12 be shared with the Office of Probation Administration and considered in
13 preparation of the post-release supervision plan.

14 Sec. 36. Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 83-1,107.01 (1) Unless otherwise provided by this section, whenever
17 an adult offender is paroled, the board shall require a parolee to pay a
18 monthly parole programming fee.

19 (2) Parolees under the supervision of the Division of Parole
20 Supervision ~~Office of Parole Administration~~ shall pay a monthly parole
21 programming fee of twenty-five dollars, not later than the tenth day of
22 each month, beginning the second month of parole supervision and
23 continuing for the duration of the parole.

24 (3) The board shall waive payment of the monthly parole programming
25 fee in whole or in part if after a hearing a determination is made that
26 such payment would constitute an undue hardship on the parolee due to
27 limited income, employment or school status, or physical or mental
28 handicap. Such waiver shall be in effect only during the period of time
29 that the parolee is unable to pay his or her monthly parole programming
30 fee.

31 (4) When monthly parole programming fees are waived, in whole or in

1 part, the parole officer, pursuant to rules and regulations adopted by
2 the board, may contract with the parolee to perform approved community
3 service at the rate of five dollars per hour in lieu of payment of
4 monthly parole programming fees. A parolee may be required to pay a
5 participation fee in order to take advantage of community service
6 programs. A parolee may not accumulate more than three months' advance
7 credit for community service. The use of community service alternatives
8 does not preclude the imposition of other intermediate measures.

9 (5) The division ~~Office of Parole Administration~~ with the approval
10 of the Board of Parole shall implement sanctions if a parolee defaults in
11 the payment of monthly parole programming fees or any installment thereof
12 as established by subsection (2) of this section, except that parole
13 shall not be revoked nor shall the parolee be imprisoned for such
14 nonpayment if the parolee is financially unable to make the payment.

15 (6) If the board determines that the default in payment described in
16 subsection (5) of this section was not attributable to a deliberate
17 refusal to obey the order of the board or to failure on the parolee's
18 part to make a good faith effort to obtain the funds required for
19 payment, the board may allow the parolee additional time for payment,
20 reduce the amount of each installment, or revoke the fees or the unpaid
21 portion in whole or in part.

22 (7) No parolee shall be required to pay more than one monthly parole
23 programming fee per month.

24 (8) The imposition of monthly parole programming fees in this
25 section shall be considered separate and apart from specific service
26 delivery fees.

27 (9) Any adult offender received for supervision pursuant to section
28 29-2637 or the Interstate Compact for Adult Offender Supervision shall be
29 assessed a monthly parole programming fee during the period of time the
30 offender is actively supervised by Nebraska parole authorities.

31 (10) A parolee shall pay the fees described in this section to the

1 ~~division. The division~~ ~~Office of Parole Administration.~~ The office shall
2 remit all fees to the State Treasurer for credit to the Parole Program
3 Cash Fund.

4 (11) The board and the ~~division~~ office shall adopt and promulgate
5 rules and regulations to carry out this section.

6 Sec. 37. Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
7 is amended to read:

8 83-1,107.02 The Parole Program Cash Fund is created. All funds
9 collected pursuant to section 83-1,107.01 shall be remitted to the State
10 Treasurer for credit to the fund. The fund shall be utilized by the
11 ~~Division of Parole Supervision~~ ~~Office of Parole Administration~~ for the
12 purposes stated in subdivision (8) of section 83-1,102. Any money in the
13 fund available for investment shall be invested by the state investment
14 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
15 State Funds Investment Act.

16 Sec. 38. Section 83-1,109, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-1,109 The chief executive officer of a facility shall regularly
19 report all good time and all forfeitures, withholdings, and restorations
20 of good time to the director. On the basis of such report, the director
21 shall inform the board and the Director of Supervision and Services
22 ~~administrator~~ of all committed offenders who are expected to become
23 eligible for release on parole within the next three months.

24 Sec. 39. Section 83-1,110.02, Revised Statutes Supplement, 2017, is
25 amended to read:

26 83-1,110.02 (1) A committed offender ~~who is otherwise eligible for~~
27 ~~parole,~~ who is not under sentence of death or of life imprisonment, and
28 who because of an existing medical or physical condition is determined by
29 the department to be terminally ill or permanently incapacitated may be
30 considered for medical parole by the board. A committed offender may be
31 eligible for medical parole in addition to any other parole. The

1 department shall identify committed offenders who may be eligible for
2 medical parole based upon their medical records.

3 (2) The board shall decide to grant medical parole only after a
4 review of the medical, institutional, and criminal records of the
5 committed offender and such additional medical evidence from board-
6 ordered examinations or investigations as the board in its discretion
7 determines to be necessary. The decision to grant medical parole and to
8 establish conditions of release on medical parole in addition to the
9 conditions stated in subsection (3) of this section is within the sole
10 discretion of the board.

11 (3) As conditions of release on medical parole, the board shall
12 require that the committed offender agree to placement for medical
13 treatment and that he or she be placed for a definite or indefinite
14 period of time in a hospital, a hospice, or another housing accommodation
15 suitable to his or her medical condition, including, but not limited to,
16 his or her family's home, as specified by the board.

17 (4) The parole term of a medical parolee shall be for the remainder
18 of his or her sentence as reduced by any adjustment for good conduct
19 pursuant to the Nebraska Treatment and Corrections Act.

20 Sec. 40. Section 83-1,111, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-1,111 (1) A Every committed offender serving an indeterminate
23 sentence under which he or she may become eligible for parole shall be
24 interviewed and have his or her record reviewed by two or more members of
25 the Board of Parole or a person designated by the board within sixty days
26 before the expiration of his or her minimum term less any reductions as
27 provided in section 83-1,110. If, in the opinion of the reviewers, the
28 review indicates the offender is reasonably likely to be granted parole
29 and has a potential parole term of no less than one month, the Board of
30 Parole shall schedule a public hearing before a majority of its members.
31 At such hearing the offender may present evidence, call witnesses, and be

1 represented by counsel. If, in the opinion of the reviewers, the review
2 indicates the offender should be denied parole, the offender may request
3 an additional review by a majority of the members of the board. A review
4 by the majority of the members of the board may be conducted not more
5 than once annually. Any hearing and review shall be conducted in an
6 informal manner, but a complete record of the proceedings shall be made
7 and preserved.

8 (2) The board shall render its decision regarding the committed
9 offender's release on parole within a reasonable time after the hearing
10 or review. The decision shall be by majority vote of the board. The
11 decision shall be based on the entire record before the board, which
12 shall include the opinion of the person who conducted the review. If the
13 board denies ~~shall deny~~ parole, written notification listing the reasons
14 for such denial and the recommendations for correcting deficiencies which
15 cause the denial shall be given to the committed offender within thirty
16 days following the hearing.

17 (3) If the board fixes the release date, such date shall be not more
18 than six months from the date of the committed offender's parole hearing,
19 or from the date of last reconsideration of his or her case, unless there
20 are special reasons for fixing a later release date.

21 (4) If the board defers the case for later reconsideration, the
22 committed offender shall be afforded a parole review at least once a year
23 until a release date is fixed. The board may order a reconsideration or a
24 rehearing of the case at any time.

25 (5) The release of a committed offender on parole shall not be upon
26 the application of the offender, but by the initiative of the Board of
27 Parole. No application for release on parole made by a committed offender
28 or on his or her behalf shall be entertained by the board. This
29 subsection does not ~~Nothing herein shall~~ prohibit the Director of
30 Correctional Services from recommending to the board that it consider an
31 individual offender for release on parole.

1 Sec. 41. Section 83-1,112, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-1,112 (1) Each committed offender eligible for parole shall, in
4 advance of his or her parole hearing, have a parole plan in accordance
5 with the rules of the Board of Parole. Whenever the board determines that
6 it will facilitate the parole hearing, it may furnish the offender with
7 any information and records to be considered by it at the hearing.

8 (2) An offender shall be permitted to advise with any person whose
9 assistance he or she desires, including his or her own legal counsel, in
10 preparing for a hearing before the Board of Parole.

11 Sec. 42. Section 83-1,112.01, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 83-1,112.01 The board shall require any person who is incarcerated
14 pursuant to subdivision (9) or (10) of section 60-6,197.03 to complete
15 all diagnostic evaluations provided by the department and all programming
16 required by the department prior to being considered eligible for parole.
17 If the programming required by the department cannot be completed during
18 the person's period of incarceration but can be provided in the
19 community, and the board in its discretion believes the incarcerated
20 person will participate in programming available in the community, the
21 board may waive the programming requirement of this section and, as a
22 condition of parole, require that such programming be completed by the
23 person during his or her parole term.

24 Sec. 43. Section 83-1,114, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 83-1,114 (1) Whenever the board ~~Board of Parole~~ considers the
27 release of a committed offender who is eligible for release on parole, it
28 shall order his or her release unless it is of the opinion that his or
29 her release should be deferred because:

30 (a) There is a substantial risk that he or she will not conform to
31 the conditions of parole;

1 (b) His or her release would depreciate the seriousness of his or
2 her crime or promote disrespect for law;

3 (c) His or her release would have a substantially adverse effect on
4 institutional discipline; or

5 (d) His or her continued correctional treatment, medical care, or
6 vocational or other training in the facility will substantially enhance
7 his or her capacity to lead a law-abiding life when released at a later
8 date.

9 (2) In making its determination regarding a committed offender's
10 release on parole, the ~~board~~ ~~Board of Parole~~ shall give consideration to
11 its decision guidelines as set forth in its rules and regulations and
12 shall take into account each of the following factors:

13 (a) The offender's personality, including his or her maturity,
14 stability, and sense of responsibility and any apparent development in
15 his or her personality which may promote or hinder his or her conformity
16 to law;

17 (b) The adequacy of the offender's parole plan;

18 (c) The offender's ability and readiness to assume obligations and
19 undertake responsibilities;

20 (d) The offender's intelligence and training;

21 (e) The offender's family status and whether he or she has relatives
22 who display an interest in him or her or whether he or she has other
23 close and constructive associations in the community;

24 (f) The offender's employment history, his or her occupational
25 skills, and the stability of his or her past employment;

26 (g) The type of residence, neighborhood, or community in which the
27 offender plans to live;

28 (h) The offender's past use of narcotics or past habitual and
29 excessive use of alcohol;

30 (i) The offender's mental or physical makeup, including any
31 disability or handicap which may affect his or her conformity to law;

1 (j) The offender's prior criminal record, including the nature and
2 circumstances, dates ~~recency~~, and frequency of previous offenses;

3 (k) The offender's attitude toward law and authority;

4 (l) The offender's conduct in the facility, including particularly
5 whether he or she has taken advantage of the opportunities for self-
6 improvement, whether he or she has been punished for misconduct within
7 six months prior to his or her hearing or reconsideration for parole
8 release, whether any reductions of term have been forfeited, and whether
9 such reductions have been restored at the time of hearing or
10 reconsideration;

11 (m) The offender's behavior and attitude during any previous
12 experience of probation or parole and how recent ~~the recency of~~ such
13 experience is;

14 (n) The risk and needs assessment completed pursuant to section
15 83-192; and

16 (o) Any other factors the board determines to be relevant.

17 Sec. 44. Section 83-1,118, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 83-1,118 (1) If, in the opinion of the board, upon receipt of
20 information from the Director of Supervision and Services, a parolee has
21 shown suitable compliance with his or her parole programming plan, the
22 board may reduce the level of supervision for a parolee that is
23 commensurate with the best interests of the parolee and is compatible
24 with the protection of the public , ~~a parolee does not require guidance~~
25 ~~or supervision, the board may dispense with and terminate such~~
26 ~~supervision.~~

27 ~~(2) The board may discharge a parolee from parole at any time if~~
28 ~~such discharge is compatible with the protection of the public and is in~~
29 ~~the best interest of the parolee.~~

30 (2) ~~(3)~~ The board shall discharge a parolee from parole when the
31 time served in the custody of the department and the time served on

1 parole equal the maximum term less good time.

2 ~~(3) (4)~~ The department shall discharge a committed offender from the
3 custody of the department when the time served in the facility equals the
4 maximum term less good time.

5 ~~(4) (5)~~ Upon completion of the lawful requirements of the sentence,
6 the department shall provide the parolee or committed offender with a
7 written notice regarding his or her civil rights. The notice shall inform
8 the parolee or committed offender that voting rights are restored two
9 years after completion of the sentence. The notice shall also include
10 information on restoring other civil rights through the pardon process,
11 including application to and hearing by the Board of Pardons.

12 ~~(5) (6)~~ The Board of Parole may discharge a parolee from parole when
13 such parolee is under the supervision of another state's correctional
14 institution and such offender has reached the expiration date of his or
15 her Nebraska parole term.

16 Sec. 45. Section 83-1,119, Revised Statutes Cumulative Supplement,
17 2016, is amended to read:

18 83-1,119 (1) For purposes of this section:

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

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

28 (i) Counseling or reprimand by the Division of Parole Supervision
29 ~~adult parole administration of the department;~~

30 (ii) Increased supervision contact requirements;

31 (iii) Increased substance abuse testing;

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

3 (v) Imposition of a designated curfew for a period to be determined
4 by the division ~~adult parole administration~~; and

5 (vi) Travel restrictions to stay within his or her county of
6 residence or employment unless otherwise permitted by the division ~~adult
7 parole administration~~;

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

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

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

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

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

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

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

25 (i) Moving traffic violations;

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

27 (iii) Leaving the state without the permission of the Board of
28 Parole;

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

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

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

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

5 Technical violation does not include absconding parole supervision.

6 (2) The division ~~Office of Parole Administration~~ shall develop a
7 matrix of rewards for compliance and positive behaviors and graduated
8 administrative sanctions and custodial sanctions for use in responding to
9 and deterring substance abuse violations and technical violations. A
10 custodial sanction of thirty days in a correctional facility or a
11 contract facility shall be designated as the most severe response to a
12 violation in lieu of revocation.

13 (3) Whenever a parole officer has reasonable cause to believe that a
14 parolee has committed or is about to commit a substance abuse violation
15 or technical violation while on parole, but that the parolee will not
16 attempt to leave the jurisdiction and will not place lives or property in
17 danger, the parole officer shall either:

18 (a) Impose one or more administrative sanctions based upon the
19 parolee's risk level, the severity of the violation, and the parolee's
20 response to the violation. If administrative sanctions are to be imposed,
21 the parolee shall acknowledge in writing the nature of the violation and
22 agree upon the administrative sanction. The parolee has the right to
23 decline to acknowledge the violation. If he or she declines to
24 acknowledge the violation, the parole officer shall take action pursuant
25 to subdivision (3)(b) of this section. A copy of the report shall be
26 submitted to the Board of Parole; or

27 (b) Submit a written report to the Board of Parole, outlining the
28 nature of the parole violation, and request the imposition of a custodial
29 sanction of up to thirty days in a correctional facility or a contract
30 facility. On the basis of the report and such further investigation as
31 the board may deem appropriate, the board shall determine whether and how

1 the parolee violated the conditions of parole and may:

2 (i) Dismiss the charge of violation; or

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

6 (4) Whenever a parole officer has reasonable cause to believe that a
7 parolee has violated or is about to violate a condition of parole by a
8 violation other than a substance abuse violation or a technical violation
9 and the parole officer has reasonable cause to believe that the parolee
10 will not attempt to leave the jurisdiction and will not place lives or
11 property in danger, the parole officer shall submit a written report to
12 the Board of Parole which may, on the basis of such report and such
13 further investigation as it may deem appropriate:

14 (a) Dismiss the charge of violation;

15 (b) Determine whether the parolee violated the conditions of his or
16 her parole;

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

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

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

22 (5) Whenever a parole officer has reasonable cause to believe that a
23 parolee has violated or is about to violate a condition of parole and
24 that the parolee will attempt to leave the jurisdiction or will place
25 lives or property in danger, the parole officer shall arrest the parolee
26 without a warrant and call on any peace officer to assist him or her in
27 doing so.

28 (6) Whenever a parolee is arrested with or without a warrant, he or
29 she shall be detained in a local jail or other detention facility
30 operated by the Department of Correctional Services pending completion of
31 review of parole proceedings by the Board of Parole. Immediately after

1 such arrest and detention, the parole officer shall notify the Board of
2 Parole and submit a written report of the reason for such arrest. A
3 complete investigation shall be made by the Division of Parole
4 Supervision ~~parole administration~~ and submitted to the board. After
5 prompt consideration of such written report, the board shall order the
6 parolee's release from detention or continued confinement to await a
7 final decision on imposition of a custodial sanction or the revocation of
8 parole.

9 (7) The Board of Parole shall adopt and promulgate rules and
10 regulations necessary to carry out this section.

11 Sec. 46. Section 83-1,120, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-1,120 Whenever a parolee is charged with a violation of his
14 parole, he or she shall be entitled to a prompt hearing on such charge by
15 the Board of Parole, which hearing in no event shall occur more than
16 thirty days after receipt of the parole officer's written report. At such
17 hearing, the parolee shall be permitted to be present, to testify, to
18 produce witnesses, to cross-examine adverse witnesses, and to introduce
19 such other evidence as may be pertinent. The parolee shall be informed of
20 his or her right to request counsel at such hearing, and if the parolee
21 ~~he~~ thereafter makes such request, based on a timely and colorable claim
22 (1) that he or she has not committed the alleged violation of the
23 conditions upon which he or she is at liberty, or (2) that, even if the
24 violation is a matter of public record or is uncontested, there are
25 substantial reasons which justified or mitigated the violation and make
26 revocation inappropriate and that the reasons are complex or otherwise
27 difficult to develop or present, and upon consideration of whether or not
28 the parolee appears to be capable of speaking effectively for himself or
29 herself, the board in the exercise of a sound discretion may provide
30 counsel unless retained counsel is available to the parolee. In every
31 case in which ~~when~~ a request for counsel is refused, the grounds for

1 refusal shall be stated in the record.

2 Sec. 47. Section 83-1,121, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-1,121 A committed offender while on parole shall remain in the
5 legal custody and control of the Board of Parole. The board may at any
6 time revoke the parole of an offender or recommit him or her to the
7 custody of the Department of Correctional Services, with or without
8 cause.

9 Sec. 48. Section 83-1,122.01, Revised Statutes Cumulative
10 Supplement, 2016, is amended to read:

11 83-1,122.01 (1) Except as provided in subsection (3) of this
12 section, the The board does not have jurisdiction over a person who is
13 committed to the department in accordance with section 29-2204.02 for a
14 Class III, IIIA, or IV felony committed on or after August 30, 2015,
15 unless the person is also committed to the department in accordance with
16 section 29-2204 for (a) a sentence of imprisonment for a Class III, IIIA,
17 or IV felony committed prior to August 30, 2015, or (b) a sentence of
18 imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony.

19 (2) Except as provided in subsection (3) of this section, the The
20 board does not have jurisdiction over a person committed to the
21 department for a misdemeanor sentence imposed consecutively or
22 concurrently with a Class III, IIIA, or IV felony sentence for an offense
23 committed on or after August 30, 2015, unless the person is also
24 committed to the department in accordance with section 29-2204 for (a) a
25 sentence of imprisonment for a Class III, IIIA, or IV felony committed
26 prior to August 30, 2015, or (b) a sentence of imprisonment for a Class
27 I, IA, IB, IC, ID, II, or IIA felony.

28 (3) This section does not apply to medical parole under section
29 83-1,110.02.

30 Sec. 49. Section 83-1,125, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 83-1,125 (1) If a warrant or detainer is placed against a committed
2 offender by a court, parole agency, or other authority of this or any
3 other jurisdiction, the Director of Supervision and Services
4 ~~administrator~~ shall inquire before such offender becomes eligible for
5 parole whether the authority concerned intends to execute or withdraw the
6 warrant or detainer when the offender is released.

7 (2) If the authority notifies the Director of Supervision and
8 Services ~~administrator~~ that it intends to execute the warrant or detainer
9 when the offender is released, the Director of Supervision and Services
10 ~~administrator~~ shall advise the authority concerned of the sentence under
11 which the offender is held, the time of parole eligibility, any decision
12 of the board relating to the offender, and the nature of the offender's
13 adjustment during imprisonment and shall give reasonable notice to such
14 authority of the offender's release date.

15 (3) The board may parole an offender who is eligible for release to
16 a warrant or detainer. If an offender is paroled to such a warrant or
17 detainer, the board may provide, as a condition of release, that if the
18 charge or charges on which the warrant or detainer is based are
19 dismissed, or are satisfied after conviction and sentence, prior to the
20 expiration of the offender's parole term, the authority to whose warrant
21 or detainer the offender is released shall return the offender to serve
22 the remainder of the parole term or such part as the board may determine.

23 (4) If a person paroled to a warrant or detainer is thereafter
24 sentenced and placed on probation, or released on parole in another
25 jurisdiction, prior to the expiration of the parole term less good time
26 in this state, the board may permit the person to serve the remainder of
27 the parole term or such part as the board may determine concurrently with
28 the person's new probation or parole term. Such concurrent terms may be
29 served in either of the two jurisdictions, and supervision shall be
30 administered in accordance with the Interstate Compact for Adult Offender
31 Supervision.

1 Sec. 50. (1) The Board of Parole and the Division of Parole
2 Supervision may maintain an individual file for each person who is under
3 the jurisdiction of the Board of Parole. Such file may be maintained
4 electronically and shall include, when available and appropriate, the
5 following information on such person:

6 (a) Admission summary;

7 (b) Presentence investigation report;

8 (c) Classification reports and recommendations;

9 (d) Official records of conviction and commitment along with any
10 earlier criminal records;

11 (e) Progress reports and admission-orientation reports;

12 (f) Reports of any disciplinary infractions and their disposition;

13 (g) Risk and needs assessments;

14 (h) Parole plan and parole placement and investigation worksheets;

15 (i) Decision guideline scores;

16 (j) Parole case plan;

17 (k) Parole progress reports and contact notes;

18 (l) Arrest and violation reports, including disposition;

19 (m) Parole proceedings orders and notices;

20 (n) Other documents related to parole supervision;

21 (o) Correspondence; and

22 (p) Other pertinent data concerning his or her background, conduct,
23 associations, and family relationships.

24 (2) Any decision concerning release on or revocation of parole or
25 imposition of sanctions shall be made only after the individual file has
26 been reviewed. The contents of the individual file shall be confidential
27 unless disclosed in connection with a public hearing and shall not be
28 subject to public inspection except by court order for good cause shown.
29 The contents of the file shall not be accessible to any person under the
30 jurisdiction of the Board of Parole. A person under the jurisdiction of
31 the board may obtain access to his or her medical records by request to

1 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
2 fact that such medical records may be a part of his or her parole file.
3 The board and the Division of Parole Supervision have the authority to
4 withhold decision guideline scores, risk and needs assessment scores, and
5 mental health and psychological records of a person under the
6 jurisdiction of the board when appropriate.

7 (3) Nothing in this section limits in any manner the authority of
8 the Public Counsel to inspect and examine the records and documents of
9 the board and the Division of Parole Supervision pursuant to sections
10 81-8,240 to 81-8,254, except that the Public Counsel's access to the
11 medical or mental health records of a person under the jurisdiction of
12 the board shall be subject to his or her consent. The office of Public
13 Counsel shall not disclose the medical or mental health records of a
14 person under the jurisdiction of the board to anyone else, including any
15 other person under the jurisdiction of the board, except as authorized by
16 law.

17 Sec. 51. Section 83-1,135, Revised Statutes Cumulative Supplement,
18 2016, is amended to read:

19 83-1,135 Sections 83-170 to 83-1,135.05 and sections 23 and 50 of
20 this act shall be known and may be cited as the Nebraska Treatment and
21 Corrections Act.

22 Sec. 52. Section 83-1,135.02, Revised Statutes Cumulative
23 Supplement, 2016, is amended to read:

24 83-1,135.02 (1) It is the intent of the Legislature that the changes
25 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
26 with respect to parole eligibility apply to all committed offenders under
27 sentence and not on parole on May 24, 2003, and to all persons sentenced
28 on and after such date.

29 (2) It is the intent of the Legislature that the changes made to
30 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
31 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,

1 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
2 sentence, on parole, or on probation on August 30, 2015, and to all
3 persons sentenced on and after such date.

4 (3) It is the intent of the Legislature that the changes made to
5 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
6 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
7 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
8 apply to all committed offenders under sentence, on parole, or on
9 probation on or after April 20, 2016, and to all persons sentenced on and
10 after such date.

11 (4) It is the intent of the Legislature that the changes made to
12 sections 83-1,110.02 and 83-1,122.01 by this legislative bill apply to
13 all committed offenders under sentence or on parole on or after the
14 effective date of this act, and to all persons sentenced on and after
15 such date.

16 Sec. 53. Section 83-4,157, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-4,157 The medical director shall:

19 (1) Coordinate all clinical services;

20 (2) Participate in the selection and supervision of all clinical
21 staff employed by or under contract with the department, including
22 medical doctors, physician assistants, pharmacists, pharmacy technicians,
23 registered nurses, licensed practical nurses, advanced practice
24 registered nurses practicing under and in accordance with their
25 respective certification acts, mental health practitioners, alcohol and
26 drug counselors, laboratory technicians, physical therapists,
27 optometrists, audiologists, dentists, dental assistants, and dental
28 hygienists;

29 (3) Maintain and preserve the medical records of health care
30 services;

31 (4) Approve the purchasing of all necessary medical supplies and

1 medical equipment for the department;

2 (5) Recommend all necessary programs for the preservice, inservice,
3 and continuing medical training and education of the health care staff
4 and other relevant staff of the department, including training
5 specifically designed to promote prompt and effective responses by all
6 staff of the department to medical emergencies;

7 (6) Develop and implement condition-specific medical treatment
8 protocols that ensure compatibility with a community standard of health
9 care, including protocols addressing the: (a) Treatment of
10 gastrointestinal bleeds; (b) detection and treatment of all communicable
11 diseases; (c) treatment of gender-specific problems; (d) treatment of
12 diabetes; (e) treatment of hypertension; (f) treatment of headaches; (g)
13 utilization of surgical procedures; (h) control of infection; (i)
14 provision of dental care; (j) provision of age-specific and gender-
15 specific routine health maintenance; (k) means by which inmates obtain
16 access to health care services; (l) use of prescribed drugs, devices, or
17 biologicals for the purpose of pain management; (m) referral of patients
18 to medical specialists not in the employ of the department; and (n)
19 initiation, observance, and termination of do not resuscitate orders
20 initiated pursuant to the Rights of the Terminally Ill Act;

21 (7) Develop and implement a system of general discharge planning for
22 the health care services to be received by inmates who are soon to be
23 released from the custody of the department and who have chronic health
24 care problems, including establishment of a protocol to determine whether
25 or not an inmate soon to be released should be prescribed and dispensed a
26 medication-assisted treatment that could assist in reducing or
27 eliminating the inmate's use of opiates;

28 (8) Develop and implement a comprehensive health care services plan;

29 (9) Develop and implement an internal credentialing program for the
30 employment and retention of the health care staff of the department based
31 on a community standard of health care; and

1 (10) Develop and implement an internal peer review and quality
2 assurance program based upon a community standard of health care.

3 Sec. 54. Section 83-933, Revised Statutes Cumulative Supplement,
4 2016, is amended to read:

5 83-933 ~~Until July 1, 2016, the Office of Parole Administration~~
6 ~~shall be within the Division of Community-Centered Services.~~ Beginning
7 July 1, 2016, until the effective date of this act, the Office of Parole
8 Administration shall be within the Board of Parole. Beginning on the
9 effective date of this act, the Division of Parole Supervision shall be
10 within the Board of Parole.

11 Subject to supervision, the Director of Supervision and Services
12 ~~Parole Administrator~~ shall be charged with the administration of parole
13 services in the community pursuant to the provisions of section 83-1,102,
14 implementation and administration of the Interstate Compact for Adult
15 Offender Supervision as it affects parolees, community supervision of sex
16 offenders pursuant to section 83-174.03, and supervision of parolees
17 either paroled in Nebraska and supervised in another state or paroled in
18 another state and supervised in Nebraska, pursuant to the compact.

19 Sec. 55. The Department of Correctional Services shall conduct a
20 department-wide staffing analysis of all positions, including a specific
21 analysis regarding behavioral health staffing, in an effort to make a
22 comprehensive determination of staffing needs. Concurrently, the
23 department shall make short-term recommendations for needed staffing,
24 including, but not limited to, facility administrative and support
25 positions, in order to improve the effectiveness of staffing.

26 The staffing analysis shall be completed and a report of its
27 findings and subsequent staffing recommendations submitted electronically
28 to the Legislature no later than September 15, 2020. Subsequent updates
29 of the staffing analysis shall be completed and shall be submitted
30 electronically to the Legislature on or before September 15, 2026, and at
31 least every six years thereafter or more frequently at the discretion of

1 the department.

2 Sec. 56. To ensure public safety in the event a correctional system
3 overcrowding emergency is ever declared or determined to exist, the
4 Department of Correctional Services and the Board of Parole shall submit
5 to the Legislature a proposed plan which describes the process of
6 implementing the accelerated parole review process required by section
7 83-962. The plan shall include, but not be limited to:

8 (1) The process by which the Director of Correctional Services shall
9 certify that an overcrowding emergency exists;

10 (2) The process by which the department shall prepare and submit to
11 the board a listing of parole-eligible committed offenders to be
12 considered or reconsidered accelerated for parole;

13 (3) Any statutory changes required or funding necessary to
14 accommodate such process;

15 (4) The process by which the board shall examine committed offenders
16 during the accelerated parole review;

17 (5) A review of the analysis for granting parole pursuant to section
18 83-1,114 and whether this process and the factors set out in such section
19 are sufficient or adequate for the accelerated parole review process
20 required by section 83-962;

21 (6) A review of the process of supervising parolees released
22 pursuant to the accelerated review process and the necessary means to
23 ensure public safety; and

24 (7) Any statutory changes required or resources necessary to
25 accommodate the existence of an overcrowding emergency status and to
26 facilitate the potential requisite gubernatorial declaration of such
27 emergency.

28 The plan shall be submitted electronically in a report to the
29 Legislature on or before December 1, 2018.

30 Sec. 57. Original sections 28-322, 29-2252, 29-2935, 29-4019,
31 71-961, 81-1401, 83-174.03, 83-174.04, 83-174.05, 83-191, 83-192, 83-198,

1 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04,
2 83-1,104, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,111, 83-1,112,
3 83-1,112.01, 83-1,114, 83-1,118, 83-1,120, 83-1,121, 83-1,125, and
4 83-4,157, Reissue Revised Statutes of Nebraska, sections 47-624,
5 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 83-170, 83-171,
6 83-184, 83-1,100, 83-1,100.02, 83-1,101, 83-1,107, 83-1,119, 83-1,122.01,
7 83-1,135, 83-1,135.02, and 83-933, Revised Statutes Cumulative
8 Supplement, 2016, and sections 29-2261 and 83-1,110.02, Revised Statutes
9 Supplement, 2017, are repealed.

10 Sec. 58. The following section is outright repealed: Section
11 83-1,124, Reissue Revised Statutes of Nebraska.