

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 274

FINAL READING

Introduced by Christensen, 44.

Read first time January 14, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to incarceration work camps; to amend
2 sections 83-4,142 and 83-4,143, Reissue Revised Statutes
3 of Nebraska; to provide powers for the Director of
4 Correctional Services; and to repeal the original
5 sections.

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

1 Section 1. Section 83-4,142, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-4,142 The Department of Correctional Services shall
4 develop and implement an incarceration work camp, ~~to be completed~~
5 ~~no later than January 1, 2005,~~ for placement of felony offenders
6 as a condition of a sentence of intensive supervision probation, ~~or~~
7 as a transitional phase prior to release on parole, or as assigned
8 by the Director of Correctional Services pursuant to subsection
9 (2) of section 83-176. As part of the incarceration work camp, an
10 intensive residential drug treatment program may be developed and
11 implemented for felony offenders.

12 It is the intent of the Legislature that the
13 incarceration work camp serve to reduce prison overcrowding and
14 to make prison bed space available for violent offenders. It
15 is the further intent of the Legislature that the incarceration
16 work camp serve the interests of society by addressing the
17 criminogenic needs of certain designated offenders and by deterring
18 such offenders from engaging in further criminal activity. To
19 accomplish these goals, the incarceration work camp shall provide
20 regimented, structured, disciplined programming, including all
21 of the following: Work programs; vocational training; behavior
22 management and modification; money management; substance abuse
23 awareness, counseling, and treatment; and education, programming
24 needs, and aftercare planning, which will increase the offender's
25 abilities to lead a law-abiding, productive, and fulfilling life as

1 a contributing member of a free society.

2 Sec. 2. Section 83-4,143, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-4,143 (1) It is the intent of the Legislature that
5 the court target the felony offender (a) who is eligible and
6 by virtue of his or her criminogenic needs is suitable to be
7 sentenced to intensive supervision probation with placement at the
8 incarceration work camp, (b) for whom the court finds that other
9 conditions of a sentence of intensive supervision probation, in
10 and of themselves, are not suitable, and (c) who, without the
11 existence of an incarceration work camp, would, in all likelihood,
12 be sentenced to prison.

13 (2) When the court is of the opinion that imprisonment is
14 appropriate, but that a brief and intensive period of regimented,
15 structured, and disciplined programming within a secure facility
16 may better serve the interests of society, the court may place an
17 offender in an incarceration work camp for a period not to exceed
18 one hundred eighty days as a condition of a sentence of intensive
19 supervision probation. The court may consider such placement if the
20 offender (a) is a male or female offender convicted of a felony
21 offense in a district court, (b) is medically and mentally fit
22 to participate, with allowances given for reasonable accommodation
23 as determined by medical and mental health professionals, and (c)
24 has not previously been incarcerated for a violent felony crime.
25 Offenders convicted of a crime under sections 28-319 to 28-321

1 or of any capital crime are not eligible to be placed in an
2 incarceration work camp.

3 (3) It is also the intent of the Legislature that the
4 Board of Parole may recommend placement of felony offenders at
5 the incarceration work camp. The offenders recommended by the
6 board shall be offenders currently housed at other Department
7 of Correctional Services adult correctional facilities and shall
8 complete the incarceration work camp programming prior to release
9 on parole.

10 (4) When the Board of Parole is of the opinion that
11 a felony offender currently incarcerated in a Department of
12 Correctional Services adult correctional facility may benefit
13 from a brief and intensive period of regimented, structured, and
14 disciplined programming immediately prior to release on parole, the
15 board may direct placement of such an offender in an incarceration
16 work camp for a period not to exceed one hundred eighty days as
17 a condition of release on parole. The board may consider such
18 placement if the felony offender (a) is medically and mentally fit
19 to participate, with allowances given for reasonable accommodation
20 as determined by medical and mental health professionals, and (b)
21 has not previously been incarcerated for a violent felony crime.
22 Offenders convicted of a crime under sections 28-319 to 28-321
23 or of any capital crime are not eligible to be placed in an
24 incarceration work camp.

25 (5) The Director of Correctional Services may assign a

1 felony offender to an incarceration work camp if he or she believes
2 it is in the best interests of the felony offender and of society,
3 except that offenders convicted of a crime under sections 28-319 to
4 28-321 or of any capital crime are not eligible to be assigned to
5 an incarceration work camp pursuant to this subsection.

6 Sec. 3. Original sections 83-4,142 and 83-4,143, Reissue
7 Revised Statutes of Nebraska, are repealed.