

AMENDMENTS TO LB907

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 sections:

3 Section 1. Section 7-201, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 7-201 Sections 7-201 to 7-209 and section 6 of this act
6 shall be known and may be cited as the Legal Education for Public
7 Service and Rural Practice Loan Repayment Assistance Act.

8 Sec. 2. Section 7-202, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 7-202 The Legislature finds that many attorneys graduate
11 from law school with substantial educational debt that prohibits
12 many from considering public legal service work or work in
13 less-populated rural areas of Nebraska. A need exists for public
14 legal service entities and rural clients to hire competent
15 attorneys. The public is better served by competent and qualified
16 attorneys working in the area of public legal service and
17 servicing underserved rural areas. Programs providing educational
18 loan ~~forgiveness~~ repayment assistance will encourage law students
19 and other attorneys to seek employment in the area of public legal
20 service and in designated legal profession shortage areas in rural
21 Nebraska and will enable public legal service entities and rural
22 communities to attract and retain qualified attorneys.

23 Sec. 3. Section 7-203, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 7-203 For purposes of the Legal Education for Public
3 Service and Rural Practice Loan Repayment Assistance Act:

4 (1) Board means the Legal Education for Public Service
5 and Rural Practice Loan Repayment Assistance Board;

6 (2) Designated legal profession shortage area means a
7 rural area located within any county in Nebraska having a
8 population of less than fifteen thousand inhabitants and not
9 included within a metropolitan statistical area as defined by
10 the United States Department of Commerce, Bureau of the Census,
11 and determined by the board to be underserved by available legal
12 representation;

13 ~~(2)~~ (3) Educational loans means loans received as
14 an educational benefit, scholarship, or stipend toward a juris
15 doctorate degree and either (a) made, insured, or guaranteed by a
16 governmental unit or (b) made under a program funded in whole or in
17 part by a governmental unit or nonprofit institution; and

18 ~~(3)~~ (4) Public legal service means providing legal
19 service to indigent persons while employed by a tax-exempt
20 charitable organization.

21 Sec. 4. Section 7-204, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 7-204 The Legal Education for Public Service and Rural
24 Practice Loan Repayment Assistance Board is created. The board
25 shall consist of the director of Legal Aid of Nebraska, the deans
26 of Creighton School of Law and the University of Nebraska College
27 of Law, a student from each law school selected by the dean of

1 the law school, a member of the Nebraska State Bar Association who
2 practices in a designated legal profession shortage area selected
3 by the president of the association, and the chief counsel of the
4 Commission on Public Advocacy.

5 Sec. 5. Section 7-206, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 7-206 The board shall develop and recommend to the
8 Commission on Public Advocacy rules and regulations that will
9 govern the legal education for public legal service and rural
10 practice loan repayment assistance program. The rules and
11 regulations shall include:

12 (1) Recipients shall be ~~full-time~~, either: (a) Full-time,
13 salaried attorneys working for a tax-exempt charitable organization
14 and whose primary duties are public legal service or (b) full-time
15 attorneys primarily serving in a designated legal profession
16 shortage area;

17 (2) Loan applicants shall pay an application fee
18 established by the rules and regulations at a level anticipated
19 to cover all or most of the administrative costs of the program.
20 All application fees shall be remitted to the State Treasurer for
21 credit to the Legal Education for Public Service and Rural Practice
22 Loan Repayment Assistance Fund. Every effort shall be made to
23 minimize administrative costs and the application fee;

24 (3) The maximum annual loan amount, which initially shall
25 not exceed six thousand dollars per year per recipient, shall be
26 an amount which is sufficient to fulfill the purposes of recruiting
27 and retaining public legal service attorneys in occupations and

1 areas with unmet needs, including public legal service attorneys to
2 ~~work in rural areas and attorneys~~ with skills in languages other
3 than English and attorneys committed to working in designated legal
4 profession shortage areas. The board may recommend adjustments of
5 the loan amount annually to the commission to account for inflation
6 and other relevant factors;

7 (4) Loans shall be made only to refinance existing
8 educational loans;

9 ~~(5) A general program structure of loan forgiveness shall~~
10 ~~be established that qualifies for the tax benefits provided in~~
11 ~~section 108(f) of the Internal Revenue Code, as defined in section~~
12 ~~49-801.01; and~~

13 (5) Information on the potential tax consequences of
14 income from discharge of indebtedness;

15 (6) Recipients shall agree to practice the equivalent of
16 at least three years of full-time practice in public legal service
17 or a designated legal profession shortage area; and

18 ~~(6) (7) Other criteria for loan eligibility, application,~~
19 ~~payment, and forgiveness~~ repayment assistance necessary to carry
20 out the purposes of the Legal Education for Public Service and
21 Rural Practice Loan Repayment Assistance Act.

22 Sec. 6. The board shall periodically determine and
23 identify designated legal profession shortage areas within
24 Nebraska. In making such designations the board shall consider,
25 after consultation with other appropriate agencies concerned
26 with legal and rural services and with appropriate professional
27 organizations, among other factors:

1 (1) The latest reliable statistical data available
2 regarding the number of attorneys practicing in an area and the
3 population served by such attorneys;

4 (2) Distances between client populations and attorney
5 locations;

6 (3) Particular local needs for legal services;

7 (4) Age or incapacity of local attorneys providing
8 services and scope of practice being provided; and

9 (5) Past and future demographic trends in an area.

10 Sec. 7. Section 7-207, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 7-207 The Commission on Public Advocacy shall accept
13 applications for loan ~~forgiveness~~ repayment assistance on an
14 annual basis from qualified persons and shall present those
15 applications to the board for its consideration. The board
16 shall make recommendations for loans to the commission, and the
17 commission shall certify the eligible recipients and the loan
18 amount per recipient. The loans awarded to the recipients shall
19 come from funds appropriated by the Legislature and any other funds
20 that may be available from the Legal Education for Public Service
21 and Rural Practice Loan Repayment Assistance Fund.

22 Sec. 8. Section 7-208, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 7-208 The Commission on Public Advocacy may solicit
25 and receive donations from law schools, corporations, nonprofit
26 organizations, bar associations, bar foundations, law firms,
27 individuals, or other sources for purposes of the Legal Education

1 for Public Service and Rural Practice Loan Repayment Assistance
2 Act. The donations shall be remitted to the State Treasurer for
3 credit to the Legal Education for Public Service and Rural Practice
4 Loan Repayment Assistance Fund.

5 Sec. 9. Section 7-209, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 7-209 The Legal Education for Public Service and Rural
8 Practice Loan Repayment Assistance Fund is created. The fund shall
9 consist of funds appropriated or transferred by the Legislature,
10 funds donated to the legal education for public legal service
11 and rural practice loan repayment assistance program pursuant to
12 section 7-208, and application fees collected under the Legal
13 Education for Public Service and Rural Practice Loan Repayment
14 Assistance Act. Any money in the fund available for investment
15 shall be invested by the state investment officer pursuant to
16 the Nebraska Capital Expansion Act and the Nebraska State Funds
17 Investment Act.

18 Sec. 10. Section 29-3927, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 29-3927 (1) With respect to its duties under section
21 29-3923, the commission shall:

22 (a) Adopt and promulgate rules and regulations for its
23 organization and internal management and rules and regulations
24 governing the exercise of its powers and the fulfillment of its
25 purpose;

26 (b) Appoint and abolish such advisory committees as may
27 be necessary for the performance of its functions and delegate

1 appropriate powers and duties to them;

2 (c) Accept and administer loans, grants, and donations
3 from the United States and its agencies, the State of Nebraska and
4 its agencies, and other sources, public and private, for carrying
5 out the functions of the commission;

6 (d) Enter into contracts, leases, and agreements
7 necessary, convenient, or desirable for carrying out its purposes
8 and the powers granted under this section with agencies of state or
9 local government, corporations, or persons;

10 (e) Acquire, hold, and dispose of personal property in
11 the exercise of its powers;

12 (f) Provide legal services to indigent persons through
13 the divisions in section 29-3930; and

14 (g) Adopt guidelines and standards for county indigent
15 defense systems, including, but not limited to, standards relating
16 to the following: The use and expenditure of funds appropriated
17 by the Legislature to reimburse counties which qualify for
18 reimbursement; attorney eligibility and qualifications for court
19 appointments; compensation rates for salaried public defenders,
20 contracting attorneys, and court-appointed attorneys and overall
21 funding of the indigent defense system; maximum caseloads for
22 all types of systems; systems administration, including rules for
23 appointing counsel, awarding defense contracts, and reimbursing
24 defense expenses; conflicts of interest; continuing legal education
25 and training; and availability of supportive services and expert
26 witnesses.

27 (2) The standards adopted by the commission under

1 subdivision (1)(g) of this section are intended to be used as a
2 guide for the proper methods of establishing and operating indigent
3 defense systems. The standards are not intended to be used as
4 criteria for the judicial evaluation of alleged misconduct of
5 defense counsel to determine the validity of a conviction. They may
6 or may not be relevant in such judicial evaluation, depending upon
7 all the circumstances.

8 (3) With respect to its duties related to the provision
9 of civil legal services to eligible low-income persons, the
10 commission shall have such powers and duties as described in
11 sections 25-3001 to 25-3004.

12 (4) The commission may adopt and promulgate rules and
13 regulations governing the Legal Education for Public Service and
14 Rural Practice Loan Repayment Assistance Act which are recommended
15 by the Legal Education for Public Service and Rural Practice Loan
16 Repayment Assistance Board pursuant to the act. The commission
17 shall have the powers and duties provided in the act.

18 Sec. 11. (1) The Nebraska Justice Reinvestment Task Force
19 is created to work with the Council of State Governments Justice
20 Center to study and provide legislative solutions for the prison
21 overcrowding in the prison system. Members of the Nebraska Task
22 Force on Prison Reform are:

23 (a) The chairperson of the Judiciary Committee of the
24 Legislature;

25 (b) The chairperson of the Appropriations Committee of
26 the Legislature;

27 (c) The chairperson of the Executive Board of the

1 Legislative Council;

2 (d) The Director of Correctional Services;

3 (e) The Parole Administrator;

4 (f) The probation administrator;

5 (g) The chairperson of the Board of Parole;

6 (h) The executive director of the Nebraska Commission on

7 Law Enforcement and Criminal Justice;

8 (i) The chief executive officer of the Department of

9 Health and Human Services;

10 (j) The Director of Behavioral Health of the Division of

11 Behavioral Health of the Department of Health and Human Services;

12 and

13 (k) A representative of each of the following, appointed

14 by the chairperson of the Executive Board of the Legislative

15 Council within thirty days after the operative date of this

16 section:

17 (i) The office of the Governor;

18 (ii) The office of the Attorney General;

19 (iii) District court judges;

20 (iv) County court judges;

21 (v) Justices of the Supreme Court;

22 (vi) The Nebraska Association of County Officials;

23 (vii) The Nebraska Sheriffs' Association;

24 (viii) The Police Officers' Association of Nebraska;

25 (ix) The Police Chiefs Association of Nebraska;

26 (x) The Fraternal Order of Police of Nebraska;

27 (xi) The Nebraska County Attorneys Association;

1 (xii) The Nebraska Criminal Defense Attorneys
2 Association;

3 (xiii) The Nebraska Domestic Violence Sexual Assault
4 Coalition;

5 (xiv) The Consortium for Crime and Justice Research; and
6 (xv) (A) Formerly incarcerated individuals; or
7 (B) Community groups that work with inmates or formerly
8 incarcerated individuals.

9 (2) The task force shall convene as soon as possible
10 after the members are appointed. The task force shall elect a
11 chairperson from its membership at the first meeting of the task
12 force.

13 (3) Upon the request of the chairperson, the Clerk of
14 the Legislature shall provide necessary clerical assistance for the
15 work of the task force.

16 (4) The task force shall study and identify causes and
17 examine potential legislative solutions for the prison overcrowding
18 in the prison system. The task force shall study a broad range of
19 issues related to prison inmate overpopulation including, but not
20 limited to:

21 (a) Courts, specialty courts, and sentencing trends;

22 (b) Development of a process to determine the impact of
23 pending legislation on the criminal justice system;

24 (c) Analysis of the prison population and its growth;

25 (d) Reported crimes and arrests;

26 (e) Alternatives to incarceration;

27 (f) Effectiveness of all available offender programs

1 including prison programs and community-based programs;

2 (g) Reentry programming and transition;

3 (h) Prison programming;

4 (i) Community services;

5 (j) Probation and parole services;

6 (k) Prison admissions and length of stay; and

7 (l) Recidivism rates of offenders released from prison,
8 jail, parole, probation, and other community-based programs;

9 (5) The task force shall report the prison overcrowding
10 impacts and estimated cost savings for all policies recommended.

11 The goal of the policies is to reduce overcrowding to one hundred
12 twenty-five percent within five years of enactment.

13 (6) The task force shall report an update on its
14 activities to the Legislature electronically no later than December
15 1, 2014. Upon the proposal of any final or concluding findings,
16 recommendations, or suggested legislation, the task force shall be
17 dissolved and discharged of any further duties.

18 (7) Each member of the task force who is not a member of
19 the Legislature may be reimbursed for necessary expenses incurred
20 in the performance of his or her duties as a member of the task
21 force as provided in sections 81-1174 to 81-1177 if consistent with
22 the policies of the member's employer. Each legislative member of
23 the task force shall be entitled to his or her regular legislative
24 compensation, per diem, and travel expenses for each day he or she
25 attends a meeting of the task force pursuant to section 50-202.

26 Sec. 12. (1) A public employer shall not ask an applicant
27 for employment to disclose, orally or in writing, information

1 concerning the applicant's criminal record or history, including
2 any inquiry on any employment application, until the public
3 employer has determined the applicant meets the minimum employment
4 qualifications.

5 (2) This section does not apply to any law enforcement
6 agency as defined by section 81-1401, to any position for which a
7 public employer is required by federal or state law to conduct a
8 criminal history record check, or to any position for which federal
9 or state law specifically disqualifies an applicant with a criminal
10 background.

11 (3) This section does not prevent a public employer
12 from conducting a criminal history record check after the public
13 employer has determined that the applicant meets the minimum
14 employment qualifications.

15 (4) For purposes of this section, public employer means
16 the State of Nebraska or any political or governmental subdivision
17 of the State of Nebraska.

18 Sec. 13. (1) There is established within the Nebraska
19 Commission on Law Enforcement and Criminal Justice the position of
20 Reentry Program Coordinator to be appointed and supervised by the
21 executive director of the commission. The coordinator shall have:

22 (a) Knowledge, skills, or experience in one of the
23 following: Human development; intellectual disabilities; or
24 substance abuse or mental health treatment issues; and

25 (b) Job placement and human resources skills.

26 (2) The purpose of the Reentry Program Coordinator
27 position is to coordinate, organize, and make recommendations to

1 the Department of Correctional Services, the Office of Probation
2 Administration, and the Office of Parole Administration on
3 programming for an individual's successful reentry and transition
4 into the community from the criminal justice system.

5 (3) The coordinator shall work with the Department
6 of Correctional Services, the Department of Health and Human
7 Services, the Office of Probation Administration, the Office of
8 Parole Administration, the State Court Administrator, and local
9 law enforcement in making recommendations about programming for
10 individuals in the criminal justice system, both inside and outside
11 of correctional facilities.

12 (4) The coordinator shall develop a system-wide standard
13 program in collaboration with the Department of Correctional
14 Services, the Department of Health and Human Services, the Office
15 of Probation Administration, the Office of Parole Administration,
16 and local law enforcement entitled the Step-Up Program. The purpose
17 of the program is to facilitate a standard system-wide program
18 of reentry for individuals leaving correctional facilities. The
19 primary objectives of the program are to reduce recidivism; to
20 identify, assess, and provide treatment options for individuals
21 with mental illness; to increase public safety; and to improve
22 the overall transition of the individual from the criminal justice
23 system into the community.

24 Sec. 14. (1) There is created a separate and distinct
25 budgetary program within the Nebraska Commission on Law Enforcement
26 and Criminal Justice to be known as the Vocational and Life
27 Skills Program. The program shall provide funding to aid in

1 the establishment and provision of community-based vocational
2 training and life skills training for adults and juveniles who
3 are incarcerated, formerly incarcerated, or serving a period of
4 supervision in either probation or parole.

5 (2) The Vocational and Life Skills Programming Fund
6 is created. The fund shall consist of appropriations from the
7 state, funds donated by nonprofit entities, funds from the federal
8 government, and funds from other sources. The fund shall be used
9 for purposes consistent with the program. Any money in the fund
10 available for investment shall be invested by the state investment
11 officer pursuant to the Nebraska Capital Expansion Act and the
12 Nebraska State Funds Investment Act.

13 (3) Aid distributed under the Vocational and Life Skills
14 Program shall only be used by aid recipients for programs,
15 services, and training which provide direct vocational skills
16 or life skills programming to adults and juveniles who are
17 incarcerated, formerly incarcerated, or serving a period of
18 supervision in either probation or parole. Aid distributed
19 under the program shall go directly to recipients that are
20 community-based organizations, community colleges, or other
21 nonprofit organizations that work directly with adults and
22 juveniles who are incarcerated, formerly incarcerated, or serving a
23 period of supervision in either probation or parole. Priority for
24 such aid shall go to programs, services, or training that results
25 in meaningful employment.

26 (4) Aid distributed under this section shall not be used
27 for building construction.

1 (5) (a) The commission shall report annually to the
2 Governor and to the Legislature on the distribution and use of
3 aid distributed from the Vocational and Life Skills Programming
4 Fund. The report to the Legislature shall be issued electronically.

5 The report shall include, but is not limited to:

6 (i) The organizational recipients of aid distributed;
7 (ii) The specific number of individuals who were served;
8 (iii) The cost per individual for each program, service,
9 or training provided; and

10 (iv) The specific type of programming individuals
11 received and how many individuals successfully completed their
12 respective programming.

13 (b) The report shall be due by October 1 of each year
14 beginning in 2015.

15 (6) The commission shall adopt and promulgate rules and
16 regulations to carry out the program. The rules and regulations
17 shall include, but are not limited to:

18 (a) A plan for evaluating the effectiveness of programs,
19 services, and training that receive funding;

20 (b) A reporting process for aid recipients; and

21 (c) A reporting process for the report of the commission
22 to the Governor and Legislature.

23 Sec. 15. Section 83-1,102, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 83-1,102 The Parole Administrator shall:

26 (1) Supervise and administer the Office of Parole
27 Administration;

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

4 (3) Divide the state into parole districts and appoint
5 district parole officers, deputy parole officers, if required, and
6 such other employees as may be required to carry out adequate
7 parole supervision of all parolees, adequate probation supervision
8 of probationers as ordered by district judges, prescribe their
9 powers and duties, and obtain office quarters for staff in each
10 district as may be necessary;

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

16 (5) Provide the Board of Parole and district judges with
17 any record of a parolee or probationer which it may require;

18 (6) Make recommendations to the Board of Parole or
19 district judge in cases of violation of the conditions of parole
20 or probation, issue warrants for the arrest of parole or probation
21 violators when so instructed by the board or district judge, notify
22 the Director of Correctional Services of determinations made by the
23 board, and upon instruction of the board, issue certificates of
24 parole and of parole revocation to the facilities and certificates
25 of discharge from parole to parolees;

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

1 (8) Use the funds provided under section 83-1,107.02
2 to augment operational or personnel costs associated with
3 the development, implementation, and evaluation of enhanced
4 parole-based programs and purchase services to provide such
5 programs aimed at enhancing adult parolee supervision in
6 the community and treatment needs of parolees. Such enhanced
7 parole-based programs include, but are not limited to, specialized
8 units of supervision, related equipment purchases and training, and
9 programs that address a parolee's vocational, educational, mental
10 health, behavioral, or substance abuse treatment needs;

11 (9) Ensure that any risk or needs assessment instrument
12 utilized by the system be periodically validated; and

13 (10) Report annually to the Governor and electronically
14 to the Legislature beginning January 1, 2015, the number of parole
15 revocations and the number of technical violations of parole; and

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

18 Sec. 16. Section 83-1,104, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 83-1,104 A district parole officer shall:

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

25 (2) Assist ~~parolees or probationers~~ a committed offender
26 who requests assistance prior to release, a parolee, or a
27 probationer to comply with the conditions of parole or probation

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

12 (3) Supervise parolees or probationers by keeping
13 informed of their conduct and condition, utilizing global
14 positioning systems and other monitoring technology as needed
15 during the period of supervision;

16 (4) Make such reports as required by the Parole
17 Administrator or district judge to determine the effectiveness of
18 the parole system or the progress of an individual parolee or
19 probationer;

20 (5) Cooperate with social welfare agencies;

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

23 (7) Inform the Parole Administrator when, in his or
24 her opinion, any eligible parolee's conduct and attitude warrant
25 his or her discharge from supervision, or when any parolee's or
26 probationer's violation of the conditions of parole or probation
27 is of sufficient seriousness to require action by the Board of

1 Parole or district judge and whenever necessary exercise the power
2 of arrest as provided in section 83-1,119;

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

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

8 Sec. 17. Section 83-1,107, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

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

24 Programming may include, but is not limited to:

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

27 (ii) Substance abuse treatment;

1 (iii) Mental health and psychiatric treatment, including
2 criminal personality programming;

3 (iv) Constructive, meaningful work programs; and

4 (v) Any other program deemed necessary and appropriate by
5 the department.

6 (b) A modification in the department-approved
7 personalized program plan may be made to account for the
8 increased or decreased abilities of the committed offender or the
9 availability of any program. Any modification shall be made only
10 after notice is given to the committed offender. The department may
11 not impose disciplinary action upon any committed offender solely
12 because of the committed offender's failure to comply with the
13 department-approved personalized program plan, but such failure may
14 be considered by the board in its deliberations on whether or not
15 to grant parole to a committed offender.

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

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

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

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

13 (4) The department shall ensure that a release or reentry
14 plan is complete or near completion when the offender has served at
15 least eighty percent of his or her sentence.

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

20 ~~(5)(a)~~ (6)(a) Within thirty days after any committed
21 offender has been paroled, all available information regarding
22 such parolee shall be reviewed and a parolee personalized program
23 plan document shall be drawn up and approved by the Office of
24 Parole Administration. The document shall specifically describe
25 the approved personalized program plan and the specific goals
26 the office expects the parolee to achieve. The document shall
27 also contain a realistic schedule for completion of the approved

1 personalized program plan. The approved personalized program plan
2 shall be fully explained to the parolee. During the term of parole,
3 the parolee shall comply with the approved personalized program
4 plan and the office shall provide programs to allow compliance by
5 the parolee with the approved personalized program plan.

6 Programming may include, but is not limited to:

7 (i) Academic and vocational education;

8 (ii) Substance abuse treatment;

9 (iii) Mental health and psychiatric treatment, including
10 criminal personality programming;

11 (iv) Constructive, meaningful work programs;

12 (v) Community service programs; and

13 (vi) Any other program deemed necessary and appropriate
14 by the office.

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

24 ~~(6)~~ (7) While the offender is in the custody of the
25 board, reductions of terms granted pursuant to subdivision (2)(a)
26 of this section may be forfeited, withheld, and restored by the
27 administrator with the approval of the director after the offender

1 has been notified regarding the charges of misconduct or breach of
2 the conditions of parole. In addition, the board may recommend such
3 forfeitures of good time to the director.

4 ~~(7)~~ (8) Good time or other reductions of sentence granted
5 under the provisions of any law prior to July 1, 1996, may be
6 forfeited, withheld, or restored in accordance with the terms of
7 the Nebraska Treatment and Corrections Act.

8 Sec. 18. Section 83-1,119, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 83-1,119 (1) For purposes of this section:

11 (a) Administrative sanction means additional parole
12 requirements imposed upon a parolee by his or her parole officer,
13 with the full knowledge and consent of the parolee, designed to
14 hold the parolee accountable for substance abuse or noncriminal
15 violations of conditions of parole, including:

16 (i) Counseling or reprimand by his or her parole officer;

17 (ii) Increased supervision contact requirements;

18 (iii) Increased substance abuse testing;

19 (iv) Referral for substance abuse or mental health
20 evaluation or other specialized assessment, counseling, or
21 treatment;

22 (v) Imposition of a designated curfew for a period not to
23 exceed thirty days;

24 (vi) Travel restrictions to stay within his or her
25 county of residence or employment unless otherwise permitted by the
26 district parole officer; and

27 (vii) Restructuring court-imposed financial obligations

1 to mitigate their effect on the parolee;

2 (b) Noncriminal violation means a parolee's activities or
3 behaviors which create the opportunity for re-offending or diminish
4 the effectiveness of parole supervision resulting in a violation of
5 an original condition of parole, including:

6 (i) Moving traffic violations;

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

8 (iii) Leaving the jurisdiction of the court or leaving
9 the state without the permission of the court or his or her parole
10 officer;

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

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

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

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

19 (c) Substance abuse violation means a parolee's
20 activities or behaviors associated with the use of chemical
21 substances or related treatment services resulting in a violation
22 of an original condition of parole, including:

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

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

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

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

4 (2) Whenever a parole officer has reasonable cause to
5 believe that a parolee has committed or is about to commit a
6 substance abuse violation or noncriminal violation while on parole,
7 but that the parolee will not attempt to leave the jurisdiction
8 and will not place lives or property in danger, the parole officer
9 shall either:

10 (a) Impose one or more administrative sanctions with
11 the approval of his or her district parole officer or such
12 officer's designee. The decision to impose administrative sanctions
13 in lieu of formal revocation proceedings rests with the deputy
14 parole officer and his or her district officer or designee and
15 shall be based upon the parolee's risk level, the severity of
16 the violation, and the parolee's response to the violation. If
17 administrative sanctions are to be imposed, the parolee shall
18 acknowledge in writing the nature of the violation and agree
19 upon the administrative sanction. The parolee has the right to
20 decline to acknowledge the violation; and if he or she declines
21 to acknowledge the violation, the parole officer shall take action
22 pursuant to subdivision (2)(b) of this section. A copy of the
23 report shall be submitted to the Board of Parole; or

24 (b) Submit a written report to the Board of Parole,
25 outlining the nature of the parole violation and request that
26 formal revocation proceedings be instituted against the parolee.

27 ~~(1)~~ (3) Whenever a parole officer has reasonable cause

1 to believe that a parolee has violated or is about to violate a
2 condition of parole ~~but~~ by a violation that is not a substance
3 abuse violation or a noncriminal violation and the parole officer
4 has reasonable cause to believe that the parolee will not attempt
5 to leave the jurisdiction and will not place lives or property in
6 danger, the parole officer shall submit a written report to the
7 Board of Parole which may, on the basis of such report and such
8 further investigation as it may deem appropriate:

9 (a) Dismiss the charge of violation;

10 (b) Determine whether the parolee violated the conditions
11 of his or her parole;

12 (c) Revoke his or her parole in accordance with the
13 Nebraska Treatment and Corrections Act; ~~or~~

14 (d) Issue a warrant for the arrest of the parolee; or-

15 (e) If the board finds that the parolee did violate a
16 condition of parole but is of the opinion that revocation of parole
17 is not appropriate, the board may order that:

18 (i) The parolee receive a reprimand and warning;

19 (ii) Parole supervision and reporting be intensified;

20 (iii) Good time granted pursuant to section 83-1,108 be
21 forfeited or withheld; or

22 (iv) The parolee be required to conform to one or more
23 additional conditions of parole which may be imposed in accordance
24 with the Nebraska Treatment and Corrections Act.

25 ~~(2)~~ (4) Whenever a parole officer has reasonable cause
26 to believe that a parolee has violated or is about to violate a
27 condition of parole and that the parolee will attempt to leave the

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

4 ~~(3)~~ (5) Whenever a parolee is arrested with or without
5 a warrant, he or she shall be detained in a local jail or other
6 detention facility. Immediately after such arrest and detention,
7 the parole officer shall notify the Board of Parole and submit
8 a written report of the reason for such arrest. A complete
9 investigation shall be made by the parole administration and
10 submitted to the parole board. After prompt consideration of such
11 written report, the board shall order the parolee's release from
12 detention or continued confinement to await a final decision on the
13 revocation of parole.

14 (6) The Board of Parole shall adopt and promulgate rules
15 and regulations to carry out this section.

16 Sec. 19. The Consortium for Crime and Justice Research
17 shall facilitate the establishment of the Nebraska Center for
18 Justice Research at the University of Nebraska-Omaha. The mission
19 of the center is to develop and sustain research capacity internal
20 to the State of Nebraska to assist the Legislature in research,
21 evaluation, and policymaking to reduce recidivism, promote the
22 use of evidence-based practices in corrections, and improve public
23 safety.

24 Sec. 20. It is the intent of the Legislature to
25 appropriate:

26 (1) To the Office of Probation Administration:

27 (a) Five million dollars to expand mental health services

1 with priority population being participants in the specialized
2 substance abuse supervision program and problem-solving courts; and

3 (b) Three million eight hundred thousand dollars for new
4 reporting centers and expanded services;

5 (2) To the Vocational and Life Skills Program under the
6 Nebraska Commission on Law Enforcement and Criminal Justice, five
7 million dollars to carry out the program; and

8 (3) To the Consortium for Crime and Justice Research,
9 two hundred thousand dollars to facilitate the establishment of the
10 Nebraska Center for Justice Research.

11 Sec. 21. Section 84-612, Revised Statutes Supplement,
12 2013, is amended to read:

13 84-612 (1) There is hereby created within the state
14 treasury a fund known as the Cash Reserve Fund which shall be under
15 the direction of the State Treasurer. The fund shall only be used
16 pursuant to this section.

17 (2) The State Treasurer shall transfer funds from the
18 Cash Reserve Fund to the General Fund upon certification by the
19 Director of Administrative Services that the current cash balance
20 in the General Fund is inadequate to meet current obligations. Such
21 certification shall include the dollar amount to be transferred.
22 Any transfers made pursuant to this subsection shall be reversed
23 upon notification by the Director of Administrative Services that
24 sufficient funds are available.

25 (3) In addition to receiving transfers from other funds,
26 the Cash Reserve Fund shall receive federal funds received by the
27 State of Nebraska for undesignated general government purposes,

1 federal revenue sharing, or general fiscal relief of the state.

2 (4) On July 7, 2009, the State Treasurer shall transfer
3 five million dollars from the Cash Reserve Fund to the Roads
4 Operations Cash Fund. The Department of Roads shall use such
5 funds to provide the required state match for federal funding made
6 available to the state through congressional earmarks.

7 (5) The State Treasurer shall transfer a total of
8 thirty-seven million dollars from the Cash Reserve Fund to the
9 General Fund on or before June 30, 2012, on such dates and in
10 such amounts as directed by the budget administrator of the budget
11 division of the Department of Administrative Services.

12 (6) The State Treasurer shall transfer a total of
13 sixty-eight million dollars from the Cash Reserve Fund to the
14 General Fund on or before June 30, 2013, on such dates and in
15 such amounts as directed by the budget administrator of the budget
16 division of the Department of Administrative Services.

17 (7) The State Treasurer, at the direction of the
18 budget administrator of the budget division of the Department
19 of Administrative Services, shall transfer not to exceed twelve
20 million dollars in total between July 1, 2011, and November
21 30, 2012, from the Cash Reserve Fund to the Ethanol Production
22 Incentive Cash Fund, for ethanol production incentive credits,
23 on such dates and in such amounts as certified by the Tax
24 Commissioner.

25 (8) The State Treasurer, at the direction of the
26 budget administrator of the budget division of the Department
27 of Administrative Services, shall transfer an amount equal to the

1 total amount transferred pursuant to subsection (7) of this section
2 from the Ethanol Production Incentive Cash Fund to the Cash Reserve
3 Fund in such amounts as certified by the Tax Commissioner on or
4 before November 30, 2012.

5 (9) The State Treasurer, at the direction of the
6 budget administrator of the budget division of the Department
7 of Administrative Services, shall transfer eighty million dollars
8 from the Cash Reserve Fund to the Nebraska Capital Construction
9 Fund on or before August 15, 2012.

10 (10) The State Treasurer, at the direction of the
11 budget administrator of the budget division of the Department
12 of Administrative Services, shall transfer one million dollars from
13 the Cash Reserve Fund to the Affordable Housing Trust Fund on or
14 before August 15, 2012.

15 (11) The State Treasurer shall transfer ten million
16 dollars from the Cash Reserve Fund to the General Fund on
17 or before June 30, 2013, on such date as directed by the
18 budget administrator of the budget division of the Department
19 of Administrative Services.

20 (12) The State Treasurer, at the direction of the
21 budget administrator of the budget division of the Department of
22 Administrative Services, shall transfer not to exceed forty-three
23 million fifteen thousand four hundred fifty-nine dollars in total
24 from the Cash Reserve Fund to the Nebraska Capital Construction
25 Fund between July 1, 2013, and June 30, 2017.

26 (13) The State Treasurer, at the direction of the
27 budget administrator of the budget division of the Department

1 of Administrative Services, shall transfer five hundred thousand
2 dollars from the Cash Reserve Fund to the Legal Education for
3 Public Service and Rural Practice Loan Repayment Assistance Fund on
4 or before August 1, 2014.

5 Sec. 22. Sections 11, 22, and 25 of this act become
6 operative on their effective date. The other sections of this act
7 become operative three calendar months after the adjournment of
8 this legislative session.

9 Sec. 23. Original sections 7-201, 7-202, 7-203, 7-204,
10 7-206, 7-207, 7-208, 7-209, 83-1,104, and 83-1,119, Reissue Revised
11 Statutes of Nebraska, sections 29-3927, 83-1,102, and 83-1,107,
12 Revised Statutes Cumulative Supplement, 2012, and section 84-612,
13 Revised Statutes Supplement, 2013, are repealed.

14 Sec. 24. The following section is outright repealed:
15 Section 83-1,122, Reissue Revised Statutes of Nebraska.

16 Sec. 25. Since an emergency exists, this act takes effect
17 when passed and approved according to law.