

E AND R AMENDMENTS TO LB907

Introduced by Murante, 49, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new 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 Legal Education for Public Service  
15 Loan Repayment Fund on the operative date of this section shall  
16 be transferred to the Legal Education for Public Service and Rural  
17 Practice Loan Repayment Assistance Fund. Any money in the fund  
18 available for investment shall be invested by the state investment  
19 officer pursuant to the Nebraska Capital Expansion Act and the  
20 Nebraska State Funds Investment Act.

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

23           29-3927 (1) With respect to its duties under section  
24 29-3923, the commission shall:

25           (a) Adopt and promulgate rules and regulations for its  
26 organization and internal management and rules and regulations  
27 governing the exercise of its powers and the fulfillment of its

1 purpose;

2 (b) Appoint and abolish such advisory committees as may  
3 be necessary for the performance of its functions and delegate  
4 appropriate powers and duties to them;

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

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

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

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

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

1 and training; and availability of supportive services and expert  
2 witnesses.

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

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

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

21 Sec. 11. (1) The Nebraska Justice Reinvestment Working  
22 Group is created to work with the Council of State Governments  
23 Justice Center and assist the center as the center utilizes its  
24 process to study and provide potential legislative solutions for  
25 prison overcrowding in Nebraska.

26 (2) Members of the Nebraska Justice Reinvestment Working  
27 Group are:



1           (a) The chairperson of the Judiciary Committee of the  
2 Legislature;

3           (b) The chairperson of the Appropriations Committee of  
4 the Legislature;

5           (c) The Director of Correctional Services;

6           (d) The Parole Administrator;

7           (e) The probation administrator;

8           (f) The chairperson of the Board of Parole;

9           (g) The State Court Administrator;

10          (h) The executive director of the Nebraska Commission on  
11 Law Enforcement and Criminal Justice;

12          (i) The Director of Behavioral Health of the Division of  
13 Behavioral Health of the Department of Health and Human Services;

14          (j) A representative of the office of Public Counsel  
15 selected by the Public Counsel;

16          (k) Two members of the Legislature selected by the  
17 Executive Board of the Legislative Council; and

18          (l) A representative of each of the following, appointed  
19 by the Executive Board of the Legislative Council within thirty  
20 days after the operative date of this section:

21           (i) The office of the Governor;

22           (ii) The office of the Attorney General;

23           (iii) District court judges;

24           (iv) County court judges;

25           (v) The Nebraska Association of County Officials;

26           (vi) The Nebraska Sheriffs' Association;

27           (vii) The Police Chiefs Association of Nebraska;

1           (viii) The Fraternal Order of Police of Nebraska;  
2           (ix) The Nebraska County Attorneys Association;  
3           (x) The Nebraska Criminal Defense Attorneys Association;  
4           (xi) The Nebraska Domestic Violence Sexual Assault  
5 Coalition;  
6           (xii) The Consortium for Crime and Justice Research at  
7 the University of Nebraska at Omaha;  
8           (xiii) Formerly incarcerated individuals; and  
9           (xiv) A community group that works with inmates or  
10 formerly incarcerated individuals.

11           (3) The Nebraska Justice Reinvestment Working Group shall  
12 convene as soon as possible after the members are appointed.  
13 To provide the Council of State Governments Justice Center  
14 with assistance during utilization of the center's process, the  
15 chairperson of the working group shall be the chairperson of the  
16 Appropriations Committee of the Legislature. Each member of the  
17 working group who is not a member of the Legislature may be  
18 reimbursed for necessary expenses incurred in the performance of  
19 his or her duties as a member of the working group as provided in  
20 sections 81-1174 to 81-1177 if consistent with the policies of the  
21 member's employer. Upon delivery of the final report by the center  
22 pursuant to subsection (5) of this section, the working group shall  
23 be dissolved and discharged of any further duties.

24           (4) The Nebraska Justice Reinvestment Working Group shall  
25 assist the Council of State Governments Justice Center during the  
26 center's utilization of the center's process to study, identify  
27 causes, and provide potential legislative solutions for prison

1 overcrowding in Nebraska. The working group shall provide technical  
2 and informational support to the center. The center shall recommend  
3 policies to reduce prison overcrowding with the goal of reducing  
4 prison overcrowding to one hundred twenty-five percent within  
5 five years after the operative date of this section. The study  
6 shall include a broad range of issues related to prison inmate  
7 overpopulation, including, but not limited to:

- 8 (a) Courts, specialty courts, and sentencing trends;
- 9 (b) Development of a process to determine the impact of  
10 pending legislation on the criminal justice system;
- 11 (c) Analysis of the prison population and its growth;
- 12 (d) Reported crimes and arrests;
- 13 (e) Alternatives to incarceration;
- 14 (f) Effectiveness of all available offender programs  
15 including prison programs and community-based programs;
- 16 (g) Reentry programming and transition;
- 17 (h) Prison programming;
- 18 (i) Community services;
- 19 (j) Probation and parole services;
- 20 (k) Prison admissions and length of stay; and
- 21 (l) Recidivism rates of offenders released from prison,  
22 jail, parole, probation, and other community-based programs.

23 (5) The Council of State Governments Justice Center shall  
24 make a final report that includes, but is not limited to, potential  
25 legislative solutions for the problem of prison overcrowding and  
26 an estimate of the cost savings for all policies recommended  
27 by the center. The report shall be delivered to the Legislature

1 electronically.

2           Sec. 12. (1) A public employer shall not ask an applicant  
3 for employment to disclose, orally or in writing, information  
4 concerning the applicant's criminal record or history, including  
5 any inquiry on any employment application, until the public  
6 employer has determined the applicant meets the minimum employment  
7 qualifications.

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

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

17           (4) For purposes of this section:

18           (a) Law enforcement agency means an agency or department  
19 of this state or of any political subdivision of this state that  
20 obtains, serves, and enforces arrest warrants or that conducts or  
21 engages in prosecutions for violations of the law; and

22           (b) Public employer means an agency or department of this  
23 state or of any political subdivision of this state.

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

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

4           (b) Job placement and human resources skills.

5           (2) The purpose of the Reentry Program Coordinator  
6 position is to coordinate, organize, and make recommendations to  
7 the Department of Correctional Services, the Office of Probation  
8 Administration, and the Office of Parole Administration on  
9 programming for an individual's successful reentry and transition  
10 into the community from the criminal justice system.

11           (3) The coordinator shall work with the Department  
12 of Correctional Services, the Department of Health and Human  
13 Services, the Office of Probation Administration, the Office of  
14 Parole Administration, the State Court Administrator, and local  
15 law enforcement in making recommendations about programming for  
16 individuals in the criminal justice system, both inside and outside  
17 of correctional facilities.

18           (4) The coordinator shall develop a systemwide standard  
19 program, in collaboration with the Department of Correctional  
20 Services, the Department of Health and Human Services, the Office  
21 of Probation Administration, the Office of Parole Administration,  
22 and local law enforcement, entitled the Step-Up Program. The  
23 purpose of the program is to facilitate a standard systemwide  
24 program of reentry for individuals leaving correctional facilities.  
25 The primary objectives of the program are to reduce recidivism;  
26 to identify, assess, and provide treatment options for individuals  
27 with mental illness; to increase public safety; and to improve

1 the overall transition of the individual from the criminal justice  
2 system into the community.

3           Sec. 14. (1) There is created a separate and distinct  
4 budgetary program within the Nebraska Commission on Law Enforcement  
5 and Criminal Justice to be known as the Vocational and Life  
6 Skills Program. The program shall provide funding to aid in  
7 the establishment and provision of community-based vocational  
8 training and life skills training for adults and juveniles who  
9 are incarcerated, formerly incarcerated, or serving a period of  
10 supervision in either probation or parole.

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

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

1 juveniles who are incarcerated, formerly incarcerated, or serving a  
2 period of supervision in either probation or parole. Priority for  
3 such aid shall go to programs, services, or training that results  
4 in meaningful employment.

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

7 (5) (a) The commission shall report annually to the  
8 Governor and to the Legislature on the distribution and use of  
9 aid distributed from the Vocational and Life Skills Programming  
10 Fund. The report to the Legislature shall be issued electronically.

11 The report shall include, but not be limited to:

12 (i) The organizational recipients of aid distributed;

13 (ii) The specific number of individuals who were served;

14 (iii) The cost per individual for each program, service,  
15 or training provided; and

16 (iv) The specific type of programming individuals  
17 received and how many individuals successfully completed their  
18 respective programming.

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

21 (6) The commission shall adopt and promulgate rules and  
22 regulations to carry out the program. The rules and regulations  
23 shall include, but not be limited to:

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

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

27 (c) A reporting process for the report of the commission

1 to the Governor and Legislature.

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

4           83-1,102 The Parole Administrator shall:

5           (1) Supervise and administer the Office of Parole  
6 Administration;

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

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

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

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

24           (6) Make recommendations to the Board of Parole or  
25 district judge in cases of violation of the conditions of parole  
26 or probation, issue warrants for the arrest of parole or probation  
27 violators when so instructed by the board or district judge, notify



1 the Director of Correctional Services of determinations made by the  
2 board, and upon instruction of the board, issue certificates of  
3 parole and of parole revocation to the facilities and certificates  
4 of discharge from parole to parolees;

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

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

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

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

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

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

26 83-1,104 A district parole officer shall:

27 (1) Make investigations, prior to a committed offender's

1 release on parole, in cooperation with institutional caseworkers  
2 and the Board of Parole to determine the adequacy of parole plans  
3 and make reasonable advance preparation for release on parole;

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

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

22           (4) Make such reports as required by the Parole  
23 Administrator or district judge to determine the effectiveness of  
24 the parole system or the progress of an individual parolee or  
25 probationer;

26           (5) Cooperate with social welfare agencies;

27           (6) Observe the work of any deputy parole officer under

1 his or her supervision from time to time;

2 (7) Inform the Parole Administrator when, in his or  
3 her opinion, any eligible parolee's conduct and attitude warrant  
4 his or her discharge from supervision, or when any parolee's or  
5 probationer's violation of the conditions of parole or probation  
6 is of sufficient seriousness to require action by the Board of  
7 Parole or district judge and whenever necessary exercise the power  
8 of arrest as provided in section 83-1,119;

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

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

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

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

1 programs to allow compliance by the committed offender with the  
2 department-approved personalized program plan.

3 Programming may include, but is not limited to:

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

6 (ii) Substance abuse treatment;

7 (iii) Mental health and psychiatric treatment, including  
8 criminal personality programming;

9 (iv) Constructive, meaningful work programs; and

10 (v) Any other program deemed necessary and appropriate by  
11 the department.

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

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

25 (b) In addition to reductions granted in subdivision  
26 (2) (a) of this section, the department shall reduce the term of  
27 a committed offender by three days on the first day of each

1 month following a twelve-month period of incarceration within the  
2 department during which the offender has not been found guilty of  
3 (i) a Class I or Class II offense or (ii) more than three Class  
4 III offenses under the department's disciplinary code. Reductions  
5 earned under this subdivision shall not be subject to forfeit or  
6 withholding by the department.

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

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

19 (4) The department shall ensure that a release or reentry  
20 plan is complete or near completion when the offender has served  
21 at least eighty percent of his or her sentence. For purposes of  
22 this subsection, release or reentry plan means a comprehensive  
23 and individualized strategic plan to ensure an individual's safe  
24 and effective transition or reentry into the community to which  
25 he or she resides with the primary goal of reducing recidivism.  
26 At a minimum, the release or reentry plan shall include, but not  
27 be limited to, consideration of the individual's housing needs,

1 medical or mental health care needs, and transportation and job  
2 needs and shall address an individual's barriers to successful  
3 release or reentry in order to prevent recidivism. The release or  
4 reentry plan does not include an individual's programming needs  
5 included in the individual's personalized program plan for use  
6 inside the prison.

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

11       ~~(5)(a)~~ (6)(a) Within thirty days after any committed  
12 offender has been paroled, all available information regarding  
13 such parolee shall be reviewed and a parolee personalized program  
14 plan document shall be drawn up and approved by the Office of  
15 Parole Administration. The document shall specifically describe  
16 the approved personalized program plan and the specific goals  
17 the office expects the parolee to achieve. The document shall  
18 also contain a realistic schedule for completion of the approved  
19 personalized program plan. The approved personalized program plan  
20 shall be fully explained to the parolee. During the term of parole,  
21 the parolee shall comply with the approved personalized program  
22 plan and the office shall provide programs to allow compliance by  
23 the parolee with the approved personalized program plan.

24       Programming may include, but is not limited to:

25       (i) Academic and vocational education;

26       (ii) Substance abuse treatment;

27       (iii) Mental health and psychiatric treatment, including

1 criminal personality programming;

2 (iv) Constructive, meaningful work programs;

3 (v) Community service programs; and

4 (vi) Any other program deemed necessary and appropriate  
5 by the office.

6 (b) A modification in the approved personalized program  
7 plan may be made to account for the increased or decreased  
8 abilities of the parolee or the availability of any program.  
9 Any modification shall be made only after notice is given to  
10 the parolee. Intentional failure to comply with the approved  
11 personalized program plan by any parolee as scheduled for any year,  
12 or pro rata part thereof, shall cause disciplinary action to be  
13 taken by the office resulting in the forfeiture of up to a maximum  
14 of three months' good time for the scheduled year.

15 ~~(6)~~ (7) While the offender is in the custody of the  
16 board, reductions of terms granted pursuant to subdivision (2)(a)  
17 of this section may be forfeited, withheld, and restored by the  
18 administrator with the approval of the director after the offender  
19 has been notified regarding the charges of misconduct or breach of  
20 the conditions of parole. In addition, the board may recommend such  
21 forfeitures of good time to the director.

22 ~~(7)~~ (8) Good time or other reductions of sentence granted  
23 under the provisions of any law prior to July 1, 1996, may be  
24 forfeited, withheld, or restored in accordance with the terms of  
25 the Nebraska Treatment and Corrections Act.

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

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

2           (a) Administrative sanction means additional parole  
3 requirements imposed upon a parolee by his or her parole officer,  
4 with the full knowledge and consent of the parolee, designed to  
5 hold the parolee accountable for substance abuse or noncriminal  
6 violations of conditions of parole, including:

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

8           (ii) Increased supervision contact requirements;

9           (iii) Increased substance abuse testing;

10          (iv) Referral for substance abuse or mental health  
11 evaluation or other specialized assessment, counseling, or  
12 treatment;

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

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

18          (vii) Restructuring court-imposed financial obligations  
19 to mitigate their effect on the parolee;

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

24          (i) Moving traffic violations;

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

26          (iii) Leaving the jurisdiction of the court or leaving  
27 the state without the permission of the court or his or her parole



1 officer;

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

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

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

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

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

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

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

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

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

22 (2) Whenever a parole officer has reasonable cause to  
23 believe that a parolee has committed or is about to commit a  
24 substance abuse violation or noncriminal violation while on parole,  
25 but that the parolee will not attempt to leave the jurisdiction  
26 and will not place lives or property in danger, the parole officer  
27 shall either:

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

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

18           ~~(1)~~ (3) Whenever a parole officer has reasonable cause  
19 to believe that a parolee has violated or is about to violate a  
20 condition of parole but by a violation that is not a substance  
21 abuse violation or a noncriminal violation and the parole officer  
22 has reasonable cause to believe that the parolee will not attempt  
23 to leave the jurisdiction and will not place lives or property in  
24 danger, the parole officer shall submit a written report to the  
25 Board of Parole which may, on the basis of such report and such  
26 further investigation as it may deem appropriate:

27           (a) Dismiss the charge of violation;

1 (b) Determine whether the parolee violated the conditions  
2 of his or her parole;

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

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

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

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

10 (ii) Parole supervision and reporting be intensified;

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

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

16 ~~(2)~~ (4) Whenever a parole officer has reasonable cause  
17 to believe that a parolee has violated or is about to violate a  
18 condition of parole and that the parolee will attempt to leave the  
19 jurisdiction or will place lives or property in danger, the parole  
20 officer shall arrest the parolee without a warrant and call on any  
21 peace officer to assist him or her in doing so.

22 ~~(3)~~ (5) Whenever a parolee is arrested with or without  
23 a warrant, he or she shall be detained in a local jail or other  
24 detention facility. Immediately after such arrest and detention,  
25 the parole officer shall notify the Board of Parole and submit  
26 a written report of the reason for such arrest. A complete  
27 investigation shall be made by the parole administration and

1 submitted to the parole board. After prompt consideration of such  
2 written report, the board shall order the parolee's release from  
3 detention or continued confinement to await a final decision on the  
4 revocation of parole.

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

7 Sec. 19. It is the intent of the Legislature to  
8 appropriate:

9 (1) To the Office of Probation Administration:

10 (a) Five million dollars to expand mental health services  
11 with priority population being participants in the specialized  
12 substance abuse supervision program and problem-solving courts; and

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

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

18 (3) To the Legal Education for Public Service and Rural  
19 Practice Loan Repayment Assistance Fund, five hundred thousand  
20 dollars from the General Fund; and

21 (4) To the Consortium for Crime and Justice Research at  
22 the University of Nebraska at Omaha, two hundred thousand dollars  
23 to facilitate the establishment of the Nebraska Center for Justice  
24 Research at the University of Nebraska at Omaha. The mission of the  
25 center shall be to develop and sustain research capacity internal  
26 to the State of Nebraska to assist the Legislature in research,  
27 evaluation, and policymaking to reduce recidivism, promote the

1 use of evidence-based practices in corrections, and improve public  
2 safety.

3           Sec. 20. Sections 11, 20, and 23 of this act become  
4 operative on their effective date. The other sections of this act  
5 become operative three calendar months after the adjournment of  
6 this legislative session.

7           Sec. 21. Original sections 7-201, 7-202, 7-203, 7-204,  
8 7-206, 7-207, 7-208, 7-209, 83-1,104, and 83-1,119, Reissue Revised  
9 Statutes of Nebraska, and sections 29-3927, 83-1,102, and 83-1,107,  
10 Revised Statutes Cumulative Supplement, 2012, are repealed.

11           Sec. 22. The following section is outright repealed:  
12 Section 83-1,122, Reissue Revised Statutes of Nebraska.

13           Sec. 23. Since an emergency exists, this act takes effect  
14 when passed and approved according to law.

15           2. On page 1, strike beginning with "criminal" in  
16 line 1 through line 17 and insert "legal process; to amend  
17 sections 7-201, 7-202, 7-203, 7-204, 7-206, 7-207, 7-208, 7-209,  
18 83-1,104, and 83-1,119, Reissue Revised Statutes of Nebraska,  
19 and sections 29-3927, 83-1,102, and 83-1,107, Revised Statutes  
20 Cumulative Supplement, 2012; to rename and change provisions of the  
21 Legal Education for Public Service Loan Repayment Act; to create  
22 the Nebraska Justice Reinvestment Working Group, the position  
23 of Reentry Program Coordinator, the Vocational and Life Skills  
24 Program, a fund, and the Nebraska Center for Justice Research at  
25 the University of Nebraska at Omaha; to provide powers and duties;  
26 to prohibit public employers from asking for criminal history as  
27 prescribed; to provide, change, and eliminate parole provisions;

1 to state intent regarding appropriations; to provide operative  
2 dates; to repeal the original sections; to outright repeal section  
3 83-1,122, Reissue Revised Statutes of Nebraska; and to declare an  
4 emergency."

5 3. On page 2, strike lines 1 and 2.