

One Hundred Third Legislature - First Session - 2013

Introducer's Statement of Intent

LB379

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 27, 2013

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

In September 2012, a prisoner at the Nebraska Department of Correctional Services was shot and killed while he was out on furlough with no notice to the police. In light of that incident, law enforcement and lawmakers have been reconsidering the mechanisms for early release available to prisoners convicted of violent crimes. The Legislature must enact changes to protect both our communities and our prisoners.

LB379 amends section 83-173.01 to require that the chief of police in Omaha (a city of the metropolitan class) and Lincoln (a city of the primary class) be notified at least two weeks prior to the release of a person convicted of a Class 1A felony or first-degree sexual assault in their respective jurisdictions. Currently such notification is available only upon request by the chief of police in Lincoln or Omaha.

Section 83-184 is amended to eliminate furlough eligibility for prisoners convicted of (a) being a habitual criminal pursuant to section 29-2221, (b) use of a deadly weapon to commit a felony pursuant to section 28-105, and (c) possession of a deadly weapon by a prohibited person pursuant to section 28-1206. Currently such prisoners can qualify for furlough release several years before the end of their terms.

Section 83-1,107 is amended to eliminate "good time" eligibility for the same three classes of prisoners. Currently the term of a prisoner at the Department of Correctional Services may be reduced by 6 months for each year of the offender's term and pro rata for any part of the term less than one year, to be deducted from the maximum term.

These changes will require prisoners convicted of violent crimes to serve out the true length of their terms and will better protect the safety of the public.

Principal Introducer: _____

Senator John E. Nelson

