

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 676

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-184, Revised Statutes Cumulative Supplement,
- 3 2016; to provide additional options for committed persons to work or
- 4 participate in rehabilitative activities outside department
- 5 facilities; and to repeal the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-184, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 83-184 (1) When the conduct, behavior, mental attitude, and
4 conditions indicate that a person committed to the department and the
5 general society of the state will be benefited, and there is reason to
6 believe that the best interests of the people of the state and the person
7 committed to the department will be served thereby, in that order, and
8 upon the recommendation of the board in the case of each committed
9 offender, the director may authorize such person, under prescribed
10 conditions, to:

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

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

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

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

26 (c) Participate in substance abuse evaluations or treatment, attend
27 rehabilitative programming or treatment, seek residency or employment, or
28 participate in structured programming as provided in section 83-182.01.

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

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

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

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

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

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

24 Sec. 2. Original section 83-184, Revised Statutes Cumulative
25 Supplement, 2016, is repealed.