

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 269

Introduced by McCollister, 20.

Read first time January 12, 2021

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-192, Revised Statutes Cumulative Supplement,
- 3 2020; to change provisions regarding the annual review of a
- 4 committed offender's record; to require publication of a list of
- 5 nonviolent, elderly committed offenders with medical conditions; to
- 6 eliminate obsolete language; and to repeal the original section.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-192, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 83-192 (1) The Board of Parole shall:

4 (a) Determine the time of release on parole of committed offenders
5 eligible for such release;

6 (b) Fix the conditions of parole, revoke parole, issue or authorize
7 the issuance of warrants for the arrest of parole violators, and impose
8 other sanctions short of revocation for violation of conditions of
9 parole;

10 (c) Determine the time of mandatory discharge from parole;

11 (d) Visit and inspect any facility, state or local, for the
12 detention of persons charged with or convicted of an offense and for the
13 safekeeping of such other persons as may be remanded to such facility in
14 accordance with law;

15 (e) ~~Use Within two years after July 1, 2006, implement the~~
16 ~~utilization of~~ a validated risk and needs assessment in coordination with
17 the Department of Correctional Services and the Division of Parole
18 Supervision. The assessment shall be prepared and completed by the
19 department or the division for use by the board in determining release on
20 parole;

21 (f) Review the record of every parole-eligible committed offender
22 annually when the committed offender has been incarcerated for more than
23 thirty years or when it he or she is within three years of the his or her
24 earliest parole eligibility date for the committed offender.

25 The review schedule shall be based on court-imposed sentences or
26 statutory minimum sentences, whichever are greater. The board is not
27 required to review the record of a committed offender when the committed
28 offender's parole eligibility date is within one month of his or her
29 mandatory discharge date. Nothing in such schedule shall prohibit the
30 board from reviewing a committed offender's case at any time;

31 (g) Publish a list annually of committed offenders who are sixty

1 years of age or older, have been convicted of nonviolent offenses as
2 determined by the board, have high-risk medical conditions as determined
3 by the board, and could be considered for early parole;

4 (h) ~~(g)~~ Appoint and remove all employees of the board as prescribed
5 by the State Personnel System and delegate appropriate powers and duties
6 to them;

7 (i) ~~(h)~~ Adopt and promulgate rules and regulations; and

8 (j) ~~(i)~~ Exercise all powers and perform all duties necessary and
9 proper in carrying out its responsibilities under the Nebraska Treatment
10 and Corrections Act.

11 (2) The chairperson of the board shall:

12 (a) Supervise the administration and operation of the board;

13 (b) Serve in an advisory capacity to the director in administering
14 parole services within any facility;

15 (c) Interpret the parole program to the public with a view toward
16 developing a broad base of public support;

17 (d) Conduct research for the purpose of evaluating and improving the
18 effectiveness of the parole system;

19 (e) Recommend parole legislation to the Governor;

20 (f) Adopt and promulgate rules and regulations for the
21 administration and operation of the board; and

22 (g) Exercise all other powers and perform all other duties necessary
23 and proper in carrying out the his or her responsibilities of the as
24 chairperson.

25 (3) This section does not prohibit a committed offender from
26 requesting that the board review the committed offender's ~~his or her~~
27 record, except that the board is not required to review a committed
28 offender's record more than once a year.

29 Sec. 2. Original section 83-192, Revised Statutes Cumulative
30 Supplement, 2020, is repealed.