

# One Hundred Seventh Legislature - Second Session - 2022

## Introducer's Statement of Intent

**LB1154**

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**Chairperson: Senator Steve Lathrop**

**Committee: Judiciary**

**Date of Hearing: February 02, 2022**

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

This bill acknowledges that prison overcrowding is a great concern for the state of Nebraska and attention needs to be given to solutions that address this issue. Overcrowding in prisons affect the ability for states to provide necessary medical care and other essential services. Additionally, it can result in degrading practices like requiring prisoners to sleep on the floor. Many prisons and jails expose prisoners to dangerous environmental conditions like extreme heat or cold, contaminated food, and a lack of basic sanitation. One way to address this issue is to provide provisions for prisoners who eligible to be placed in community corrections facilities to be able to be transferred there.

Under this bill, rules and regulations shall be promulgated to always ensure that at least eighty percent of committed offenders who are eligible for placement in community corrections or transitional housing are serving sentences in such placements. This is true unless there is an objectively compelling reason that an eligible incarcerated individual's transfer should be deferred. These reasons include, but are not limited to whether the committed offender exhibits a pattern of ongoing behavior while incarcerated indicating that the committed offender would be a substantial risk to public safety, including Class I offenses under the department's disciplinary code or additional criminal convictions or there is verified objective evidence of substantial harm to a victim that could not have been available for consideration at the time of sentencing.

**Principal Introducer:** \_\_\_\_\_

**Senator Terrell McKinney**