

LEGISLATIVE BILL 896

Approved by the Governor April 19, 2022

Introduced by Lathrop, 12.

A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to amend section 83-182.01, Revised Statutes Cumulative Supplement, 2020; to change provisions relating to structured programming and program evaluations; to define terms; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 83-182.01, Revised Statutes Cumulative Supplement, 2020, is amended to read:

83-182.01 (1) Structured programming shall be planned for all adult persons committed to the department. The structured programming shall include any of the following: Work programs, vocational training, behavior management and modification, money management, and substance abuse awareness, counseling, or treatment. Programs and treatment services shall address:

- (a) Behavioral impairments, severe emotional disturbances, and other mental health or psychiatric disorders;
- (b) Drug and alcohol use and addiction;
- (c) Health and medical needs;
- (d) Education and related services;
- (e) Counseling services for persons committed to the department who have been physically or sexually abused;
- (f) Work ethic and structured work programs;
- (g) The development and enhancement of job acquisition skills and job performance skills; and
- (h) Cognitive behavioral intervention.

Structured programming may also include classes and activities organized by inmate self-betterment clubs, cultural clubs, and other inmate-led or volunteer-led groups.

(2) The goal of such structured programming is to provide the skills necessary for the person committed to the department to successfully return to his or her home or community or to a suitable alternative community upon his or her release from the adult correctional facility. The Legislature recognizes that many inmate self-betterment clubs and cultural clubs help achieve this goal by providing constructive opportunities for personal growth.

(3) If a person committed to the department refuses to participate in the structured programming described in subsection (1) of this section, he or she ~~may shall~~ be subject to disciplinary action, except that a person committed to the department who refuses to participate in structured programming consisting of classes and activities organized by inmate self-betterment clubs, cultural clubs, or other inmate-led or volunteer-led groups shall not be subject to disciplinary action.

(4) Any person committed to the department who is qualified by reason of education, training, or experience to teach academic or vocational classes may be given the opportunity to teach such classes to committed offenders as part of the structured programming described in this section.

~~(5)(a) (5)~~ The department shall evaluate the quality of programs funded by the department, ~~including~~ ~~the evaluation shall focus on~~ whether program participation reduces recidivism. ~~The Subject to the availability of funding,~~ the department shall ~~may~~ contract with an ~~independent contractor or~~ academic institution located within the State of Nebraska for each program evaluation. Each program evaluation shall be standardized and shall include a site visit, interviews with key staff, interviews with offenders, group observation, if applicable, and review of materials used for the program. The evaluation shall include adherence to concepts that are linked with program effectiveness, such as program procedures, staff qualifications, and fidelity to the program model of delivering offender assessment and treatment. Each program evaluation shall also include a rating on the effectiveness of the program and feedback to the department and the office of Inspector General of the Nebraska Correctional System concerning program strengths and weaknesses and recommendations for better adherence to evidence-based programming, if applicable.

(b) The evaluation shall also make recommendations regarding the availability of programs throughout the correctional system, the ability to deliver the programs in a timely manner, and the therapeutic environment in which such programs are delivered at each facility and shall include a cost-benefit analysis of each program, if applicable. Program evaluations shall be prioritized in the following order: (i) Clinical treatment programs; (ii) nonclinical treatment programs; and (iii) other structured programs. Clinical treatment programs shall be evaluated at least once every three years and nonclinical treatment and structured programs shall be evaluated at least once every eight years.

(c) For purposes of this subsection:

(i) Clinical treatment program means a program designed to address specific behavioral health needs delivered by a licensed behavioral health professional; and

(ii) Nonclinical treatment program means a cognitive behavioral intervention program delivered by volunteers or department staff.

Sec. 2. Original section 83-182.01, Revised Statutes Cumulative Supplement, 2020, is repealed.