

LEGISLATIVE BILL 1241

Approved by the Governor April 16, 1986

Introduced by Hoagland, 6

AN ACT relating to the Board of Parole; to amend section 83-192, Reissue Revised Statutes of Nebraska, 1943; to provide a parole review schedule for offenders as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 83-192, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-192. The Board of Parole shall:

(1) Determine the time of release on parole of committed offenders eligible for such release;

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

(3) Determine the time of discharge from parole;

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

(5) Serve in an advisory capacity to the Director of Correctional Services in administering parole services within any facility and in the community;

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

(7) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;

(8) Recommend parole legislation to the Governor;

(9) Review the record of every committed offender as follows:

(a) If a committed offender has a parole eligibility date within five years of his or her date of incarceration, such offender's record shall be reviewed

annually:

(b) If a committed offender has a parole eligibility date which is more than five but not more than ten years from his or her date of incarceration, such offender's record shall be reviewed during the first year of incarceration, and when he or she is within three years of his or her earliest parole eligibility date, such offender's record shall be reviewed annually;

(c) If a committed offender has a parole eligibility date which is more than ten but not more than thirty years from his or her date of incarceration, such offender's record shall be reviewed during the first year of incarceration, every five years thereafter until he or she is within five years of his or her earliest parole eligibility date, and annually thereafter;

(d) If a committed offender has a parole eligibility date which is more than thirty years from his or her date of incarceration, such offender's record shall be reviewed during his or her first, tenth, and twentieth year of incarceration, and when he or she is within five years of his or her earliest parole eligibility date, such offender's record shall be reviewed annually; and

(e) If a committed offender is serving a minimum life sentence, such offender's record shall be reviewed during the first year of incarceration and every ten years thereafter until such time as the sentence is commuted. If such sentence is commuted, the committed offender's record shall be reviewed annually when he or she is within five years of his or her earliest parole eligibility date. 7 whether or not eligible for parole, not less than once each year.

Such review shall include the circumstances of the offender's offense, the presentence investigation report, his or her previous social history and criminal record, his or her conduct, employment, and attitude during commitment, and the reports of such physical and mental examinations as have been made. The board shall meet with such offender and counsel him or her concerning his or her progress and his or her prospects for future parole. 7

The review schedule shall be based on court-imposed sentences or statutory minimum sentences, whichever is greater. Nothing in such schedule shall prohibit the Board of Parole from reviewing a committed offender's case at any time;

(10) Make rules and regulations for its own

administration and operation;

(11) Appoint and remove all employees of the board and delegate appropriate powers and duties to them; and

(12) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the provisions of this act.

The provisions of this section shall not prohibit an offender from requesting that the Board of Parole review his or her record, except that the board shall not be required to review an offender's record more than once a year.

Sec. 2. That original section 83-192, Reissue Revised Statutes of Nebraska, 1943, is repealed.