

AMENDMENTS TO LB298

(Amendments to Standing Committee amendments, AM1504)

Introduced by Arch, 14.

1 1. Strike sections 48, 49, 50, 51, 52, 54, 55, 57, 58, 59, 62, 63,
2 65, and 103 and insert the following new sections:

3 **Sec. 48.** Section 47-903, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 ~~47-903~~ For purposes of the Office of Inspector General of the
6 Nebraska Correctional System Act, the following definitions apply:

7 (1) Administrator means a person charged with administration of (a)
8 a program or ~~an office~~ ~~or a division~~ of the department or (b)
9 ~~administration of a private agency;~~

10 (2) Department means the Department of Correctional Services;

11 (3) Director means the Director of Correctional Services;

12 ~~(4) Division of Parole Supervision means the division created~~
13 ~~pursuant to section 83-1,100;~~

14 (4) ~~(5)~~ Inspector General means the Inspector General of the
15 Nebraska Correctional System appointed under section 49 of this act
16 ~~47-904;~~

17 (5) ~~(6)~~ Malfeasance means a wrongful act that the actor has no legal
18 right to do or any wrongful conduct that affects, interrupts, or
19 interferes with performance of an official duty;

20 (6) ~~(7)~~ Management means supervision of subordinate employees;

21 (7) ~~(8)~~ Misfeasance means the improper performance of some act that
22 a person may lawfully do;

23 (8) ~~(9)~~ Obstruction means hindering an investigation, preventing an
24 investigation from progressing, stopping or delaying the progress of an
25 investigation, or making the progress of an investigation difficult or
26 slow;

1 (9) ~~(10)~~ Office means the office of Inspector General of the
2 Nebraska Correctional System and includes the Inspector General and other
3 employees of the office;

4 (10) ~~(11)~~ Private agency means an entity that contracts with the
5 department or contracts to provide services to another entity that
6 contracts with the department; and

7 (11) ~~(12)~~ Record means any recording in written, audio, electronic
8 ~~transmission~~, or computer storage form, including, but not limited to, a
9 draft, memorandum, note, report, computer printout, notation, ~~or~~ message,
10 ~~and includes, but is not limited to,~~ medical record records, mental
11 health record records, case file files, clinical record records,
12 financial record records, and administrative record records.

13 **Sec. 49.** Section 47-904, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 ~~47-904~~ (1) The office of Inspector General of the Nebraska
16 Correctional System is created within the Division of Legislative
17 Oversight ~~office of Public Counsel~~ for the purpose of conducting
18 investigations, audits, inspections, and other oversight ~~reviews~~ of the
19 Nebraska correctional system for the Legislature. The Inspector General
20 shall be appointed by the Director of Legislative Oversight ~~Public~~
21 ~~Counsel~~ with approval from the chairperson of the Executive Board of the
22 Legislative Council, the chairperson of the Legislative Oversight
23 Committee, and the chairperson of the Judiciary Committee of the
24 Legislature.

25 (2) The Inspector General shall be appointed for a term of five
26 years and may be reappointed. The Inspector General shall be selected
27 without regard to political affiliation and on the basis of integrity,
28 capability for strong leadership, and demonstrated ability in accounting,
29 auditing, financial analysis, law, management, public administration,
30 investigation, or criminal justice administration or other closely
31 related fields. No former or current executive or manager of the

1 department shall be appointed Inspector General within five years after
2 such former or current executive's or manager's period of service with
3 the department. Not later than two years after the date of appointment,
4 the Inspector General shall obtain certification as a Certified Inspector
5 General by the Association of Inspectors General, its successor, or
6 another nationally recognized organization that provides and sponsors
7 educational programs and establishes professional qualifications,
8 certifications, and licensing for inspectors general. During the
9 Inspector General's ~~his or her~~ employment, the Inspector General shall
10 not be actively involved in partisan affairs.

11 (3) The Inspector General shall employ such investigators and
12 support staff as the Inspector General ~~he or she~~ deems necessary to carry
13 out the duties of the office within the amount available by appropriation
14 through the Division of Legislative Oversight ~~office of Public Counsel~~
15 for the office of Inspector General of the Nebraska Correctional System.
16 The Inspector General shall be subject to the control and supervision of
17 the Director of Legislative Oversight ~~Public Counsel~~, except that removal
18 of the Inspector General shall require approval of the chairperson of the
19 Legislative Oversight Committee ~~Executive Board of the Legislative~~
20 ~~Council and the chairperson of the Judiciary Committee of the~~
21 Legislature. The Inspector General may also be removed by a two-thirds
22 majority vote of the Legislative Oversight Committee.

23 **Sec. 50.** Section 47-905, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 ~~47-905~~ (1) The office shall investigate:

26 (a) Allegations or incidents of possible misconduct, misfeasance,
27 malfeasance, or violations of statutes or of rules or regulations of the
28 department by an employee of or a person under contract with the
29 department or a private agency; ~~and~~

30 (b) Death or serious injury of individuals in the custody or under
31 the supervision of the department in private agencies, department

1 ~~correctional facilities, and other programs and facilities licensed by or~~
2 ~~under contract with the department.~~ The department shall report all such
3 cases of death or serious injury ~~of a person in a private agency,~~
4 ~~department correctional facility or program, or other program or facility~~
5 ~~licensed by the department~~ to the Inspector General as soon as reasonably
6 possible after the department learns of such death or serious injury. The
7 department shall also report all cases of the death or serious injury of
8 an employee when acting in such employee's ~~his or her~~ capacity as an
9 employee of the department as soon as reasonably possible after the
10 department learns of such death or serious injury. The department shall
11 also report all cases when an employee is hospitalized in response to an
12 injury received when such employee is acting in such employee's ~~his or~~
13 ~~her~~ capacity as an employee of the department as soon as reasonably
14 possible after the department learns of such hospitalization. For
15 purposes of this subdivision, serious injury means an injury which
16 requires urgent and immediate medical treatment and restricts the injured
17 person's usual activity; and -

18 (c) Any other matter as provided in the annual work plans or key
19 performance indicators approved by the Legislative Oversight Committee
20 pursuant to section 23 of this act.

21 (2) Any investigation conducted by the Inspector General shall be
22 independent of and separate from an investigation pursuant to sections
23 23-1821 to 23-1823.

24 (3) Notwithstanding the fact that a criminal investigation, a
25 criminal prosecution, or both are in progress, all law enforcement
26 agencies and prosecuting attorneys may ~~shall~~ cooperate with any
27 investigation conducted by the Inspector General and may, shall,
28 ~~immediately~~ upon request by the Inspector General, provide the Inspector
29 General with copies of all law enforcement reports which are relevant to
30 the Inspector General's investigation. All law enforcement reports which
31 have been provided to the Inspector General pursuant to this section are

1 not public records for purposes of sections 84-712 to 84-712.09 and shall
2 not be subject to discovery by any other person or entity. Except to the
3 extent that disclosure of information is otherwise provided for in the
4 Office of Inspector General of the Nebraska Correctional System Act, the
5 Inspector General shall maintain the confidentiality of all law
6 enforcement reports received pursuant to its request under this section.
7 Law enforcement agencies and prosecuting attorneys ~~may~~ shall, when
8 requested by the Inspector General, collaborate with the Inspector
9 General regarding all other information relevant to the Inspector
10 General's investigation. ~~The If the Inspector General in conjunction with~~
11 ~~the Public Counsel determines it appropriate, the Inspector General shall~~
12 ~~may~~, when requested to do so by a law enforcement agency or prosecuting
13 attorney, suspend an investigation by the office until a criminal
14 investigation or prosecution is completed or has proceeded to a point
15 that, in the judgment of the Inspector General, reinstatement of the
16 Inspector General's investigation will not impede or infringe upon the
17 criminal investigation or prosecution.

18 (4) Consistent with the Nebraska Rules of Professional Conduct,
19 counsel for the entity under investigation shall not represent a witness.
20 A witness may request that counsel for the entity under investigation be
21 present while being questioned, but such entity shall not require a
22 witness to make such a request. If such a request is made, the entity
23 under investigation shall inform the witness that such entity's counsel
24 does not represent the witness. For purposes of this subsection, entity
25 under investigation means the entity that is the subject of an
26 investigation under the Office of Inspector General of the Nebraska
27 Correctional System Act and includes the department and a private agency.

28 (5) The office may conduct audits, inspections, investigations, and
29 other oversight as necessary to perform the duties of the office and to
30 carry out the purposes of the Office of Inspector General of the Nebraska
31 Correctional System Act.

1 **Sec. 51.** Section 47-907, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 ~~47-907~~ (1) Complaints to the office may be made in writing. A
4 complaint shall be evaluated to determine if it alleges possible
5 misconduct, misfeasance, malfeasance, or violation of a statute or of
6 rules and regulations of the department by an employee of or a person
7 under contract with the department or a private agency. All complaints
8 shall be evaluated to determine whether a full investigation is
9 warranted.

10 (2) The office shall not conduct a full investigation of a complaint
11 unless:

12 (a) The complaint alleges misconduct, misfeasance, malfeasance, or
13 violation of a statute or of rules and regulations of the department;

14 (b) The complaint is against a person within the jurisdiction of the
15 office; and

16 (c) The allegations can be independently verified through
17 investigation.

18 (3) After receipt of a complaint, the The Inspector General shall
19 determine ~~within fourteen days after receipt of a complaint~~ whether the
20 office will conduct a full investigation.

21 (4) When a full investigation is opened on a private agency that
22 contracts with the department, the Inspector General shall give notice of
23 such investigation to the department.

24 **Sec. 52.** Section 47-908, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 ~~47-908~~ (1) The office shall have access to all information and
27 personnel necessary to perform the duties of the office and to carry out
28 the Office of Inspector General of the Nebraska Correctional System Act.

29 (2) All employees of the department, ~~all employees of the Division~~
30 ~~of Parole Supervision~~, and all owners, operators, managers, supervisors,
31 and employees of private agencies shall cooperate with the office.

1 Cooperation includes, but is not limited to, the following:

2 ~~(a) (1)~~ Provision of full access to and production of records and
3 information. Providing access to and producing records and information
4 for the office is not a violation of confidentiality provisions under any
5 statute, rule, or regulation if done in good faith for purposes of an
6 ~~investigation under the Office of Inspector General of the Nebraska~~
7 ~~Correctional System Act;~~

8 ~~(b) (2)~~ Fair and honest disclosure of records and information
9 reasonably requested by the office pursuant to in the course of an
10 ~~investigation under the act;~~

11 ~~(c) (3)~~ Encouraging employees to fully comply with reasonable
12 requests of the office pursuant to in the course of an investigation
13 ~~under the act;~~

14 ~~(d) (4)~~ Prohibition of retaliation by owners, operators, or managers
15 against employees for providing records or information or filing or
16 otherwise making a complaint to the office;

17 ~~(e) (5)~~ Not requiring employees to gain supervisory approval prior
18 to filing a complaint with or providing records or information to the
19 office;

20 ~~(f) Not requiring employees to report filing a complaint with or~~
21 ~~providing records or information to the office; and~~

22 ~~(g) Not requiring employees to request that counsel for the employer~~
23 ~~be present while being questioned in the course of an investigation.~~

24 ~~(6) Provision of complete and truthful answers to questions posed by~~
25 ~~the office in the course of an investigation; and~~

26 ~~(7) Not willfully interfering with or obstructing the investigation.~~

27 **Sec. 54.** Section 47-910, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 ~~47-910~~ (1) At the request of the Inspector General, and after
30 receiving prior approval by a majority vote of the Executive Board of the
31 Legislative Council, the Legislative Oversight Committee may issue

1 subpoenas in connection with a specific inquiry or investigation
2 undertaken pursuant to the Office of Inspector General of the Nebraska
3 Correctional System Act to compel the production of records and
4 information and sworn testimony or other evidence relevant to such
5 inquiry or investigation. The committee shall vote to determine whether
6 to issue a subpoena within ten days after receipt of the request.

7 (2) When authorized to issue subpoenas under this section, the
8 committee may require any employees of the department or any owners,
9 operators, managers, supervisors, and employees of private agencies to
10 provide the records or information requested within thirty days after the
11 request, except as otherwise provided for in the subpoena, or to appear
12 at a hearing on the date set in the subpoena.

13 (3) Litigation to compel or quash compliance with the authority
14 exercised pursuant to this section shall be advanced on the trial docket
15 and heard and decided by the court as quickly as possible. The court
16 shall issue its decision no later than twenty days after the filing of
17 the application or petition or a motion to quash, whichever is filed
18 first. Either party may appeal to the Court of Appeals within ten days
19 after a decision is rendered.

20 (4) The district court of Lancaster County has jurisdiction over all
21 litigation arising under this section. In all such litigation, the
22 executive board shall provide for legal representation for the committee.

23 (5) In case of disobedience on the part of any employees of the
24 department or any owners, operators, managers, supervisors, and employees
25 of private agencies to comply with any subpoena issued pursuant to this
26 section, the committee shall vote on whether to find the person in
27 contempt or to find that the failure to comply was not willful.

28 (6) If the committee finds a person in contempt as provided in
29 subsection (5) of this section, the committee may, by application or
30 petition to the district court of Lancaster County, request that the
31 court compel obedience by proceedings for contempt as in the case of

1 disobedience of the requirements of a subpoena issued from such court.
2 The application or petition shall be filed by the chairperson of the
3 committee.

4 ~~(7) The Inspector General may issue a subpoena, enforceable by~~
5 ~~action in an appropriate court, to compel any person to appear, give~~
6 ~~sworn testimony, or produce documentary or other evidence deemed relevant~~
7 ~~to a matter under his or her inquiry.~~ A person thus required to provide
8 information under this section shall be paid the same fees and travel
9 allowances and shall be accorded the same privileges and immunities as
10 are extended to witnesses in the district courts of this state and shall
11 also be entitled to have counsel present while being questioned. Any fees
12 associated with counsel present under this section shall not be the
13 responsibility of the office or the Legislative Council.

14 **Sec. 55.** Section 47-911, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 ~~47-911~~ (1) A full investigation conducted by the office shall
17 consist of (a) access to and retrieval of all relevant records through
18 compliance with a request of the office, by voluntary production, or by
19 subpoena, (b) review of all relevant records, and (c) interviews of all
20 relevant persons ~~In conducting investigations, the office shall access~~
21 ~~all relevant records through subpoena, compliance with a request by the~~
22 ~~office, and voluntary production.~~ The office may request or request the
23 issuance of a subpoena for any record necessary for the investigation
24 from the department or a private agency that is pertinent to an
25 investigation. All case files, licensing files, medical records,
26 financial and administrative records, and records required to be
27 maintained pursuant to applicable licensing rules shall be produced for
28 review by the office in the course of an investigation.

29 (2) Compliance with a request of the office includes:

30 (a) Production of all records requested;

31 (b) A diligent search to ensure that all appropriate records are

1 included; and

2 (c) A continuing obligation to immediately forward to the office any
3 relevant records received, located, or generated after the date of the
4 request; -

5 (d) Provision of complete and truthful answers to questions posed by
6 the office in the course of an investigation; and

7 (e) Not willfully interfering with or obstructing an investigation.

8 (3) The office shall seek access in a manner that respects the
9 dignity and human rights of all persons involved, maintains the integrity
10 of the investigation, and does not unnecessarily disrupt department
11 programs or services. ~~When advance notice to an administrator or his or~~
12 ~~her designee is not provided, the office investigator shall, upon arrival~~
13 ~~at the departmental office, bureau, or division or private agency,~~
14 ~~request that an onsite employee notify the administrator or his or her~~
15 ~~designee of the investigator's arrival.~~

16 (4) When circumstances of an audit, inspection, investigation, or
17 review require, the office may make an announced or unannounced visit to
18 a departmental office, ~~bureau, or division,~~ a department correctional
19 facility, or a private agency ~~to request records relevant to an~~
20 investigation. The office may request relevant records during such visit.

21 (5) A responsible individual or an administrator may be asked to
22 sign a statement of record integrity and security when a record is
23 secured by request as the result of a visit by the office, stating:

24 (a) That the responsible individual or the administrator has made a
25 diligent search of the departmental office, bureau, division, private
26 agency, or department correctional facility, or private agency to
27 determine that all appropriate records in existence at the time of the
28 request were produced;

29 (b) That the responsible individual or the administrator agrees to
30 immediately forward to the office any relevant records received, located,
31 or generated after the visit;

1 (c) The persons who have had access to the records since they were
2 secured; and

3 (d) Whether, to the best of the knowledge of the responsible
4 individual or the administrator, any records were removed from or added
5 to the record since it was secured.

6 (6) The office shall permit a responsible individual, an
7 administrator, or an employee of a departmental office, ~~bureau, or~~
8 ~~division, a private agency, or~~ a department correctional facility, or a
9 private agency to make photocopies of the original records within a
10 reasonable time in the presence of the office for purposes of creating a
11 working record in a manner that assures confidentiality.

12 (7) The office shall present to the responsible individual or the
13 administrator or other employee of the departmental office, ~~bureau, or~~
14 ~~division, private agency, or~~ department correctional facility, or private
15 agency a copy of the request, stating the date and the titles of the
16 records received.

17 (8) If an original record is provided during an investigation, the
18 office shall return the original record as soon as practical but no later
19 than ten business working days after the date of the compliance request.

20 ~~(9) All investigations conducted by the office shall be conducted in~~
21 ~~a manner designed to ensure the preservation of evidence for possible use~~
22 ~~in a criminal prosecution.~~

23 **Sec. 57.** Section 47-913, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 ~~47-913~~ (1) The department shall provide the Director of Legislative
26 Oversight ~~Public Counsel~~ and the office ~~Inspector General~~ with direct
27 ~~computer~~ access to ~~all computerized~~ records, reports, and documents
28 maintained by the department in connection with administration of the
29 Nebraska correctional system and the Nebraska parole system. The Director
30 of Legislative Oversight's , ~~except that the Public Counsel's~~ and
31 ~~Inspector General's~~ access to an inmate's or parolee's medical or mental

1 health records shall be subject to the inmate's or parolee's consent
2 unless an inmate's or parolee's death is being investigated pursuant to
3 subdivision (1)(b) of section 50 of this act.

4 (2) Information shall be provided in the most efficient and timely
5 way, in a manner that is least burdensome to the department, and in a
6 manner which maintains the confidentiality of the information. This may
7 include providing information through secure electronic access to case
8 files and secure access to information maintained electronically in
9 databases and case management systems. The office, by and through the
10 Executive Board of the Legislative Council, may enter into information-
11 sharing agreements with the department to assist in the implementation of
12 and compliance with the Office of Inspector General of the Nebraska
13 Correctional System Act.

14 (3)(a) The department may object to the production or disclosure of
15 records, reports, and documents in writing on the grounds that such
16 records, reports, and documents are legally privileged, identifying the
17 specific grounds for such objection. Following such objection, the office
18 and the department may negotiate terms of production or disclosure
19 pursuant to this section.

20 (b) In the event that satisfactory terms of production or disclosure
21 cannot be reached between the office and the department, the office may
22 request the issuance of a subpoena pursuant to section 54 of this act.

23 **Sec. 58.** Section 47-914, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 ~~47-914~~ (1) The Inspector General's report of an investigation shall
26 be in writing and may to the Public Counsel and shall contain
27 recommendations for systemic reform. The report may recommend systemic
28 reform or case-specific action, including a recommendation for discharge
29 or discipline of employees or for sanctions against a private agency. All
30 recommendations to pursue discipline shall be in writing and signed by
31 the Inspector General. A report of an investigation shall be presented to

1 the Director of Legislative Oversight and the chairperson of the
2 Legislative Oversight Committee. The Inspector General shall present the
3 report of an investigation to the director within three business fifteen
4 days after the report is presented to the Director of Legislative
5 Oversight and the chairperson of the Legislative Oversight Committee
6 Public Counsel.

7 (2) Any person receiving a report under this section shall not
8 further distribute the report or any confidential information contained
9 in the report. The report shall not be distributed beyond the parties
10 except through the appropriate court procedures to the judge.

11 (3) A report that identifies misconduct, misfeasance, malfeasance,
12 violation of statute, or violation of rules and regulations by an
13 employee of the department or a private agency that is relevant to
14 providing appropriate supervision of an employee may be shared with the
15 employer of such employee. The employer shall ~~may~~ not further distribute
16 the report or any confidential information contained in the report.

17 **Sec. 59.** Section 47-915, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 ~~47-915~~ (1) Within fifteen business days after a report is presented
20 to the director under section 58 of this act, the director may ~~47-914, he~~
21 ~~or she shall~~ determine whether to accept, reject, or request ~~in writing~~
22 modification of the recommendations contained in the report. Any response
23 shall be in writing and may include corrections of factual errors. The
24 Inspector General, with input from the Director of Legislative Oversight
25 ~~Public Counsel~~, may consider any ~~the director's~~ request for modifications
26 but is not obligated to accept such request. Such report shall become
27 final (a) upon the decision of the director to accept or reject the
28 recommendations in the report, (b) within fifteen business days after ~~or,~~
29 ~~if the director requests modifications , within fifteen days after such~~
30 ~~request~~ or after the Inspector General incorporates such modifications,
31 whichever occurs earlier, or (c) fifteen days after the report is

1 presented to the director if no response is made. If the Inspector
2 General does not accept a requested modification, the recommendation for
3 which such modification was requested shall be considered to be rejected
4 by the director.

5 (2) Within fifteen business days after the report is presented to
6 the director, the report shall be presented to the private agency or
7 other provider of correctional services that is the subject of the report
8 and to persons involved in the implementation of the recommendations in
9 the report. Within fifteen business ~~forty-five~~ days after receipt of the
10 report, the private agency or other provider may submit a written
11 response to the office to correct any factual errors in the report. The
12 Inspector General, with input from the Director of Legislative Oversight
13 ~~Public Counsel~~, shall consider all materials submitted under this
14 subsection to determine whether a corrected report shall be issued. If
15 the Inspector General determines that a corrected report is necessary,
16 the corrected report shall be issued within fifteen business days after
17 receipt of the written response.

18 (3) If the Inspector General does not issue a corrected report
19 pursuant to subsection (2) of this section or if the corrected report
20 does not address all issues raised in the written response, the private
21 agency or other provider may request that its written response, or
22 portions of the response, be appended to the report or corrected report.

23 **Sec. 62.** Section 47-918, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 ~~47-918~~ On or before September 15 of each year, the Inspector General
26 shall provide to each ~~member of the Judiciary Committee of the~~
27 Legislature and ~~the Governor~~ a report that includes ~~and the Clerk of~~
28 ~~the Legislature~~ a summary of reports and investigations made under the
29 Office of Inspector General of the Nebraska Correctional System Act for
30 the preceding year. The report to the Legislature shall be submitted
31 ~~summary provided to the Clerk of the Legislature shall be provided~~

1 electronically and filed with the Clerk of the Legislature. The reports
2 summaries shall include findings and recommendations and an update on the
3 status of recommendations made in prior reports summaries, if any. The
4 findings and recommendations may address issues discovered through
5 investigations, audits, inspections, and reviews by the office that will
6 (1) increase accountability and legislative oversight of the Nebraska
7 correctional system, (2) improve operations of the department and the
8 Nebraska correctional system, (3) deter and identify fraud, abuse, and
9 illegal acts, and (4) identify inconsistencies between statutory
10 requirements and requirements for accreditation. The reports summaries
11 shall not contain any confidential or identifying information concerning
12 the subjects of the reports and investigations.

13 **Sec. 64.** If the Inspector General has reason to believe that any
14 public officer or employee has acted in a manner that warrants criminal
15 or disciplinary action or proceedings, the Inspector General shall report
16 the matter to the department or other appropriate authorities.

17 **Sec. 102.** Section 83-1,125.01, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 83-1,125.01 (1) The Board of Parole and the department ~~Division of~~
20 ~~Parole Supervision~~ may maintain an individual file for each person who is
21 under the jurisdiction of the Board of Parole. Such file may be
22 maintained electronically and shall include, when available and
23 appropriate, the following information on such person:

- 24 (a) Admission summary;
25 (b) Presentence investigation report;
26 (c) Classification reports and recommendations;
27 (d) Official records of conviction and commitment along with any
28 earlier criminal records;
29 (e) Progress reports and admission-orientation reports;
30 (f) Reports of any disciplinary infractions and their disposition;
31 (g) Risk and needs assessments;

1 (h) Parole plan and parole placement and investigation worksheets;
2 (i) Decision guideline scores;
3 (j) Parole case plan;
4 (k) Parole progress reports and contact notes;
5 (l) Arrest and violation reports, including disposition;
6 (m) Parole proceedings orders and notices;
7 (n) Other documents related to parole supervision;
8 (o) Correspondence; and
9 (p) Other pertinent data concerning his or her background, conduct,
10 associations, and family relationships.

11 (2) Any decision concerning release on or revocation of parole or
12 imposition of sanctions shall be made only after the individual file has
13 been reviewed. The contents of the individual file shall be confidential
14 unless disclosed in connection with a public hearing and shall not be
15 subject to public inspection except by court order for good cause shown.
16 The contents of the file shall not be accessible to any person under the
17 jurisdiction of the Board of Parole. A person under the jurisdiction of
18 the board may obtain access to his or her medical records by request to
19 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
20 fact that such medical records may be a part of his or her parole file.
21 The board and the department ~~Division of Parole Supervision~~ have the
22 authority to withhold decision guideline scores, risk and needs
23 assessment scores, and mental health and psychological records of a
24 person under the jurisdiction of the board when appropriate.

25 (3) Nothing in this section limits in any manner the authority of
26 the Public Counsel to inspect and examine the records and documents of
27 the board and the department ~~Division of Parole Supervision~~ pursuant to
28 the Office of Public Counsel Act ~~sections 81-8,240 to 81-8,254~~, except
29 that the Public Counsel's access to the medical or mental health records
30 of a person under the jurisdiction of the board shall be subject to his
31 or her consent. The office of Public Counsel shall not disclose the

1 medical or mental health records of a person under the jurisdiction of
2 the board to anyone else, including any other person under the
3 jurisdiction of the board, except as authorized by law.

4 (4) For any person under the jurisdiction of the Board of Parole,
5 the board shall provide such person's (a) name, (b) parole officer, and
6 (c) conditions of parole to the Nebraska Commission on Law Enforcement
7 and Criminal Justice which shall provide access to such information to
8 law enforcement agencies through the state's criminal justice information
9 system.

10 2. On page 41, line 21, strike "66" and insert "65".

11 3. On page 75, line 28; page 77, line 11; page 80, line 4; and page
12 84, line 20, strike "95" and insert "94".

13 4. On page 131, line 10, strike "66" and insert "65"; in line 15
14 strike "47-919,"; and in line 29 after "47-906," insert "47-919,".

15 5. Renumber the remaining sections accordingly.