

AMENDMENTS TO LB 538

(Amendments to Standing Committee amendments, AM1650)

1 1. Insert the following new sections:

2 "Sec. 4. Section 28-931.01, Revised Statutes Supplement,
3 2004, is amended to read:

4 28-931.01. (1) A person commits the offense of assault
5 on an officer using a motor vehicle if he or she intentionally and
6 knowingly causes bodily injury to a peace officer, a probation
7 officer, or an employee of the Department of Correctional Services
8 (a) by using a motor vehicle to run over or to strike such officer
9 or employee or (b) by using a motor vehicle to collide with such
10 officer's or employee's motor vehicle, while such officer or
11 employee is engaged in the performance of his or her duties.

12 (2) Assault on an officer using a motor vehicle shall be
13 a Class IIIA felony.

14 Sec. 25. Section 83-1,135, Revised Statutes Supplement,
15 2004, is amended to read:

16 83-1,135. Sections 83-170 to 83-1,135 and sections 26
17 and 27 of this act shall be known and may be cited as the Nebraska
18 Treatment and Corrections Act.

19 Sec. 26. (1) A committed offender who is otherwise
20 eligible for parole, who is not under sentence of death or of life
21 imprisonment, and who because of an existing medical or physical
22 condition is determined by the department to be terminally ill or
23 permanently incapacitated may be considered for medical parole by

1 the board. A committed offender may be eligible for medical parole
2 in addition to any other parole. The department shall identify
3 committed offenders who may be eligible for medical parole based
4 upon their medical records.

5 (2) The board shall decide to grant medical parole only
6 after a review of the medical, institutional, and criminal records
7 of the committed offender and such additional medical evidence from
8 board-ordered examinations or investigations as the board in its
9 discretion determines to be necessary. The decision to grant
10 medical parole and to establish conditions of release on medical
11 parole in addition to the conditions stated in subsection (3) of
12 this section is within the sole discretion of the board.

13 (3) As conditions of release on medical parole, the board
14 shall require that the committed offender agree to placement for
15 medical treatment and that he or she be placed for a definite or
16 indefinite period of time in a hospital, a hospice, or another
17 housing accommodation suitable to his or her medical condition,
18 including, but not limited to, his or her family's home, as
19 specified by the board.

20 (4) The parole term of a medical parolee shall be for the
21 remainder of his or her sentence as reduced by any adjustment for
22 good conduct pursuant to the Nebraska Treatment and Corrections
23 Act.

24 Sec. 27. (1) If during the term of medical parole the
25 medical condition of a medical parolee improves to the extent that
26 he or she is no longer eligible for medical parole, the board may
27 order that he or she be returned to the custody of the department

1 to await a hearing to determine whether the medical parole should
2 be revoked.

3 (2) If medical parole is revoked due to improvement in
4 the medical condition of the parolee, he or she shall serve the
5 balance of his or her sentence with credit for time served on
6 medical parole and without forfeiture of any credits accrued for
7 good conduct pursuant to the Nebraska Treatment and Corrections Act
8 prior to medical parole.

9 (3) If a medical parolee whose medical parole is revoked
10 due to improvement in his or her medical condition would otherwise
11 be eligible for parole or any other release program, he or she may
12 be considered for such release program.

13 (4) In addition to revocation of medical parole pursuant
14 to subsection (1) of this section, medical parole may also be
15 revoked for violation of any condition of the medical parole
16 established by the board."

17 2. On page 30, line 20, after the second comma insert
18 "28-931.01,"; and in line 21 after the last comma insert
19 "83-1,135,".

20 3. Renumber the remaining section and correct internal
21 references accordingly.