

ONE HUNDRED SEVENTH LEGISLATURE - SECOND SESSION - 2022
COMMITTEE STATEMENT
LB921

Hearing Date: Thursday January 27, 2022
Committee On: Judiciary
Introducer: Lathrop
One Liner: Change where sentences of imprisonment are served

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Brandt, DeBoer, Geist, Lathrop, Morfeld, McKinney, Pansing Brooks
Nay:		
Absent:		
Present Not Voting:	1	Senator Slama

Oral Testimony:

Proponents:
Senator Steve Lathrop

Representing:
Introducer

Opponents:
Brad Johnson
Elaine Menzel

Amber Redmond
Ryan Mahr

Representing:
Lancaster County
Nebraska Association of County Officials & Nebraska
Sheriffs Association
Douglas County Corrections
Sarpy County Department of Corrections

Neutral:
Spike Eickholt

Representing:
ACLU of Nebraska

Summary of purpose and/or changes:

Under current law, a person sentenced on any felony to a term of one year or more serves the sentence in a state correctional facility. Any other sentence is served in county jail. LB921 would provide that any sentence on a Class III, IIIA, or IV felony would be served in county jail.

Section 1 would amend Sec. 28-105 to change where sentences are served.

Section 2 would amend Sec. 28-106 to make a harmonizing change.

Explanation of amendments:

AM2503 replaces the original bill.

Sections 1, 3, and 4 contain an amended version of provisions originally included in LB1223.

Section 2 contains an amended version of provisions originally included in LB952.

Section 1 would amend Sec. 29-1823 to require the Department of Health and Human Services ("DHHS") to reimburse a county jail if a person is ordered to be committed to DHHS to restore competency but remains housed in the county jail. The rate of reimbursement is \$100/day and will be adjusted for inflation annually starting July 1, 2023.

Section 2 would amend Sec. 47-706 to require DHHS to provide medical assistance program enrollment assistance for people prior to leaving incarceration. For people with more than 60 days notice of their release date, DHHS would be required to provide enrollment assistance at least sixty days prior to release. For people with less than 60 days notice of their release date, DHHS would be required to provide enrollment assistance as soon as practicable. The enrollment assistance can be provided in person or via telephone or video and DHHS can contract with a third-party provider.

Section 3 would amend Sec. 83-338 to add people that have been found incompetent to stand trial and remain in county jail as a priority group for admission to state hospitals. This section would also be amended to require a minimum percentage of available capacity for the priority groups identified in the subsection (1). Fifteen percent of capacity would be reserved for people that have been found incompetent to stand trial and remain in county jail.

Section 4 is a new section that would create the Legislative Mental Health Care Capacity Strategic Planning Committee. The committee would be required to contract with an independent consultant to determining the necessary capacity of inpatient mental health care in Nebraska.

Steve Lathrop, Chairperson