

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 816

Introduced by McKinney, 11.

Read first time January 06, 2022

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-178, Reissue Revised Statutes of Nebraska; to
- 3 require collection of certain data upon admission of persons
- 4 committed to the department; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-178, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-178 (1) The director shall establish and maintain, in accordance
4 with the regulations of the department, an individual file for each
5 person committed to the department. Each individual file shall include,
6 when available and appropriate, the following information on such person:

7 (a) His or her admission summary, including his or her last known
8 address and the legislative district in which it is located at the time
9 of admission;

10 (b) His or her presentence investigation report;

11 (c) His or her classification report and recommendation;

12 (d) Official records of his or her conviction and commitment as well
13 as any earlier criminal records;

14 (e) Progress reports and admission-orientation reports;

15 (f) Reports of any disciplinary infractions and of their
16 disposition;

17 (g) His or her parole plan; and

18 (h) Other pertinent data concerning his or her background, conduct,
19 associations, and family relationships.

20 (2) Any decision concerning the classification, reclassification,
21 transfer to another facility, preparole preparation, or parole release of
22 a person committed to the department shall be made only after his or her
23 file has been reviewed. The content of the file shall be confidential and
24 shall not be subject to public inspection except by court order for good
25 cause shown and shall not be accessible to any person committed to the
26 department. An inmate may obtain access to his or her medical records by
27 request to the provider pursuant to sections 71-8401 to 71-8407
28 notwithstanding the fact that such medical records may be a part of his
29 or her individual department file. The department retains the authority
30 to withhold mental health and psychological records of the inmate when
31 appropriate.

1 (3) The program of each person committed to the department shall be
2 reviewed at regular intervals and recommendations shall be made to the
3 chief executive officer concerning changes in such person's program of
4 treatment, training, employment, care, and custody as are considered
5 necessary or desirable.

6 (4) The chief executive officer of the facility shall have final
7 authority to determine matters of treatment classification within his or
8 her facility and to recommend to the director the transfer of any person
9 committed to the department who is in his or her custody.

10 (5) The director may at any time order a person committed to the
11 department to undergo further examination and study for additional
12 recommendations concerning his or her classification, custodial control,
13 and rehabilitative treatment.

14 (6) Nothing in this section shall be construed to limit in any
15 manner the authority of the Public Counsel to inspect and examine the
16 records and documents of the department pursuant to sections 81-8,240 to
17 81-8,254, except that the Public Counsel's access to an inmate's medical
18 or mental health records shall be subject to the inmate's consent. The
19 office of Public Counsel shall not disclose an inmate's medical or mental
20 health records to anyone else, including any person committed to the
21 department, except as authorized by law.

22 Sec. 2. Original section 83-178, Reissue Revised Statutes of
23 Nebraska, is repealed.