

AMENDMENTS TO LB348

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Sections 1 to 14 of this act shall be known and may be  
4 cited as the Community Work Release and Treatment Centers Act.

5           Sec. 2. (1) The Legislature finds that studies have shown that  
6 post-prison outcomes tend to be better for committed offenders who  
7 participate in work release programs prior to discharge from custody.  
8 Specifically, findings indicate that committed offenders who participated  
9 in work release programs had a higher likelihood of obtaining post-  
10 release employment within the first calendar quarter after release and  
11 also had a significantly lower rate of recidivism than committed  
12 offenders who did not participate in work release programs prior to  
13 discharge from custody. In addition, studies indicate that committed  
14 offenders who participated in privately operated work release programs  
15 were significantly more likely to become employed after release.

16           (2) In light of these findings and in order to give the Board of  
17 Parole and the Department of Correctional Services additional options for  
18 the placement of committed offenders, it is the intent of the  
19 Legislature:

20           (a) To increase the number of committed offenders in the Nebraska  
21 correctional system who are exposed to work release prior to discharge  
22 from custody; and

23           (b) To do so in settings that also offer therapy, programming,  
24 treatment, vocational training, and educational classes.

25           (3) To achieve these goals, the purpose of the Community Work  
26 Release and Treatment Centers Act is to empower the Division of Parole  
27 Supervision and the Department of Correctional Services to contract with

1 private providers to establish community work release and treatment  
2 centers at various locations throughout the State of Nebraska.

3 Sec. 3. For purposes of the Community Work Release and Treatment  
4 Centers Act:

5 (1) Board means the Board of Parole;

6 (2) Committed offender has the same meaning as in section 83-170;

7 (3) Community work release and treatment center or center means a  
8 residential home, halfway house, or other facility operated by a private  
9 provider pursuant to an agreement in writing either with the division or  
10 the department for providing housing and supervision of committed  
11 offenders placed in the center by the division for work release and for  
12 vocational training, education, programming, or behavioral health or  
13 mental health treatment;

14 (4) Department means the Department of Correctional Services;

15 (5) Division means the Division of Parole Supervision;

16 (6) Individualized release plan means a detailed written plan  
17 outlining a committed offender's future vocational goals, training,  
18 employment, and needed treatment services following the committed  
19 offender's release from a community work release and treatment center;  
20 and

21 (7) Private provider means a partnership, corporation, association,  
22 joint venture, organization, or similar entity which is operated on a  
23 nonprofit basis and which, under a contract with either the division or  
24 the department, has agreed to operate a community work release and  
25 treatment center pursuant to the act.

26 Sec. 4. (1) The board may place a parole-eligible committed  
27 offender at a community work release and treatment center as provided in  
28 the Community Work Release and Treatment Centers Act.

29 (2) Any parole-eligible committed offender placed at a community  
30 work release and treatment center by the board pursuant to the act:

31 (a) Shall be under the continuing jurisdiction and authority of the

1 board as if the committed offender was selected for release on ordinary  
2 parole status as provided for in section 83-192; and

3 (b) May be subsequently released by the board on ordinary parole  
4 status as provided for in section 83-192.

5 (3) The department may place a committed offender whose sentence  
6 includes a term of post-release supervision and who is within two years  
7 of his or her release date at a community work release and treatment  
8 center as provided in the act. Any such committed offender placed at a  
9 center shall be under the continuing jurisdiction and authority of the  
10 department.

11 Sec. 5. (1) The division and the department may exercise all powers  
12 and perform all duties necessary and proper for carrying out their  
13 responsibilities under the Community Work Release and Treatment Centers  
14 Act.

15 (2) The division and the department may use designated funds  
16 provided by the Legislature to enter into agreements with private  
17 providers for the development and operation of community work release and  
18 treatment centers to be established at various locations throughout the  
19 state. Any such agreement shall require a private provider to:

20 (a) Establish a contract with public or private employers to provide  
21 employment for committed offenders placed at the center;

22 (b) Assist any committed offender placed at the center to obtain and  
23 maintain employment in the community;

24 (c) Provide vocational training, education, programming, and  
25 treatment for issues related to the criminogenic needs of any committed  
26 offender placed at the center; and

27 (d) Otherwise direct and supervise the activities and behavior of  
28 any committed offender placed at the center as provided in the act.

29 (3) In an agreement under this section, the division or the  
30 department may include contractual requirements that obligate the private  
31 provider to offer to any committed offender placed at the center:

1           (a) Specialized educational or vocational training; and  
2           (b) Other programming that will address the mental health,  
3 behavioral health, or substance abuse treatment needs of such committed  
4 offender.

5           (4) An agreement under this section shall require the community work  
6 release and treatment center to establish programs, rules, and  
7 enforcement systems:

8           (a) Regarding the behavior of committed offenders;

9           (b) To ensure that committed offenders seek and retain continuous  
10 employment;

11           (c) For the treatment of committed offenders for substance abuse;

12           (d) To ensure that committed offenders only leave the center for  
13 purposes of work or for other specified and approved activities,  
14 including, but not limited to, job interviews, medical appointments,  
15 treatment, and outings to visit family;

16           (e) To ensure that committed offenders consistently participate in  
17 all necessary therapy, programming, treatment, vocational training, and  
18 educational classes; and

19           (f) To ensure that committed offenders maintain their scheduled work  
20 hours.

21           Sec. 6. The division and the department shall set standards for the  
22 appropriate staffing levels of community work release and treatment  
23 centers. The division and the department shall require each center to:

24           (1) Be under the supervision and control of a designated center  
25 director approved by the division or the department;

26           (2) Be adequately staffed twenty-four hours per day, including on  
27 weekends and holidays; and

28           (3) Assign an individual counselor to each committed offender  
29 assigned to the center.

30           Sec. 7. (1) The division and the department shall require each  
31 community work release and treatment center to establish an

1 individualized release plan for each committed offender assigned to the  
2 center. The staff of a center shall assist the division and the  
3 department in making reasonable advance preparations for the release of  
4 such committed offenders.

5 (2) If a parole-eligible committed offender is released from a  
6 center, the offender shall be subject to parole conditions set by the  
7 board and under the supervision of a district parole officer assigned by  
8 the division pursuant to section 83-1,104. The individualized release  
9 plan for a parole-eligible committed offender shall be developed in  
10 coordination with the assigned district parole officer.

11 (3) If a committed offender whose sentence includes a term of post-  
12 release supervision is released from a center, the offender shall be  
13 subject to the conditions of his or her order of post-release supervision  
14 and under the supervision of a district probation officer. The  
15 individualized release plan for such an offender shall be developed in  
16 coordination with the assigned district probation officer.

17 Sec. 8. (1) The division and the department shall set requirements  
18 for the maintenance of the individual records of committed offenders  
19 assigned to a community work release and treatment center.

20 (2) The division and the department shall require each community  
21 work release and treatment center to make periodic reports to the  
22 division and the department on the performance of each committed offender  
23 assigned to the center.

24 Sec. 9. The division and the department shall establish an internal  
25 system for assessing the achievements of community work release and  
26 treatment centers and the effectiveness of the Community Work Release and  
27 Treatment Centers Act as a whole. The division and the department shall  
28 develop and maintain measurable goals and objectives for such assessment.

29 Sec. 10. (1) The division shall designate a parole officer to  
30 monitor the performance of each committed offender who is assigned to a  
31 community work release and treatment center by the board. The designated

1 parole officer shall be required to periodically report to the division  
2 on the progress of the committed offender.

3 (2) The department shall designate a correctional officer to monitor  
4 the performance of each committed offender who is assigned to a community  
5 work release and treatment center by the department. The designated  
6 correctional officer shall be required to periodically report to the  
7 department on the progress of the committed offender.

8 Sec. 11. The division and the department shall develop an internal  
9 program to conduct annual reviews of the performance of each community  
10 work release and treatment center. A senior staff person of the division  
11 and the department shall visit each center at least twice each year.

12 Sec. 12. (1) A committed offender assigned to a community work  
13 release and treatment center shall obey the center's rules of behavior  
14 and shall consistently maintain such offender's scheduled work hours.

15 (2) An intentional failure by a committed offender to return to the  
16 assigned center at the scheduled time following work or at the end of  
17 temporary leave granted for a specific purpose or limited period or any  
18 other intentional failure by a committed offender to remain within the  
19 extended limits of such offender's confinement shall be deemed an escape  
20 from custody punishable as provided in section 28-912.

21 (3) The intentional failure of a committed offender to abide by the  
22 rules of such offender's assigned center may result in internal  
23 disciplinary sanction, termination of the committed offender's placement  
24 with the center, and the immediate return of such offender to the custody  
25 of the Department of Correctional Services.

26 (4) No committed offender who is employed in the community under the  
27 Community Work Release and Treatment Centers Act or otherwise released  
28 from custody shall, while working in such employment in the community,  
29 going to or from such employment, or during the time of such release, be  
30 deemed to be an agent, employee, or servant of the State of Nebraska.

31 Sec. 13. The division and the department shall allow a community

1 work release and treatment center to have access to all of the records,  
2 documents, and reports in the custody of the division or the department,  
3 including presentencing reports, that relate to any committed offender  
4 who is assigned to the center. A center shall maintain the  
5 confidentiality of presentencing reports as provided in section 29-2261.

6       Sec. 14. (1) By July 1, 2025, the division and the department shall  
7 develop a request for proposals process to allow private providers to bid  
8 on agreements to establish community work release and treatment centers  
9 pursuant to the Community Work Release and Treatment Centers Act.

10       (2) It is the intent of the Legislature to appropriate twenty  
11 million dollars from the General Fund to carry out the Community Work  
12 Release and Treatment Centers Act.

13       Sec. 15. (1) Beginning October 1, 2023, the Board of Parole shall  
14 electronically submit a quarterly report to the Judiciary Committee of  
15 the Legislature and the Appropriations Committee of the Legislature  
16 regarding any reentry service center pilot programs being conducted by  
17 the Board of Parole. The report shall include:

18       (a) Information regarding the Valley Hope residential substance  
19 abuse pilot program, including rates of successful and unsuccessful  
20 completion by participants and information on the long-term outcomes of  
21 program participants;

22       (b) Information regarding parolees receiving financial assistance  
23 for transitional housing, including how long parolees are receiving such  
24 assistance or using such housing, success rates of parolees while in  
25 transitional housing, and long-term outcomes for such parolees; and

26       (c) Information on the number of parolees who submit more than one  
27 reentry transition living plan to the board.

28       (2) The report shall redact all personal identifying information of  
29 parolees.

30       Sec. 16. (1) Beginning October 1, 2023, the Office of Probation  
31 Administration shall electronically submit a quarterly report to the

1 Judiciary Committee of the Legislature and the Appropriations Committee  
2 of the Legislature regarding individuals serving sentences of post-  
3 release supervision. The report shall include:

4 (a) The number of individuals:

5 (i) On post-release supervision;

6 (ii) Successfully discharged from post-release supervision;

7 (iii) Unsuccessfully discharged from post-release supervision;

8 (iv) Whose post-release supervision is revoked for technical  
9 violations;

10 (v) Whose post-release supervision is revoked for law violations;

11 (vi) Who abscond and do not complete the conditions of post-release  
12 supervision;

13 (vii) Who are sent to jails to serve custodial sanctions; and

14 (viii) Whose post-release supervision has been revoked;

15 (b) The number of jail beds utilized for custodial sanctions and the  
16 number of days such beds are utilized;

17 (c) The types of programming offered to individuals on post-release  
18 supervision; and

19 (d) The risk scores of individuals on post-release supervision at  
20 the time they began serving a sentence of imprisonment and upon discharge  
21 from post-release supervision.

22 (2) The report shall redact all personal identifying information of  
23 individuals on post-release supervision.

24 Sec. 17. Sections 17 to 24 of this act shall be known and may be  
25 cited as the Reentry Housing Network Act.

26 Sec. 18. For purposes of the Reentry Housing Network Act:

27 (1) Advisory committee means the State Advisory Committee on Reentry  
28 Housing established in section 22 of this act;

29 (2) Board means the Board of Parole;

30 (3) Commission means the Nebraska Commission on Law Enforcement and  
31 Criminal Justice;



1           (4) Department means the Department of Correctional Services;

2           (5) Division means the Division of Parole Supervision;

3           (6) Network means the Reentry Housing Network established in section  
4 19 of this act;

5           (7) Probation administration means the Office of Probation  
6 Administration;

7           (8) Reentering person means an individual who is subject to  
8 supervision by the division or probation administration, not including  
9 juvenile probation, or who was recently in the custody of the department  
10 or a county jail and was released with no supervision;

11           (9) Reentry housing means temporary housing for reentering persons,  
12 generally in the first year following a period of incarceration; and

13           (10) Reentry housing facility means a facility which is owned or  
14 operated by a private organization, whether nonprofit or for-profit, that  
15 receives direct payment from the board, division, probation  
16 administration, department, or commission to provide reentry housing.  
17 Reentry housing facility does not include a health care facility as  
18 defined in section 71-413.

19           Sec. 19. (1) The Reentry Housing Network is established as a  
20 program within the commission. The purpose of the network is to encourage  
21 development, coordination, and standards for reentry housing. The network  
22 shall:

23           (a) Establish minimum standards for reentry housing facilities,  
24 including requirements related to health and safety, insurance,  
25 evaluations, and inspections, with input from the advisory committee;

26           (b) Monitor compliance with these minimum standards and investigate  
27 suspected violations;

28           (c) Coordinate evaluations of reentry housing facilities based on  
29 living conditions, staffing, programming, and other criteria;

30           (d) Communicate with relevant agencies regarding evaluation results  
31 and compliance with minimum standards;

1           (e) Convene and facilitate the advisory committee;

2           (f) Facilitate communication between the department, division,  
3 board, probation administration, and reentry housing facilities regarding  
4 reentering persons in need of housing and the availability of housing to  
5 meet such needs;

6           (g) Engage in regular discussions with entities which organize and  
7 prioritize housing services for people experiencing homelessness or at  
8 risk of homelessness in Nebraska;

9           (h) Track data on costs, utilization, and outcomes for reentry  
10 housing within the state and use this data to determine trends and  
11 project future needs and costs; and

12           (i) Electronically submit an annual report to the Legislature,  
13 Supreme Court, and Governor which describes the status of housing for  
14 reentering persons in Nebraska. The report shall include details on  
15 housing-related expenditures, characteristics of reentry housing  
16 facilities and other places which provide housing for reentering persons,  
17 characteristics of the individuals receiving financial assistance for  
18 housing, and recommendations for improving the quality and availability  
19 of housing for reentering persons in the state.

20           (2) In carrying out subdivisions (1)(c), (h), and (i) of this  
21 section, as well as other provisions of the Reentry Housing Network Act  
22 to the extent deemed appropriate by the network, the commission shall  
23 collaborate with the Nebraska Center for Justice Research at the  
24 University of Nebraska at Omaha. The commission shall reimburse the  
25 center for the costs incurred in carrying out this subsection.

26           (3) The network may use available funds to encourage development of  
27 quality, safe reentry housing and to assist existing reentry housing  
28 facilities in making improvements for the benefit of reentering persons  
29 and public safety.

30           (4) The commission shall adopt and promulgate rules and regulations  
31 to carry out the Reentry Housing Network Act.

1           Sec. 20. (1) The commission shall create the position of program  
2 manager for the network, who shall be responsible for administering the  
3 network.

4           (2) The commission shall employ such support staff as it deems  
5 necessary to carry out the Reentry Housing Network Act within the limit  
6 of funds appropriated by the Legislature.

7           Sec. 21. (1) Reentry housing facilities shall cooperate with  
8 investigations and evaluations conducted pursuant to the Reentry Housing  
9 Network Act and shall provide the network, department, board, division,  
10 probation administration, and the Office of Public Counsel with  
11 reasonable access to facilities and records related to the provision of  
12 reentry housing.

13           (2) The network may request the State Fire Marshal to investigate  
14 any reentry housing facility for fire safety under section 81-502. The  
15 State Fire Marshal shall assess a fee for such inspection under section  
16 81-505.01 payable by the facility. The State Fire Marshal may delegate  
17 the authority to make such inspections to qualified local fire prevention  
18 personnel under section 81-502.

19           (3) The network may request a county, city, or village to inspect  
20 any reentry housing facility for the purpose of administering or  
21 enforcing the state building code or an applicable local building or  
22 construction code enacted pursuant to the Building Construction Act, if  
23 the county, city, or village has taken on the responsibility of code  
24 enforcement. A county, city, or village may assess fees for such an  
25 inspection under section 71-6406.

26           (4) The department, board, division, or probation administration  
27 shall notify the network if it becomes aware of conditions in a reentry  
28 housing facility which may present an imminent threat to the health or  
29 safety of reentering persons residing at the facility.

30           (5) The network shall promptly notify a reentry housing facility and  
31 relevant agencies if it has reason to believe conditions in the facility

1 present an imminent threat to the health or safety of reentering persons  
2 residing at the facility.

3 (6) The network shall work with the department, board, division,  
4 probation administration, and advisory committee to establish a speedy  
5 process by which reentry housing facilities may contest the findings of  
6 any investigation or evaluation pursuant to the Reentry Housing Network  
7 Act.

8 Sec. 22. (1) The State Advisory Committee on Reentry Housing is  
9 created. Members of the committee shall have a demonstrated interest and  
10 commitment and specialized knowledge, experience, or expertise related to  
11 the provision of reentry housing in Nebraska. The committee shall consist  
12 of one representative from the division appointed by the chairperson of  
13 the board, one representative from probation administration appointed by  
14 the Chief Justice, and nine members appointed by the Governor as follows:  
15 (a) One representative from the department; (b) two current or former  
16 reentering persons; (c) three members with experience providing reentry  
17 housing, including one from each congressional district; (d) one provider  
18 of behavioral health services; (e) one representative from law  
19 enforcement; and (f) one representative from the Nebraska Investment  
20 Finance Authority.

21 (2) The advisory committee shall: (a) Conduct regular meetings; (b)  
22 provide advice and assistance to the commission relating to reentry  
23 housing in Nebraska; (c) promote the interests of reentering persons and  
24 their families; (d) promote public safety through effective reintegration  
25 into the community; (e) provide input on the process of evaluating  
26 reentry housing facilities; (f) engage with neighborhood groups and other  
27 stakeholders; (g) provide reports as requested by the commission; and (h)  
28 engage in other activities as requested by the commission.

29 Sec. 23. (1) The Reentry Housing Fund is created. The fund shall be  
30 maintained in the state accounting system as a cash fund and shall  
31 consist of all fees, grants, federal funds, and other money received by

1 the commission under the Reentry Housing Network Act. The commission  
2 shall use the fund to carry out the act.

3 (2) Any money in the Reentry Housing Fund available for investment  
4 shall be invested by the state investment officer pursuant to the  
5 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
6 Act.

7 (3) The commission may assess an annual fee on each reentry housing  
8 facility for the purposes of carrying out the Reentry Housing Network  
9 Act. Such annual fee shall not exceed five hundred dollars. The  
10 commission shall remit any such fees collected to the State Treasurer for  
11 credit to the Reentry Housing Fund.

12 Sec. 24. (1) The department, board, division, and probation  
13 administration shall maintain computerized records of expenditures  
14 related to housing for reentering persons. Such records shall be made  
15 available to the network and shall include, at a minimum, the following:

16 (a) The name and departmental identification number or other unique  
17 identifier of each reentering person whose housing was paid for by the  
18 agency;

19 (b) If the individual was housed in a reentry housing facility or  
20 health care facility, the name and address of the facility, the per diem  
21 rate paid to the facility, the dates for which the individual's housing  
22 was paid for, and the total dollar amount paid to the facility for that  
23 individual; and

24 (c) If the individual was housed in a residence other than a reentry  
25 housing facility or health care facility, the address of the residence  
26 and the total dollar amount of financial assistance provided to the  
27 individual for the purpose of housing.

28 (2)(a) Except as provided in subdivisions (b) and (c) of this  
29 subsection, the department and the division shall provide network staff  
30 and the Nebraska Center for Justice Research at the University of  
31 Nebraska at Omaha with direct computer access to all relevant

1 computerized records contained in the individual files described in  
2 section 83-178.

3 (b) The department or division may withhold access to records which,  
4 if released, would place the safety and security of the public or a  
5 correctional institution at substantial risk.

6 (c) Network staff and the center shall only have access to a  
7 person's medical or mental health records with such person's consent.

8 (3)(a) For each reentering person under supervision by probation  
9 administration, probation administration shall provide network staff and  
10 the Nebraska Center for Justice Research at the University of Nebraska at  
11 Omaha with information comparable to the information contained in the  
12 records described in subsection (2) of this section.

13 (b) Network staff and the center shall only have access to a  
14 person's medical or mental health records with such person's consent.

15 (4) The information disclosed pursuant to this section shall be  
16 confidential, shall be used exclusively for carrying out the Reentry  
17 Housing Network Act, and shall not be subject to inspection by the public  
18 or law enforcement except by court order for good cause shown. Aggregate  
19 data may be published for research and evaluation purposes in a manner  
20 which does not contain individual identities or personal identifying  
21 information.

22 Sec. 25. Section 28-912, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 28-912 (1) A person commits escape if he or she unlawfully removes  
25 himself or herself from official detention or fails to return to official  
26 detention following temporary leave granted for a specific purpose or  
27 limited period. Official detention means arrest, detention in or  
28 transportation to any facility for custody of persons under charge or  
29 conviction of crime or contempt or for persons alleged or found to be  
30 delinquent, detention for extradition or deportation, or any other  
31 detention for law enforcement purposes. Official detention also includes

1 assignment of a committed offender to a community work release and  
2 treatment center as provided in the Community Work Release and Treatment  
3 Centers Act, but does not include any other supervision of probation or  
4 parole or constraint incidental to release on bail.

5 (2) A public servant concerned in detention commits an offense if he  
6 or she knowingly permits an escape. Any person who knowingly causes or  
7 facilitates an escape commits a Class IV felony.

8 (3) Irregularity in bringing about or maintaining detention, or lack  
9 of jurisdiction of the committing or detaining authority shall not be a  
10 defense to prosecution under this section if the escape is from a prison  
11 or other custodial facility or from detention pursuant to commitment by  
12 official proceedings. In the case of other detentions, irregularity or  
13 lack of jurisdiction shall be a defense only if:

14 (a) The escape involved no substantial risk of harm to the person or  
15 property of anyone other than the detainee; and

16 (b) The detaining authority did not act in good faith under color of  
17 law.

18 (4) Except as provided in subsections (5) and (6) of this section,  
19 escape is a Class IV felony.

20 (5) Escape is a Class III felony when:

21 (a) The detainee was under arrest for or detained on a felony charge  
22 or following conviction for the commission of an offense; or

23 (b) A public servant concerned in detention of persons convicted of  
24 crime purposely facilitates or permits an escape from a detention  
25 facility or from transportation thereto.

26 (6) Escape is a Class IIA felony when the actor employs force,  
27 threat, deadly weapon, or other dangerous instrumentality to effect the  
28 escape.

29 Sec. 26. Section 29-2261, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31 29-2261 (1) Unless it is impractical to do so, when an offender has

1 been convicted of a felony other than murder in the first degree, the  
2 court shall not impose sentence without first ordering a presentence  
3 investigation of the offender and according due consideration to a  
4 written report of such investigation. When an offender has been convicted  
5 of murder in the first degree and (a) a jury renders a verdict finding  
6 the existence of one or more aggravating circumstances as provided in  
7 section 29-2520 or (b)(i) the information contains a notice of  
8 aggravation as provided in section 29-1603 and (ii) the offender waives  
9 his or her right to a jury determination of the alleged aggravating  
10 circumstances, the court shall not commence the sentencing determination  
11 proceeding as provided in section 29-2521 without first ordering a  
12 presentence investigation of the offender and according due consideration  
13 to a written report of such investigation.

14 (2) A court may order a presentence investigation in any case,  
15 except in cases in which an offender has been convicted of a Class IIIA  
16 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic  
17 infraction, or any corresponding city or village ordinance.

18 (3) The presentence investigation and report shall include, when  
19 available, an analysis of the circumstances attending the commission of  
20 the crime, the offender's history of delinquency or criminality, physical  
21 and mental condition, family situation and background, economic status,  
22 education, occupation, and personal habits, and any other matters that  
23 the probation officer deems relevant or the court directs to be included.  
24 All local and state police agencies and Department of Correctional  
25 Services adult correctional facilities shall furnish to the probation  
26 officer copies of such criminal records, in any such case referred to the  
27 probation officer by the court of proper jurisdiction, as the probation  
28 officer shall require without cost to the court or the probation officer.

29 Such investigation shall also include:

30 (a) Any written statements submitted to the county attorney by a  
31 victim; and



1 (b) Any written statements submitted to the probation officer by a  
2 victim.

3 (4) If there are no written statements submitted to the probation  
4 officer, he or she shall certify to the court that:

5 (a) He or she has attempted to contact the victim; and

6 (b) If he or she has contacted the victim, such officer offered to  
7 accept the written statements of the victim or to reduce such victim's  
8 oral statements to writing.

9 For purposes of subsections (3) and (4) of this section, the term  
10 victim shall be as defined in section 29-119.

11 (5) Before imposing sentence, the court may order the offender to  
12 submit to psychiatric observation and examination for a period of not  
13 exceeding sixty days or such longer period as the court determines to be  
14 necessary for that purpose. The offender may be remanded for this purpose  
15 to any available clinic or mental hospital, or the court may appoint a  
16 qualified psychiatrist to make the examination. The report of the  
17 examination shall be submitted to the court.

18 (6)(a) Any presentence report, substance abuse evaluation, or  
19 psychiatric examination shall be privileged and shall not be disclosed  
20 directly or indirectly to anyone other than a judge; probation officers  
21 to whom an offender's file is duly transferred; the probation  
22 administrator or his or her designee; alcohol and drug counselors, mental  
23 health practitioners, psychiatrists, and psychologists licensed or  
24 certified under the Uniform Credentialing Act to conduct substance abuse  
25 evaluations and treatment; or others entitled by law to receive such  
26 information, including personnel and mental health professionals for the  
27 Nebraska State Patrol specifically assigned to sex offender registration  
28 and community notification for the sole purpose of using such report,  
29 evaluation, or examination for assessing risk and for community  
30 notification of registered sex offenders.

31 (b) For purposes of this subsection, mental health professional

1 means (i) a practicing physician licensed to practice medicine in this  
2 state under the Medicine and Surgery Practice Act, (ii) a practicing  
3 psychologist licensed to engage in the practice of psychology in this  
4 state as provided in section 38-3111 or as provided under similar  
5 provisions of the Psychology Interjurisdictional Compact, (iii) a  
6 practicing mental health professional licensed or certified in this state  
7 as provided in the Mental Health Practice Act, or (iv) a practicing  
8 professional counselor holding a privilege to practice in Nebraska under  
9 the Licensed Professional Counselors Interstate Compact.

10 (7) The court shall permit inspection of the presentence report,  
11 substance abuse evaluation, or psychiatric examination or parts of the  
12 report, evaluation, or examination, as determined by the court, by the  
13 prosecuting attorney and defense counsel. ~~Such Beginning July 1, 2016,~~  
14 ~~such~~ inspection shall be by electronic access only unless the court  
15 determines such access is not available to the prosecuting attorney or  
16 defense counsel. The State Court Administrator shall determine and  
17 develop the means of electronic access to such presentence reports,  
18 evaluations, and examinations. Upon application by the prosecuting  
19 attorney or defense counsel, the court may order that addresses,  
20 telephone numbers, and other contact information for victims or witnesses  
21 named in the report, evaluation, or examination be redacted upon a  
22 showing by a preponderance of the evidence that such redaction is  
23 warranted in the interests of public safety. The court may permit  
24 inspection of the presentence report, substance abuse evaluation, or  
25 psychiatric examination or examination of parts of the report,  
26 evaluation, or examination by any other person having a proper interest  
27 therein whenever the court finds it is in the best interest of a  
28 particular offender. The court may allow fair opportunity for an offender  
29 to provide additional information for the court's consideration.

30 (8) If an offender is sentenced to imprisonment, a copy of the  
31 report of any presentence investigation, substance abuse evaluation, or

1 psychiatric examination shall be transmitted immediately to the  
2 Department of Correctional Services. Upon request, the Board of Parole or  
3 the Division of Parole Supervision may receive a copy of the report from  
4 the department. The division and the department may allow access to the  
5 report to community work release and treatment centers as provided in  
6 section 13 of this act.

7 (9) Notwithstanding subsections (6) and (7) of this section, the  
8 Supreme Court or an agent of the Supreme Court acting under the direction  
9 and supervision of the Chief Justice shall have access to psychiatric  
10 examinations, substance abuse evaluations, and presentence investigations  
11 and reports for research purposes. The Supreme Court and its agent shall  
12 treat such information as confidential, and nothing identifying any  
13 individual shall be released.

14 Sec. 27. Section 47-902, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 47-902 (1) It is the intent of the Legislature to:

17 (a) Establish a full-time program of investigation and performance  
18 review to provide increased accountability and oversight of the Nebraska  
19 correctional system, including programs and services under the Community  
20 Work Release and Treatment Centers Act;

21 (b) Assist in improving operations of the department and the  
22 Nebraska correctional system;

23 (c) Provide an independent form of inquiry for concerns regarding  
24 the actions of individuals and agencies responsible for the supervision  
25 and release of persons in the Nebraska correctional system. A lack of  
26 responsibility and accountability between individuals and private  
27 agencies in the current system make it difficult to monitor and oversee  
28 the Nebraska correctional system; and

29 (d) Provide a process for investigation and review in order to  
30 improve policies and procedures of the correctional system.

31 (2) It is not the intent of the Legislature in enacting the Office

1 of Inspector General of the Nebraska Correctional System Act to interfere  
2 with the duties of the Legislative Auditor or the Legislative Fiscal  
3 Analyst or to interfere with the statutorily defined investigative  
4 responsibilities or prerogatives of any officer, agency, board, bureau,  
5 commission, association, society, or institution of the executive branch  
6 of state government, except that the act does not preclude an inquiry on  
7 the sole basis that another agency has the same responsibility. The act  
8 shall not be construed to interfere with or supplant the responsibilities  
9 or prerogatives of the Governor to investigate, monitor, and report on  
10 the activities of the agencies, boards, bureaus, commissions,  
11 associations, societies, and institutions of the executive branch under  
12 his or her administrative direction.

13 Sec. 28. Section 47-903, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 47-903 For purposes of the Office of Inspector General of the  
16 Nebraska Correctional System Act, the following definitions apply:

17 (1) Administrator means a person charged with administration of a  
18 program, an office, or a division of the department or administration of  
19 a private agency;

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

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

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

24 (5) Inspector General means the Inspector General of the Nebraska  
25 Correctional System appointed under section 47-904;

26 (6) Malfeasance means a wrongful act that the actor has no legal  
27 right to do or any wrongful conduct that affects, interrupts, or  
28 interferes with performance of an official duty;

29 (7) Management means supervision of subordinate employees;

30 (8) Misfeasance means the improper performance of some act that a  
31 person may lawfully do;

1 (9) Obstruction means hindering an investigation, preventing an  
2 investigation from progressing, stopping or delaying the progress of an  
3 investigation, or making the progress of an investigation difficult or  
4 slow;

5 (10) Office means the office of Inspector General of the Nebraska  
6 Correctional System and includes the Inspector General and other  
7 employees of the office;

8 (11) Private agency means:

9 (a) An ~~an~~ entity that contracts with the department or contracts to  
10 provide services to another entity that contracts with the department;  
11 and

12 (b) A community work release and treatment center as defined in  
13 section 3 of this act; and

14 (12) Record means any recording in written, audio, electronic  
15 transmission, or computer storage form, including, but not limited to, a  
16 draft, memorandum, note, report, computer printout, notation, or message,  
17 and includes, but is not limited to, medical records, mental health  
18 records, case files, clinical records, financial records, and  
19 administrative records.

20 Sec. 29. Section 81-8,240, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 81-8,240 As used in sections 81-8,240 to 81-8,254, unless the  
23 context otherwise requires:

24 (1) Administrative agency shall mean any department, board,  
25 commission, or other governmental unit, any official, any employee of the  
26 State of Nebraska acting or purporting to act by reason of connection  
27 with the State of Nebraska, any corporation, partnership, business, firm,  
28 governmental entity, or person who is providing health and human services  
29 to individuals or service delivery, service coordination, or case  
30 management under contract with the State of Nebraska and who is subject  
31 to the jurisdiction of the office of Public Counsel as required by

1 section 73-401, any regional behavioral health authority, any community  
2 work release and treatment center as defined in section 3 of this act,  
3 any community-based behavioral health services provider that contracts  
4 with a regional behavioral health authority, and any county or municipal  
5 correctional or jail facility and employee thereof acting or purporting  
6 to act by reason of connection with the county or municipal correctional  
7 or jail facility; but shall not include (a) any court, (b) any member or  
8 employee of the Legislature or the Legislative Council, (c) the Governor  
9 or his or her personal staff, (d) any political subdivision or entity  
10 thereof except a county or municipal correctional or jail facility or a  
11 regional behavioral health authority, (e) any instrumentality formed  
12 pursuant to an interstate compact and answerable to more than one state,  
13 or (f) any entity of the federal government; and

14 (2) Administrative act shall include every action, rule, regulation,  
15 order, omission, decision, recommendation, practice, or procedure of an  
16 administrative agency.

17 Sec. 30. Section 81-8,244, Revised Statutes Cumulative Supplement,  
18 2022, is amended to read:

19 81-8,244 (1)(a) The Public Counsel may select, appoint, and  
20 compensate as he or she sees fit, within the amount available by  
21 appropriation, such assistants and employees as he or she deems necessary  
22 to discharge the responsibilities under sections 81-8,240 to 81-8,254. He  
23 or she shall appoint and designate one assistant to be a deputy public  
24 counsel, one assistant to be a deputy public counsel for corrections, one  
25 assistant to be a deputy public counsel for institutions, and one  
26 assistant to be a deputy public counsel for welfare services.

27 (b) Such deputy public counsels shall be subject to the control and  
28 supervision of the Public Counsel.

29 (c) The authority of the deputy public counsel for corrections shall  
30 extend to all facilities and parts of facilities, offices, houses of  
31 confinement, and institutions which are operated by the Department of

1 Correctional Services, ~~and~~ all county or municipal correctional or jail  
2 facilities, and community work release and treatment centers as defined  
3 in section 3 of this act.

4 (d) The authority of the deputy public counsel for institutions  
5 shall extend to all mental health institutions and facilities operated by  
6 the Department of Health and Human Services, to all veterans institutions  
7 operated by the Department of Veterans' Affairs, and to all regional  
8 behavioral health authorities that provide services and all community-  
9 based behavioral health services providers that contract with a regional  
10 behavioral health authority to provide services, for any individual who  
11 was a patient within the prior twenty-four months of a state-owned and  
12 state-operated regional center, and to all complaints pertaining to  
13 administrative acts of the department, authority, or provider when those  
14 acts are concerned with the rights and interests of individuals placed  
15 within those institutions and facilities or receiving community-based  
16 behavioral health services.

17 (e) The authority of the deputy public counsel for welfare services  
18 shall extend to all complaints pertaining to administrative acts of  
19 administrative agencies when those acts are concerned with the rights and  
20 interests of individuals involved in the welfare services system of the  
21 State of Nebraska.

22 (f) The Public Counsel may delegate to members of the staff any  
23 authority or duty under sections 81-8,240 to 81-8,254 except the power of  
24 delegation and the duty of formally making recommendations to  
25 administrative agencies or reports to the Governor or the Legislature.

26 (2) The Public Counsel shall appoint the Inspector General of  
27 Nebraska Child Welfare as provided in section 43-4317. The Inspector  
28 General of Nebraska Child Welfare shall have the powers and duties  
29 provided in the Office of Inspector General of Nebraska Child Welfare  
30 Act.

31 (3) The Public Counsel shall appoint the Inspector General of the

1 Nebraska Correctional System as provided in section 47-904. The Inspector  
2 General of the Nebraska Correctional System shall have the powers and  
3 duties provided in the Office of Inspector General of the Nebraska  
4 Correctional System Act.

5 Sec. 31. Section 83-1,100, Revised Statutes Cumulative Supplement,  
6 2022, is amended to read:

7 83-1,100 (1) There is hereby created the Division of Parole  
8 Supervision within the Board of Parole. The employees of the division  
9 shall consist of the Director of Supervision and Services, the field  
10 parole service officers, and all other division staff. The division shall  
11 be responsible for the following:

12 (a) The administration of parole services in the community,  
13 including administration of the Community Work Release and Treatment  
14 Centers Act;

15 (b) The maintenance of all records and files associated with the  
16 Board of Parole;

17 (c) The daily supervision and training of staff members of the  
18 division, including training regarding evidence-based practices in  
19 supervision pursuant to section 83-1,100.02; and

20 (d) The assessment, evaluation, and supervision of individuals who  
21 are subject to parole supervision, including lifetime community  
22 supervision pursuant to section 83-174.03.

23 (2) Parole officers shall be compensated with salaries substantially  
24 equal to other state employees who have similar responsibilities,  
25 including employees of the Office of Probation Administration. This  
26 subsection shall apply only to field parole service officers and support  
27 staff and shall not apply to the Director of Supervision and Services or  
28 any other management-level position.

29 (3) This section does not prohibit the division from maintaining  
30 daily records and files associated with the Board of Pardons.

31 Sec. 32. Section 83-1,100.03, Revised Statutes Cumulative



1 Supplement, 2022, is amended to read:

2 83-1,100.03 (1) The board, in consultation with the department,  
3 shall adopt and promulgate rules and regulations to reduce the number of  
4 inmates under the custody of the department who serve their entire  
5 sentence in a correctional facility and are released without supervision.  
6 The rules and regulations shall establish clear guidelines and procedures  
7 to ensure that each parolee is subject to a minimum of nine months of  
8 supervision and shall place priority on providing supervision lengths  
9 that enable meaningful transition periods for all offenders. The rules  
10 and regulations shall ensure that each inmate eligible for parole is  
11 assessed for risk of reoffending using a validated risk and needs  
12 assessment provided by the department and shall incorporate into the  
13 release decision an inmate's assessed risk of reoffending, past criminal  
14 history, program completion, institutional conduct, and other individual  
15 characteristics related to the likelihood of reoffending into parole  
16 release decisions.

17 (2) By ~~February 1, 2016,~~ and by February 1 of each year thereafter,  
18 the board and the department shall submit a report to the Legislature,  
19 the Supreme Court, and the Governor that describes the percentage of  
20 offenders sentenced to the custody of the department who complete their  
21 entire sentence and are released with no supervision. The report shall  
22 document characteristics of the individuals released without supervision,  
23 including the highest felony class of conviction, offense type of  
24 conviction, most recent risk assessment, status of the individualized  
25 release or reentry plan, and reasons for the release without supervision.  
26 The report also shall provide recommendations from the department and  
27 board for changes to policy and practice to meet the goal of achieving a  
28 reduction in the number of inmates under the custody of the department  
29 who serve their entire sentence in a correctional facility and are  
30 released without supervision. The report to the Legislature shall be  
31 submitted electronically.

1           (3) The department, in consultation with the board, shall maintain a  
2 list of individuals who are eligible for parole but are expected to  
3 complete their entire sentence in the custody of the department and be  
4 released with no supervision. This list shall be made available to staff  
5 of the Reentry Housing Network established in section 19 of this act.

6           Sec. 33. Section 83-1,102, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8           83-1,102 The Director of Supervision and Services shall:

9           (1) Supervise and administer the Division of Parole Supervision;

10          (2) Establish and maintain policies, standards, and procedures for  
11 the field parole service and the community supervision of sex offenders  
12 pursuant to section 83-174.03;

13          (3) Divide the state into parole districts and appoint district  
14 parole officers and such other employees as may be required to carry out  
15 adequate parole supervision of all parolees, prescribe their powers and  
16 duties, and obtain division offices for staff in each district as may be  
17 necessary;

18          (4) Cooperate with the Board of Parole, the courts, the Community  
19 Corrections Division of the Nebraska Commission on Law Enforcement and  
20 Criminal Justice, and all other agencies, public and private, which are  
21 concerned with the treatment or welfare of persons on parole;

22          (5) Provide the Board of Parole and district judges with any record  
23 of a parolee which the board or such judges may require;

24          (6) Make recommendations to the Board of Parole or district judge in  
25 cases of violation of the conditions of parole, issue warrants for the  
26 arrest of parole violators when so instructed by the board or district  
27 judge, notify the Director of Correctional Services of determinations  
28 made by the board, and upon instruction of the board, issue certificates  
29 of parole and of parole revocation to the facilities and certificates of  
30 discharge from parole to parolees;

31          (7) Organize and conduct training programs for the district parole

1 officers and other employees;

2 (8) Use the funds provided under section 83-1,107.02 to augment  
3 operational or personnel costs associated with the development,  
4 implementation, and evaluation of enhanced parole-based programs and  
5 purchase services to provide such programs aimed at enhancing adult  
6 parolee supervision in the community and treatment needs of parolees.  
7 Such enhanced parole-based programs include, but are not limited to,  
8 specialized units of supervision, related equipment purchases and  
9 training, and programs that address a parolee's vocational, educational,  
10 mental health, behavioral, or substance abuse treatment needs, including  
11 evidence-based peer and family support programs;

12 (9) Subject to supervision of the board, be responsible for  
13 implementation and administration of the Interstate Compact for Adult  
14 Offender Supervision as it affects parolees, community supervision of sex  
15 offenders pursuant to section 83-174.03, and supervision of parolees  
16 either paroled in Nebraska and supervised in another state or paroled in  
17 another state and supervised in Nebraska, pursuant to the compact;

18 (10) (9) Ensure that any risk or needs assessment instrument  
19 utilized by the system be periodically validated;

20 (11) (10) Report annually to the Governor and electronically to the  
21 Clerk of the Legislature beginning January 1, 2015, the number of parole  
22 revocations and the number of technical violations of parole; and

23 (12) (11) Exercise all powers and perform all duties necessary and  
24 proper in carrying out his or her responsibilities.

25 Sec. 34. Section 83-1,107, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27 83-1,107 (1)(a) Within sixty days after initial classification and  
28 assignment of any offender committed to the department, all available  
29 information regarding such committed offender shall be reviewed and a  
30 committed offender department-approved personalized program plan document  
31 shall be drawn up. The document shall specifically describe the

1 department-approved personalized program plan and the specific goals the  
2 department expects the committed offender to achieve. The document shall  
3 also contain a realistic schedule for completion of the department-  
4 approved personalized program plan. The department-approved personalized  
5 program plan shall be developed with the active participation of the  
6 committed offender. The department shall provide programs to allow  
7 compliance by the committed offender with the department-approved  
8 personalized program plan.

9 Programming may include, but is not limited to:

10 (i) Academic and vocational education, including teaching such  
11 classes by qualified offenders;

12 (ii) Substance abuse treatment;

13 (iii) Mental health and psychiatric treatment, including criminal  
14 personality programming;

15 (iv) Constructive, meaningful work programs; and

16 (v) Any other program deemed necessary and appropriate by the  
17 department.

18 (b) A modification in the department-approved personalized program  
19 plan may be made to account for the increased or decreased abilities of  
20 the committed offender or the availability of any program. Any  
21 modification shall be made only after notice is given to the committed  
22 offender. The department may not impose disciplinary action upon any  
23 committed offender solely because of the committed offender's failure to  
24 comply with the department-approved personalized program plan, but such  
25 failure may be considered by the board in its deliberations on whether or  
26 not to grant parole to a committed offender.

27 (2)(a) The department shall reduce the term of a committed offender  
28 by six months for each year of the offender's term and pro rata for any  
29 part thereof which is less than a year.

30 (b) In addition to reductions granted in subdivision (2)(a) of this  
31 section, the department shall reduce the term of a committed offender by

1 three days on the first day of each month following a twelve-month period  
2 of incarceration within the department during which the offender has not  
3 been found guilty of (i) a Class I or Class II offense or (ii) more than  
4 three Class III offenses under the department's disciplinary code.  
5 Reductions earned under this subdivision shall not be subject to forfeit  
6 or withholding by the department.

7 (c) The total reductions under this subsection shall be credited  
8 from the date of sentence, which shall include any term of confinement  
9 prior to sentence and commitment as provided pursuant to section  
10 83-1,106, and shall be deducted from the maximum term, to determine the  
11 date when discharge from the custody of the state becomes mandatory.

12 (3) While the offender is in the custody of the department,  
13 reductions of terms granted pursuant to subdivision (2)(a) of this  
14 section may be forfeited, withheld, and restored by the chief executive  
15 officer of the facility with the approval of the director after the  
16 offender has been notified regarding the charges of misconduct.

17 (4) The department, in consultation with the board, shall ensure  
18 that a release or reentry plan is complete or near completion when the  
19 offender has served at least eighty percent of his or her sentence. For  
20 purposes of this subsection, release or reentry plan means a  
21 comprehensive and individualized strategic plan to ensure an individual's  
22 safe and effective transition or reentry into the community to which he  
23 or she resides with the primary goal of reducing recidivism. At a  
24 minimum, the release or reentry plan shall include, but not be limited  
25 to, consideration of the individual's housing needs, medical or mental  
26 health care needs, and transportation and job needs and shall address an  
27 individual's barriers to successful release or reentry in order to  
28 prevent recidivism. The release or reentry plan does not include an  
29 individual's programming needs included in the individual's personalized  
30 program plan for use inside the prison. However, the department shall  
31 include in the release or reentry plan information regarding the

1 individual's progress on the individual's personalized program plan for  
2 use inside the prison.

3 (5)(a) The department shall make treatment programming available to  
4 committed offenders as provided in section 83-1,110.01 and shall include  
5 continuing participation in such programming as part of each offender's  
6 department-approved parolee personalized program plan developed under  
7 subsection (1) of this section.

8 (b) Any committed offender with a mental illness shall be provided  
9 with the community standard of mental health care. The mental health care  
10 shall utilize evidence-based therapy models that include an evaluation  
11 component to track the effectiveness of interventions.

12 (c) Any committed offender with a mental illness shall be evaluated  
13 before release to ensure that adequate monitoring and treatment of the  
14 committed offender will take place or, if appropriate, that a commitment  
15 proceeding under the Nebraska Mental Health Commitment Act or the Sex  
16 Offender Commitment Act will take place.

17 (6)(a) Within thirty days after any committed offender has been  
18 paroled, all available information regarding such parolee shall be  
19 reviewed and a case plan document shall be drawn up and approved by the  
20 Division of Parole Supervision. The document shall specifically describe  
21 the approved case plan and the specific goals the division expects the  
22 parolee to achieve. The document shall also contain a realistic schedule  
23 for completion of the approved case plan. The approved case plan shall be  
24 developed with the active participation of the parolee. During the term  
25 of parole, the parolee shall comply with the approved case plan and the  
26 division shall provide programs to allow compliance by the parolee with  
27 the approved case plan.

28 Programming may include, but is not limited to:

29 (i) Academic and vocational education;

30 (ii) Substance abuse treatment;

31 (iii) Mental health and psychiatric treatment, including criminal

1 personality programming;

2 (iv) Constructive, meaningful work programs;

3 (v) Community service programs; and

4 (vi) Any other program deemed necessary and appropriate by the  
5 division.

6 (b) A modification in the approved case plan may be made to account  
7 for the increased or decreased abilities of the parolee or the  
8 availability of any program. Any modification shall be made only after  
9 notice is given to the parolee. Intentional failure to comply with the  
10 approved case plan by any parolee as scheduled for any year, or pro rata  
11 part thereof, shall cause disciplinary action to be taken by the division  
12 resulting in the forfeiture of up to a maximum of three months' good time  
13 for the scheduled year.

14 (7) While the offender is in the custody of the board, reductions of  
15 terms granted pursuant to subdivision (2)(a) of this section may be  
16 forfeited, withheld, and restored by the director upon the recommendation  
17 of the board after the offender has been notified regarding the charges  
18 of misconduct or breach of the conditions of parole.

19 (8) Good time or other reductions of sentence granted under the  
20 provisions of any law prior to July 1, 1996, may be forfeited, withheld,  
21 or restored in accordance with the terms of the Nebraska Treatment and  
22 Corrections Act.

23 (9) Pursuant to rules and regulations adopted by the probation  
24 administrator and the director, an individualized post-release  
25 supervision plan shall be collaboratively prepared by the Office of  
26 Probation Administration and the department and provided to the court to  
27 prepare individuals under custody of the department for post-release  
28 supervision. All records created during the period of incarceration shall  
29 be shared with the Office of Probation Administration and considered in  
30 preparation of the post-release supervision plan.

31 Sec. 35. Section 83-901, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 83-901 The purpose of sections 49-617, 68-621, 72-249, 72-1302 to  
3 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01, 83-108, 83-112,  
4 83-135, 83-139, 83-140, 83-144, 83-145, 83-147 to 83-150, 83-153 to  
5 83-156, 83-170 to 83-173, 83-186, 83-188, 83-443, and 83-901 to 83-916  
6 and section 36 of this act is to establish an agency of state government  
7 for the custody, study, care, discipline, training, and treatment of  
8 persons in the correctional and detention institutions and for the study,  
9 training, and treatment of persons under the supervision of other  
10 correctional services of the state so that they may be prepared for  
11 lawful community living. Correctional services shall be so diversified in  
12 program and personnel as to facilitate individualization of treatment.

13 Sec. 36. (1) Prior to the discharge of an individual from a  
14 facility of the Department of Correctional Services, the department shall  
15 provide such individual with an opportunity to obtain a state  
16 identification card or renew a motor vehicle operator's license.

17 (2) The Board of Parole and Office of Probation Administration may  
18 assist any such individual in obtaining a state identification card or  
19 renewing a motor vehicle operator's license. The department shall  
20 cooperate with and facilitate the board's and office's involvement in  
21 such matter.

22 Sec. 37. Section 83-903, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 83-903 (1) The Department of Correctional Services, in consultation  
25 with the Board of Parole, shall develop a reentry program for individuals  
26 incarcerated in a department correctional facility, individuals who have  
27 been discharged from a department correctional facility within the prior  
28 eighteen months, and parolees. The department shall hire a reentry  
29 program administrator to develop and oversee the reentry program and  
30 additional staff as needed to implement the reentry program.

31 (2) The purpose of the reentry program is to facilitate a standard



1 systemwide program of reentry for individuals leaving correctional  
2 facilities or transitioning off community supervision. The primary  
3 objectives of the reentry program are to reduce recidivism, to identify,  
4 assess, and provide treatment options for individuals with mental  
5 illness, to increase public safety, and to improve the overall transition  
6 of the individual from the criminal justice system into the community.  
7 ~~Prior to the discharge of an individual from a department correctional~~  
8 ~~facility, the department shall provide such individual with an~~  
9 ~~opportunity to obtain a state identification card or renew a motor~~  
10 ~~vehicle operator's license.~~

11 Sec. 38. Section 83-904, Revised Statutes Cumulative Supplement,  
12 2022, is amended to read:

13 83-904 (1) The Vocational and Life Skills Program is created within  
14 the Department of Correctional Services, in consultation with the Board  
15 of Parole. The program shall provide funding to aid in the establishment  
16 and provision of community-based vocational training and life skills  
17 training for adults who are incarcerated, formerly incarcerated, or  
18 serving a period of supervision on either probation or parole.

19 (2)(a) ~~(2)~~ The Vocational and Life Skills Programming Fund is  
20 created. The fund shall consist of transfers authorized by the  
21 Legislature, funds donated by nonprofit entities, funds from the federal  
22 government, and funds from other sources. The fund shall be used to  
23 provide grants to community-based organizations, community colleges,  
24 federally recognized or state-recognized Indian tribes, or nonprofit  
25 organizations that provide vocational and life skills programming and  
26 services to adults and juveniles who are incarcerated, who have been  
27 incarcerated within the prior eighteen months, or who are serving a  
28 period of supervision on either probation or parole.

29 (b) The department, in awarding grants, shall give priority to  
30 programs, services, or training that results in meaningful employment or  
31 that provides reentry or transitional housing, wrap-around services,

1 family support, or restorative justice programming, ~~and no money from the~~  
2 ~~fund shall be used for capital construction.~~

3 (c) Any funds not distributed to community-based organizations,  
4 community colleges, federally recognized or state-recognized Indian  
5 tribes, or nonprofit organizations shall be retained by the department to  
6 be distributed on a competitive basis under the Vocational and Life  
7 Skills Program. These funds shall not be expended by the department for  
8 any other purpose.

9 (d) No money in the fund shall be used for capital construction.

10 (e) Any money in the fund available for investment shall be invested  
11 by the state investment officer pursuant to the Nebraska Capital  
12 Expansion Act and the Nebraska State Funds Investment Act. Investment  
13 earnings from investment of money in the fund shall be credited to the  
14 fund.

15 (f) Beginning July 1, 2022, and each July 1 thereafter until July 1,  
16 2024, the State Treasurer shall transfer five million dollars annually  
17 from the Prison Overcrowding Contingency Fund to the Vocational and Life  
18 Skills Programming Fund, on such dates as directed by the budget  
19 administrator of the budget division of the Department of Administrative  
20 Services.

21 (3) The department, in consultation with the Board of Parole, shall  
22 adopt and promulgate rules and regulations to carry out the Vocational  
23 and Life Skills Program. The rules and regulations shall include, but not  
24 be limited to, a plan for evaluating the effectiveness of programs,  
25 services, and training that receive funding and a reporting process for  
26 aid recipients.

27 (4) The reentry program administrator shall report quarterly to the  
28 Governor and the Clerk of the Legislature beginning October 1, 2014, on  
29 the distribution and use of the aid distributed under the Vocational and  
30 Life Skills Program, including how many individuals received programming,  
31 the types of programming, the cost per individual for each program,

1 service, or training provided, how many individuals successfully  
2 completed their programming, and information on any funds that have not  
3 been used. The report to the Clerk of the Legislature shall be submitted  
4 electronically. ~~Any funds not distributed to community-based~~  
5 ~~organizations, community colleges, federally recognized or state-~~  
6 ~~recognized Indian tribes, or nonprofit organizations under this~~  
7 ~~subsection shall be retained by the department to be distributed on a~~  
8 ~~competitive basis under the Vocational and Life Skills Program. These~~  
9 ~~funds shall not be expended by the department for any other purpose.~~

10       Sec. 39. Original sections 28-912, 47-902, 47-903, and 81-8,240,  
11 Reissue Revised Statutes of Nebraska, and sections 29-2261, 81-8,244,  
12 83-1,100, 83-1,100.03, 83-1,102, 83-1,107, 83-901, 83-903, and 83-904,  
13 Revised Statutes Cumulative Supplement, 2022, are repealed.

14       Sec. 40. The following section is outright repealed: Section  
15 83-933, Revised Statutes Cumulative Supplement, 2022.