

ONE HUNDRED EIGHTH LEGISLATURE

FIRST SESSION

LEGISLATIVE RESOLUTION 124

Introduced by Conrad, 46; Blood, 3; Cavanaugh, J., 9; DeBoer, 10; Dungan, 26; Hughes, 24; McKinney, 11; Wayne, 13.

PURPOSE: The purpose of this resolution is to propose an interim study to examine the scope of collateral consequences of criminal law violations in Nebraska in employment, housing, licensure, and other categories.

Nebraska has multiple layers of criminal laws including the Nebraska Criminal Code, city ordinances, and village ordinances, with overlapping criminal laws at all levels. Law violations are punishable by fines, imprisonment, probation, or restitution orders. Many law violations, even for minor offenses, carry sanctions beyond what the court imposes directly in the criminal case. These collateral consequences are legal and regulatory sanctions and restrictions that limit or prohibit individuals with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities. Many of these collateral consequences follow individuals for years after they have resolved the underlying criminal case and inhibit prosocial behaviors by the individuals, which increases recidivism and negatively impacts public safety goals. An exacerbating feature of collateral consequences is that involvement in the criminal law system has a clear disparate impact on people of color.

Among other considerations, the interim study should determine the propriety or necessity of collateral consequences for certain offenses to ensure that they are appropriate, narrowly tailored, and serve a legitimate purpose. The study should focus on eliminating or limiting collateral consequences and creating or bolstering procedures by which collateral consequences are removed after rehabilitation or completion of a criminal conviction or sentence.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED EIGHTH

LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.