

One Hundred Eighth Legislature - First Session - 2023

Introducer's Statement of Intent

LB432

Chairperson: Senator Justin Wayne

Committee: Judiciary

Date of Hearing: February 01, 2023

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

This bill will prohibit judges from giving a minimum sentence that is more than a third of the maximum. This bill will also provide for release for medical treatment, change provisions relating to medical parole and provide for parole eligibility for persons serving sentences of life imprisonment. In this bill, incarcerated individuals will earn up to 5 years of good time credit on mandatory sentences if individuals have been actively engaging in programming and staying out of trouble. Sections of LB 980 introduced in 2022, will also be adjoined in this bill. These elements will consist of: mandatory minimums for possession with intent to deliver a controlled substance, creating a misdemeanor-level offense for less than a half gram of a controlled substance, excluding fentanyl and synthetic fentanyl from the misdemeanor level offense for possession of a controlled substance, creating a second and third-degree burglary, providing that previous theft convictions used to enhance a second or third offense to a felony must have occurred no more than ten years prior to the current offense, prohibiting flat and nearly-flat sentences, requiring courts to find specific aggravating factors before imposing a sentence a consecutive sentence, limiting the habitual criminal enhancement, requiring a notice of the process to set aside a conviction at sentencing and upon satisfactory completion of probation, prohibiting pretrial diversion guidelines from categorically excluding Class IV felonies if the person has not previously been convicted of a felony or completed felony diversion, creating a geriatric parole option, clarifying the factors the Board of Parole must consider when making a determination on whether to release an offender on parole and allowing a person who has served at least 15 years of their sentence to petition the court for resentencing directly.

Principal Introducer: _____

Senator Terrell McKinney