

## LEGISLATIVE BILL 1242

Approved by the Governor April 16, 1986

Introduced by Hoagland, 6

AN ACT relating to the Board of Parole; to amend section 83-1,111, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to the review of the record of a committed offender as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 83-1,111, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,111. (1) Every committed offender shall have a hearing before a majority of the be interviewed and have his or her record reviewed by two or more members of the Board of Parole or a person designated by the board within sixty days before the expiration of his or her minimum term less any reductions. Every committed offender shall be interviewed within sixty days prior to his final parole hearing by a member of the Board of Parole If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole, the Board of Parole shall schedule a public hearing before a majority of its members. At such hearing the offender may present evidence, call witnesses, and be represented by counsel. If, in the opinion of the reviewers, the review indicates the offender should be denied parole, the offender may request an additional review by a majority of the members of the board. A review by the majority of the members of the board may be conducted not more than once annually. The Any hearing and review shall be conducted in an informal manner, but a complete record of the proceedings shall be made and preserved.

(2) The board shall render its decision regarding the committed offender's release on parole within a reasonable time after the hearing or review. The decision shall be by majority vote of the board. The decision shall be based on the entire record before the board, which shall include the opinion of the member person who presided at conducted the hearing review. If the board shall deny parole, written notification listing the reasons for such denial and the

recommendations for correcting deficiencies which cause the denial shall be given to the committed offender within thirty days following the hearing.

(3) If the board fixes the release date, such date shall be not more than six months from the date of the committed offender's parole hearing, or from the date of last reconsideration of his or her case, unless there are special reasons for fixing a later release date.

(4) If the board defers the case for later reconsideration, the committed offender shall be afforded a parole hearing at least once a year until a release date is fixed. The board may order a reconsideration or a rehearing of the case at any time.

(5) The release of a committed offender on parole shall not be upon the application of the offender, but by the initiative of the Board of Parole. No application for release on parole made by a committed offender or on his or her behalf shall be entertained by the board. Nothing herein shall prohibit the Director of Correctional Services from recommending to the board that it consider an individual offender for release on parole.

Sec. 2. That original section 83-1,111, Reissue Revised Statutes of Nebraska, 1943, is repealed.