

LEGISLATIVE BILL 113

Approved by the Governor February 25, 1993

Introduced by Lindsay, 9

AN ACT relating to jails; to amend sections 47-501 and 47-502, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,106, Revised Statutes Supplement, 1992; to change provisions relating to sentence reduction and delivery of an offender; and to repeal the original sections.

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

Section 1. That section 47-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-501. The county board of corrections shall be responsible for the implementation of section 47-502 and section 3 of this act in the county in which it serves. In counties which do not have a county board of corrections, the county sheriff shall be responsible for the implementation of section 47-502 and section 3 of this act.

Sec. 2. That section 47-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-502. Any person sentenced to a city or county jail shall have his or her term reduced seven days for each ~~twenty-one~~ fourteen consecutive days during which he or she has not committed any breach of discipline or other violation of jail regulations. The reductions authorized by this section shall be granted at the end of each period of ~~twenty-one~~ fourteen days, with such periods to run consecutively from the date of confinement following sentencing.

Sec. 3. (1) Credit against a jail term shall be given to any person sentenced to a city or county jail for time spent in jail as a result of the criminal charge for which the jail term is imposed or as a result of conduct upon which such charge is based. Such credit shall include, but not be limited to, time spent in jail:

- (a) Prior to trial;
- (b) During trial;
- (c) Pending sentence;
- (d) Pending resolution of an appeal; and
- (e) Prior to delivery of such person to the county board of

corrections or, in counties which do not have a county board of corrections, the county sheriff.

(2) Credit to any person sentenced to a city or county jail who is eligible for credit pursuant to subsection (1) of this section shall be set forth as part of the sentence at the time such sentence is imposed.

Sec. 4. That section 83-1,106, Revised Statutes Supplement, 1992, be amended to read as follows:

83-1,106. (1) Credit against the maximum term and any

minimum term shall be given to an offender for time spent in custody as a result of the criminal charge for which a prison sentence is imposed or as a result of the conduct on which such a charge is based. This shall specifically include, but shall not be limited to, time spent in custody prior to trial, during trial, pending sentence, pending the resolution of an appeal, and prior to delivery of the offender to the custody of the Department of Correctional Services, the county board of corrections, or, in counties which do not have a county board of corrections, the county sheriff.

(2) Credit against the maximum term and any minimum term shall be given to an offender for time spent in custody under a prior sentence if he or she is later reprobated and resented for the same offense or for another offense based on the same conduct. In the case of such a reprobation, this shall include credit in accordance with subsection (1) of this section for time spent in custody as a result of both the original charge and any subsequent charge for the same offense or for another offense based on the same conduct.

(3) If an offender is serving consecutive or concurrent sentences, or both, and if one of the sentences is set aside as the result of a direct or collateral proceeding, credit against the maximum term and any minimum term of the remaining sentences shall be given for all time served since the commission of the offenses on which the sentences set aside were based.

(4) If the offender is arrested on one charge and prosecuted on another charge growing out of conduct which occurred prior to his or her arrest, credit against the maximum term and any minimum term of any sentence resulting from such prosecution shall be given for all time spent in custody under the former charge which has not been credited against another sentence.

(5) Credit for time served shall only be given in accordance with the procedure specified in this subsection:

(a) Credit to an offender who is eligible therefor under subsections (1), (2), and (4) of this section shall be set forth as a part of the sentence; or

(b) Credit to an offender who is eligible therefor under subsection (3) of this section shall only be given by the court in which such sentence was set aside by entering such credit in the final order setting aside such sentence.

Sec. 5. That original sections 47-501 and 47-502, Reissue Revised Statutes of Nebraska, 1943, and section 83-1,106, Revised Statutes Supplement, 1992, are repealed.