

LEGISLATIVE BILL 461

Approved by the Governor February 15, 1994

Introduced by Lindsay, 9

AN ACT relating to the Jail Standards Board; to amend sections 83-4,124 and 83-4,125, Revised Statutes Supplement, 1992; to change provisions relating to membership on the board; to redefine terms; and to repeal the original sections.

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

Section 1. That section 83-4,124, Revised Statutes Supplement, 1992, be amended to read as follows:

83-4,124. It is hereby declared to be the policy of the State of Nebraska that all criminal detention facilities and juvenile detention facilities in the state shall conform to certain minimum standards of construction, maintenance, and operation.

To further such policy, the Jail Standards Board is hereby created. For administrative and budgetary purposes such board shall be within the Nebraska Commission on Law Enforcement and Criminal Justice. The board shall consist of the Director of Correctional Services or, if the Director of Correctional Services chooses not to serve on the board, a person appointed by the director to serve in lieu of the director his or her designee and nine ten appointive members, three of whom shall be from each of the three congressional districts and one of whom shall be appointed at large, to be appointed by the Governor. The appointive members of the board shall be appointed from recommendation lists containing at least three names from submitted by the Nebraska District Court Judges Association, the Nebraska Association of County Officials, the Nebraska County Sheriffs Association, the Nebraska State Bar Association, and the Police Officers Association of Nebraska. The appointive members of the board shall be from the following areas consist of: (1) One district judge; (2) two county commissioners or supervisors; (3) one county sheriff; (4) one municipal police chief; (5) one member of the Nebraska State Bar Association; (6) three two lay people; and (7) one person who at the time of his or her appointment is serving as an administrator responsible for the operation and maintenance of a juvenile detention facility; and (8) the Director of Correctional Services or his or her designee one person who at the time of his or her appointment is serving as an administrator or jailer responsible for the operation and maintenance of a criminal detention facility having an average daily population of greater than fifty persons.

The terms of office for all members initially appointed shall be three years. Upon completion of the initial term of the board, the Governor shall appoint one member from each congressional district for a term of one year, one member from each congressional district for a term of two years, and one member from each congressional district for a term of three years. For purposes of this section, congressional district shall mean the congressional districts as they exist on July 19, 1980. Succeeding appointees shall be representative of the same congressional district and shall be appointed for terms of three years. The at-large member shall be appointed for a term of three years. An appointee to a vacancy occurring from an unexpired term shall serve out the term of his or her predecessor. 7 except appointees to vacancies occurring from unexpired terms, in which case the successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed.

The members of the board shall serve without compensation, but they shall be reimbursed for their actual expenses while engaged in the performance of their official duties as provided in sections 81-1174 to 81-1177.

Sec. 2. That section 83-4,125, Revised Statutes Supplement, 1992, be amended to read as follows:

83-4,125. For the purposes of sections 83-4,124 to 83-4,134:

(1) Criminal detention facility shall mean any institution operated by a political subdivision jurisdiction or a combination of political subdivisions jurisdictions for the careful keeping or rehabilitative needs of adult or juvenile criminal offenders or those persons being detained while awaiting disposition of charges against them. Criminal detention facility shall not include any institution operated by the Department of Correctional Services. Criminal detention facilities shall be defined classified as follows:

(a) Type I Facilities shall mean criminal detention facilities used

for the detention of persons for not more than twenty-four hours, excluding holidays and weekends;

(b) Type II Facilities shall mean criminal detention facilities used for the detention of persons for not more than ninety-six hours, excluding holidays and weekends; and

(c) Type III Facilities shall mean criminal detention facilities used for the detention of persons beyond ninety-six hours; and

(2) Juvenile detention facility shall mean an institution operated by a political subdivision or political subdivisions for the secure custody and treatment of persons younger than eighteen years of age, including persons under the jurisdiction of a juvenile court, who are serving a sentence pursuant to a conviction in a county or district court or who are detained while waiting disposition of charges against them. Juvenile detention facility shall not include any institution operated by the department.

Sec. 3. That original sections 83-4,124 and 83-4,125, Revised Statutes Supplement, 1992, are repealed.