

LEGISLATIVE BILL 288

Approved by the Governor February 15, 2000

Introduced by Engel, 17; Bromm, 23; Matzke, 47; Dw. Pedersen, 39;
D. Pederson, 42

AN ACT relating to incarceration work camps; to amend section 83-4,143, Reissue Revised Statutes of Nebraska; to change provisions relating to placement of offenders; and to repeal the original section.
Be it enacted by the people of the State of Nebraska,

Section 1. Section 83-4,143, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,143. (1) It is the intent of the Legislature that the court target the felony offender (a) who is experiencing his or her first prison sentence, (b) for whom the court finds that other conditions of a sentence of probation, in and of themselves, are not suitable, and (c) who, without the existence of an incarceration work camp, would, in all likelihood, be sentenced to prison. It is the further intent of the Legislature that prior offenders who were incarcerated for minor nonviolent offenses are not automatically ineligible to be placed in an incarceration work camp as a condition of a sentence of probation.

(2) When the court is of the opinion that imprisonment is appropriate, but that a brief and intensive period of incarceration may better serve the interests of society, the court may place an offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of a sentence of probation. The court may consider such placement if the offender (a) is a male or female offender who is convicted as an adult, (b) is ~~determined to be~~ medically and mentally fit to participate, with allowances given for reasonable accommodation as determined by medical and mental health professionals, (c) has not previously been incarcerated for a violent felony crime, and (d) has not demonstrated chronic violent behavior. Offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are not eligible to be placed in an incarceration work camp.

Sec. 2. Original section 83-4,143, Reissue Revised Statutes of Nebraska, is repealed.