

One Hundred Second Legislature - First Session - 2011

Introducer's Statement of Intent

LB652

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: March 10, 2011

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

The intent of LB 652 is to begin looking for areas where sentences of first-time nonviolent offenders could be changed to focus on less costly options such as: probation, restitution, house arrest, and the Work Ethic Camp (WEC).

Reducing jail time of first-time nonviolent offenders reserves Nebraska's limited jail space for those who are habitual or violent offenders that are a menace or present a real danger to society, potentially reducing costs. Restitution restores the victim and community to their prior state, giving a personal face to the crime. House arrest allows for offenders a chance to continue working to provide for restitution and the continued care of a family that might otherwise be supported by state services. While the WEC can help with character issues and at the same time help the community through work projects.

LB 652 focuses on first-time nonviolent theft offenders by amending section 28-518, which grades theft offenses into tiers by the value of the thing involved in the theft, and designates a penalties for each tier.

The current dollar values for each grade or tier in section 28-518 have not been adjusted since 1992 and 1978 prior to that, so LB 652 would make adjustments to these values.

The bills primary change would be in the new subsections (9) and (10). Subsection (9) would require probation with a condition of restitution, in accordance with sections 29-2280 to 29-2289, for any sentencing of theft under section 28-518, which the defendant has had no prior criminal convictions.

Subsection (10) would convey the Legislatures intent that, when appropriate and in the interest of justice, sentencing under this section should utilize house arrest and the WEC.

Principal Introducer: _____

Senator Mark Christensen