

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 910

Introduced by Bolz, 29.

Read first time January 12, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to parole administration; to amend section
2 83-1,101, Reissue Revised Statutes of Nebraska, and sections 47-903,
3 47-908, 47-913, 83-171, 83-1,100, and 83-933, Revised Statutes
4 Supplement, 2015; to change provisions relating to parole
5 administration; to define a term; to provide duties for the Office
6 of Parole Administration, the Parole Administrator, the Director of
7 Correctional Services, and the chairperson of the Board of Parole;
8 to change a date relating to transition as prescribed; to change
9 provisions relating to appointment of the Parole Administrator; to
10 harmonize provisions; to repeal the original sections; and to
11 declare an emergency.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-903, Revised Statutes Supplement, 2015, is
2 amended to read:

3 47-903 For purposes of the Office of Inspector General of the
4 Nebraska Correctional System Act, the following definitions apply:

5 (1) Administrator means a person charged with administration of a
6 program, an office, or a division of the department or administration of
7 a private agency;

8 (2) Department means the Department of Correctional Services;

9 (3) Director means the Director of Correctional Services;

10 (4) Inspector General means the Inspector General of the Nebraska
11 Correctional System appointed under section 47-904;

12 (5) Malfeasance means a wrongful act that the actor has no legal
13 right to do or any wrongful conduct that affects, interrupts, or
14 interferes with performance of an official duty;

15 (6) Management means supervision of subordinate employees;

16 (7) Misfeasance means the improper performance of some act that a
17 person may lawfully do;

18 (8) Obstruction means hindering an investigation, preventing an
19 investigation from progressing, stopping or delaying the progress of an
20 investigation, or making the progress of an investigation difficult or
21 slow;

22 (9) Office means the office of Inspector General of the Nebraska
23 Correctional System and includes the Inspector General and other
24 employees of the office;

25 (10) Private agency means an entity that contracts with the
26 department or contracts to provide services to another entity that
27 contracts with the department;~~and~~

28 (11) Record means any recording in written, audio, electronic
29 transmission, or computer storage form, including, but not limited to, a
30 draft, memorandum, note, report, computer printout, notation, or message,
31 and includes, but is not limited to, medical records, mental health

1 records, case files, clinical records, financial records, and
2 administrative records; and -

3 (12) Office of Parole Administration means the office created
4 pursuant to section 83-1,100.

5 Sec. 2. Section 47-908, Revised Statutes Supplement, 2015, is
6 amended to read:

7 47-908 All employees of the department, all employees of the Office
8 of Parole Administration, and all owners, operators, managers,
9 supervisors, and employees of private agencies shall cooperate with the
10 office. Cooperation includes, but is not limited to, the following:

11 (1) Provision of full access to and production of records and
12 information. Providing access to and producing records and information
13 for the office is not a violation of confidentiality provisions under any
14 statute, rule, or regulation if done in good faith for purposes of an
15 investigation under the Office of Inspector General of the Nebraska
16 Correctional System Act;

17 (2) Fair and honest disclosure of records and information reasonably
18 requested by the office in the course of an investigation under the act;

19 (3) Encouraging employees to fully comply with reasonable requests
20 of the office in the course of an investigation under the act;

21 (4) Prohibition of retaliation by owners, operators, or managers
22 against employees for providing records or information or filing or
23 otherwise making a complaint to the office;

24 (5) Not requiring employees to gain supervisory approval prior to
25 filing a complaint with or providing records or information to the
26 office;

27 (6) Provision of complete and truthful answers to questions posed by
28 the office in the course of an investigation; and

29 (7) Not willfully interfering with or obstructing the investigation.

30 Sec. 3. Section 47-913, Revised Statutes Supplement, 2015, is
31 amended to read:

1 47-913 The department and the Office of Parole Administration shall
2 provide the Public Counsel and the Inspector General with direct computer
3 access to all computerized records, reports, and documents maintained by
4 the department in connection with administration of the Nebraska
5 correctional system, except that the Public Counsel's and Inspector
6 General's access to an inmate's medical or mental health records shall be
7 subject to the inmate's consent.

8 Sec. 4. Section 83-171, Revised Statutes Supplement, 2015, is
9 amended to read:

10 83-171 There is hereby created a Department of Correctional Services
11 which shall:

12 (1) Maintain and administer facilities required for the custody,
13 control, correctional treatment, and rehabilitation of persons committed
14 to the department and for the safekeeping of such other persons as may be
15 remanded to the department in accordance with law;

16 (2) Develop policies and programs for the correctional treatment and
17 rehabilitation of persons committed to the department;

18 (3) Supervise parolees who have been committed to the department;
19 and

20 (4) Until January 1, 2017 ~~July 1, 2016~~, administer parole services
21 in the facilities and in the community and, beginning January 1, 2017
22 ~~July 1, 2016~~, cooperate with the Board of Parole and Office of Parole
23 Administration to assist with the efficient administration of parole
24 services in the facilities and in the community.

25 Sec. 5. Section 83-1,100, Revised Statutes Supplement, 2015, is
26 amended to read:

27 83-1,100 (1) There is hereby created the Office of Parole
28 Administration. Until January 1, 2017 ~~July 1, 2016~~, the office shall be
29 within the Department of Correctional Services. Beginning January 1, 2017
30 ~~July 1, 2016~~, the office shall be within the Board of Parole. The
31 director and the board shall jointly develop a transition implementation

1 plan. The plan shall be presented to the Governor and to the Legislature
2 no later than December 1, 2015. The report to the Legislature shall be
3 delivered electronically.

4 (2) The director and the board shall meet monthly to implement the
5 plan. The director and the chairperson shall issue reports to the
6 Legislature monthly. Such reports shall include, but not be limited to,
7 the following:

8 (a) On May 1, 2016, a report detailing budget and transition
9 logistics;

10 (b) On June 1, 2016, a report detailing development of board
11 policies and procedures;

12 (c) On July 1, 2016, a detailed community-based services
13 coordination plan; and

14 (d) On August 1, 2016, a data and evaluation plan.

15 Subsequent monthly reports shall be issued on the first of each
16 month until January 1, 2017, and shall detail changes to the transition
17 implementation plan described in subsection (1) of this section and the
18 plans described in subdivision (2)(a) through (d) of this section as well
19 as other implementation or transition challenges, successes, and
20 failures. Beginning January 1, 2017, and until January 1, 2018, the Board
21 of Parole shall issue reports to the Governor and electronically to the
22 Legislature on a quarterly basis, detailing challenges, successes, and
23 failures of the management of parole operations by the Board of Parole.

24 (3) The employees of the office shall consist of the Parole
25 Administrator, the field parole service officers, and all other office
26 staff. The office shall be responsible for the following:

27 (a) The administration of parole services in the community;

28 (b) The maintenance of all records and files associated with the
29 Board of Parole;

30 (c) The daily supervision and training of staff members of the
31 office, including training regarding evidence-based practices in

1 supervision pursuant to section 83-1,100.02; and

2 (d) The assessment, evaluation, and supervision of individuals who
3 are subject to parole supervision, including lifetime community
4 supervision pursuant to section 83-174.03.

5 (4 2) Parole officers shall be compensated with salaries
6 substantially equal to other state employees who have similar
7 responsibilities, including employees of the Office of Probation
8 Administration. This subsection shall apply only to field parole service
9 officers and support staff and shall not apply to the Parole
10 Administrator, any deputy parole administrator, or any other similarly
11 established management position.

12 (5 3) Nothing in this section shall be construed to prohibit the
13 office from maintaining daily records and files associated with the Board
14 of Pardons.

15 Sec. 6. Section 83-1,101, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 83-1,101 The chairperson of the Board of Parole, with an affirmative
18 vote of four members ~~Director of Correctional Services with the consent~~
19 of the Board of Parole shall appoint a Parole Administrator, who shall be
20 a person with appropriate experience. The Parole Administrator may be
21 removed by the chairperson of the Board of Parole by a vote taken by the
22 majority of the Board of Parole in the field of corrections, or with
23 training in relevant disciplines at a recognized university.

24 Sec. 7. Section 83-933, Revised Statutes Supplement, 2015, is
25 amended to read:

26 83-933 Until January 1, 2017 ~~July 1, 2016~~, the Office of Parole
27 Administration shall be within the Division of Community-Centered
28 Services. Beginning January 1, 2017 ~~July 1, 2016~~, the Office of Parole
29 Administration shall be within the Board of Parole. Subject to
30 supervision, the Parole Administrator shall be charged with the
31 administration of parole services in the community pursuant to the

1 provisions of section 83-1,102, implementation and administration of the
2 Interstate Compact for Adult Offender Supervision as it affects parolees,
3 community supervision of sex offenders pursuant to section 83-174.03, and
4 supervision of parolees either paroled in Nebraska and supervised in
5 another state or paroled in another state and supervised in Nebraska,
6 pursuant to the compact.

7 Sec. 8. Original section 83-1,101, Reissue Revised Statutes of
8 Nebraska, and sections 47-903, 47-908, 47-913, 83-171, 83-1,100, and
9 83-933, Revised Statutes Supplement, 2015, are repealed.

10 Sec. 9. Since an emergency exists, this act takes effect when
11 passed and approved according to law.