

One Hundred Fourth Legislature - Second Session - 2016

Introducer's Statement of Intent

LB861

Chairperson: Senator Les Seiler

Committee: Judiciary

Date of Hearing: February 04, 2016

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

Last session the Legislature passed LB598 in conjunction with the LR434 (2014) and LR34 (2015) Special Investigative Committees for the Department of Corrections. LB598 requires the Department of Corrections to adopt meaningful rules and regulations and was offered as an alternative to micromanagement of the Department by statute. A special work group was authorized in LB598 to work with the Department to develop reasonable rules and regulations and replace informal policies that were found to be problematic by the LR434 (2014) Special Investigative Committee.

LB598 requires the Department to have rules and regulations adopted and enforced pertaining to the use of restrictive housing by July 1, 2016. At this time it is unclear whether satisfactory rules and regulations will be adopted. LB861 is intended to provide a failsafe mechanism to deal with the issue in the event the rules and regulations aren't satisfactory to the Legislature. LB861 provides for judicial review of restrictive housing cases after 90 days.

Principal Introducer: _____

Senator Paul Schumacher