

AMENDMENTS TO LB776

Introduced by McCollister, 20.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 47-101, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 47-101 The Jail Standards Board shall, each January, and at such
6 other time or times from time to time as it may deem necessary,
7 prescribe, in writing, rules for the regulation and government of the
8 jails upon the following subjects: (1) The cleanliness of the jail and
9 prisoners; (2) the classification of prisoners in regard to sex, age, and
10 crime, and also persons with physical or mental disabilities; (3) beds,
11 ~~and~~ clothing, and diet; (4) warming, lighting, and ventilation of the
12 jail; (5) the employment of medical and surgical aid when necessary; (6)
13 employment, temperance, and instruction of the prisoners; (7) the
14 supplying of each prisoner with a Bible or other written religious
15 material; (8) the intercourse between prisoners and their counsel and
16 other persons including access to telephones or videoconferencing as
17 required in section 2 of this act; (9) the discipline of prisoners for
18 violation of the rules of the jail; and (10) such other matters as the
19 board may deem necessary to promote the welfare of the prisoners.

20 Sec. 2. (1) Each county jail shall make available either a prepaid
21 telephone call system or collect telephone call system, or a combination
22 thereof, for telephone services for inmates. Under either system, the
23 provision of inmate telephone services shall be subject to the
24 requirements of this section.

25 (2) Under a prepaid system, funds may be deposited into an inmate
26 account in order to pay for telephone calls. The provider of the inmate
27 telephone services, as an additional means of payment, shall permit the

1 recipient of inmate collect telephone calls to establish an account with
2 that provider in order to deposit funds for advance payment of those
3 collect telephone calls. The provider of the inmate telephone services
4 shall also allow inmates to communicate on the telephone, or by
5 videoconferencing, with an attorney or attorneys without charge and
6 without monitoring or recording by the county jail or law enforcement.

7 (3) A county operating a county jail may receive revenue for the
8 reasonable operating costs for establishing and administering such
9 telephone services system or videoconferencing system, but shall not
10 receive excessive commissions or bonus payments. In determining the
11 amount of such reasonable operating costs, the Jail Standards Board may
12 consider for comparative purposes the rates for inmate calling services
13 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable
14 operating costs include, but are not limited to, any excessive
15 commissions and bonus payments, as determined by the Jail Standards
16 Board, including, but not limited to, awards paid to a county for
17 contracting with an entity that provides such service.

18 (4) Nothing in this section shall require a county jail to provide
19 or administer a prepaid telephone call system.

20 (5) For the purposes of this section, collect telephone call system
21 means a system pursuant to which recipients are billed for the cost of an
22 accepted telephone call initiated by an inmate.

23 Sec. 3. The Jail Standards Board shall ensure that county jails are
24 providing inmates with means to communicate by telephone or
25 videoconferencing with inmates' families, loved ones, and counsel.

26 Sec. 4. Section 47-108, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 47-108 It shall be the duty of the district court in its charge to
29 the grand jury to inform the jury of the provisions of sections 47-101 to
30 47-116 and sections 2 and 3 of this act and all rules, plans, or
31 regulations established by the Jail Standards Board relating to county

1 jails and prison discipline.

2 Sec. 5. Section 47-109, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 47-109 The grand jury of each county in this state may, while in
5 attendance, visit the jail, examine its state and condition, and examine
6 and inquire into the discipline and treatment of prisoners, their habits,
7 diet, and accommodations. If the grand jury visits a jail, it shall be
8 its duty to report to the court in writing, whether the rules of the Jail
9 Standards Board have been faithfully kept and observed, or whether any of
10 the provisions of sections 47-101 to 47-116 and sections 2 and 3 of this
11 act, have been violated, pointing out particularly in what the violation,
12 if any, consists. It shall also be the duty of the county board of each
13 county of this state to visit the jail of its county once during each of
14 its sessions in January, April, July, and October of each year.

15 Sec. 6. Section 47-116, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 47-116 If the sheriff or jailer, having charge of any county jail,
18 shall neglect or refuse to conform to all or any of the rules and
19 regulations established by the Jail Standards Board, or to perform any
20 other duty required of him or her by sections 47-101 to 47-116 and
21 sections 2 and 3 of this act, he or she shall, upon conviction thereof
22 for each case of such failure or neglect of duty, pay into the county
23 treasury of the proper county for the use of such county a fine of not
24 less than five dollars nor more than one hundred dollars, to be assessed
25 by the district court of the proper district.

26 Sec. 7. Section 47-201, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 47-201 The Jail Standards Board shall, each ~~in the month of~~ January
29 ~~of each year~~, and at such other time or times as it may deem necessary,
30 prescribe written rules for the regulation and government of the
31 municipal jails upon the subjects of (1) the cleanliness of the jail and

1 prisoners, (2) the classification of prisoners in regard to sex, age,
2 crime, and also persons with physical or mental disabilities mental
3 infirmity, (3) beds, clothing, and diet, (4) warming, lighting, and
4 ventilation ventilating of the jail, (5) the employment of medical and
5 surgical aid, (6) the employment, temperance, and instruction of the
6 prisoners, (7) the intercourse between prisoners and their attorneys and
7 other persons, including access to telephones or videoconferencing as
8 required by section 8 of this act, (8) the discipline of prisoners, (9)
9 the keeping of records of the jail, and (10) any other matters concerning
10 jails and their government as the board may deem necessary.

11 Sec. 8. (1) Each city jail shall make available either a prepaid
12 telephone call system or collect telephone call system, or a combination
13 thereof, for telephone services for inmates. Under either system, the
14 provision of inmate telephone services shall be subject to the
15 requirements of this section.

16 (2) Under a prepaid system, funds may be deposited into an inmate
17 account in order to pay for telephone calls. The provider of the inmate
18 telephone services, as an additional means of payment, shall permit the
19 recipient of inmate collect telephone calls to establish an account with
20 that provider in order to deposit funds for advance payment of those
21 collect telephone calls. The provider of the inmate telephone services
22 shall also allow inmates to communicate on the telephone, or by
23 videoconferencing, with an attorney or attorneys without charge and
24 without monitoring or recording by the city jail or law enforcement.

25 (3) A city operating a city jail may receive revenue for the
26 reasonable operating costs for establishing and administering such
27 telephone services system or videoconferencing system, but shall not
28 receive excessive commissions or bonus payments. In determining the
29 amount of such reasonable operating costs, the Jail Standards Board may
30 consider for comparative purposes the rates for inmate calling services
31 provided in 47 C.F.R. part 64. Amounts in excess of the reasonable

1 operating costs include, but are not limited to, any excessive
2 commissions and bonus payments, as determined by the Jail Standards
3 Board, including, but not limited to, awards paid to a city for
4 contracting with an entity that provides such service.

5 (4) Nothing in this section shall require a city jail to provide or
6 administer a prepaid telephone call system.

7 (5) For the purposes of this section, collect telephone call system
8 means a system pursuant to which recipients are billed for the cost of an
9 accepted telephone call initiated by an inmate.

10 Sec. 9. The Jail Standards Board shall ensure that city jails are
11 providing inmates with means to communicate by telephone or
12 videoconferencing with inmates' families, loved ones, and counsel.

13 Sec. 10. Section 47-206, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 47-206 The officer in charge of any municipal prison or jail who
16 fails to comply with the provisions of sections 47-201 to 47-205 and
17 sections 8 and 9 of this act or the rules prescribed by the Jail
18 Standards Board shall be guilty of a Class V misdemeanor.

19 Sec. 11. Original sections 47-101, 47-108, 47-109, 47-116, 47-201,
20 and 47-206, Reissue Revised Statutes of Nebraska, are repealed.