

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 672

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
2 to amend section 83-1,135, Revised Statutes Cumulative Supplement,
3 2016; to provide for medical release for committed offenders as
4 prescribed; to harmonize provisions; and to repeal the original
5 section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) A committed offender who because of a medical or
2 physical condition is determined by the department to be terminally ill
3 or permanently incapacitated may be considered for medical release by the
4 department. A committed offender may be eligible for medical release in
5 addition to parole. The department shall identify committed offenders who
6 may be eligible for medical release based upon their medical records.

7 (2) The department may grant medical release only after a review of
8 the medical, institutional, and criminal records of the committed
9 offender and such additional medical evidence from examinations or
10 investigations as the department in its discretion determines to be
11 necessary. The decision to grant medical release and to establish
12 conditions of release in addition to the conditions stated in subsection
13 (3) of this section is within the sole discretion of the department.

14 (3) As conditions of medical release, the department shall require
15 that the committed offender agree to placement for medical treatment and
16 that he or she be placed for a definite or indefinite period of time in a
17 hospital, a hospice, or another housing accommodation suitable to his or
18 her medical condition, including, but not limited to, his or her family's
19 home, as specified by the department.

20 Sec. 2. (1) If during the term of medical release the medical or
21 physical condition of the offender improves to the extent that he or she
22 is no longer eligible for medical release, the department may direct that
23 he or she be returned to the custody of the department to await a hearing
24 to determine whether the medical release should be terminated.

25 (2) If medical release is terminated due to improvement in the
26 medical or physical condition of the offender, he or she shall serve the
27 balance of his or her sentence with credit for time served on medical
28 release and without forfeiture of any credits accrued for good conduct
29 pursuant to the Nebraska Treatment and Corrections Act prior to medical
30 release.

31 (3) If an offender whose medical release is terminated due to

1 improvement in his or her medical or physical condition would otherwise
2 be eligible for parole or any other release program, he or she may be
3 considered for such release program.

4 (4) In addition to termination of medical release pursuant to
5 subsection (1) of this section, medical release may also be terminated
6 for violation of any condition of the medical release established by the
7 department.

8 Sec. 3. Section 83-1,135, Revised Statutes Cumulative Supplement,
9 2016, is amended to read:

10 83-1,135 Sections 83-170 to 83-1,135.05 and sections 1 and 2 of this
11 act shall be known and may be cited as the Nebraska Treatment and
12 Corrections Act.

13 Sec. 4. Original section 83-1,135, Revised Statutes Cumulative
14 Supplement, 2016, is repealed.