

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 675**

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Correctional System Overcrowding
- 2 Emergency Act; to amend section 83-962, Revised Statutes Cumulative
- 3 Supplement, 2016; to change provisions relating to declaration of a
- 4 correctional emergency as prescribed; to repeal the original
- 5 section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-962, Revised Statutes Cumulative Supplement,  
2 2016, is amended to read:

3 83-962 (1) Until July 1, 2018 ~~2020~~, the Governor may declare a  
4 correctional system overcrowding emergency whenever the director  
5 certifies that the department's inmate population is over one hundred  
6 forty percent of design capacity. Beginning July 1, 2018 ~~2020~~, a  
7 correctional system overcrowding emergency shall exist whenever the  
8 director certifies that the department's inmate population is over one  
9 hundred forty percent of design capacity. The director shall so certify  
10 within thirty days after the date on which the population first exceeds  
11 one hundred forty percent of design capacity. The director shall also  
12 certify a list of the inmates who are presently parole eligible who have  
13 not been released on parole.

14 (2) During a correctional system overcrowding emergency, the board  
15 shall immediately consider or reconsider committed offenders eligible for  
16 parole who have not been released on parole.

17 (3) Upon such consideration or reconsideration, and for all other  
18 consideration of committed offenders eligible for parole while the  
19 correctional system overcrowding emergency is in effect, the board shall  
20 order the release of each committed offender unless it is of the opinion  
21 that such release should be deferred because:

22 (a) The board has determined that it is more likely than not that  
23 the committed offender will not conform to the conditions of parole;

24 (b) The board has determined that release of the committed offender  
25 would have a very significant and quantifiable effect on institutional  
26 discipline; or

27 (c) The board has determined that there is a very substantial risk  
28 that the committed offender will commit a violent act against a person.

29 (4) In making the determination regarding the risk that a committed  
30 offender will not conform to the conditions of parole, the board shall  
31 take into account the factors set forth in subsection (2) of section

1 83-1,114.

2 (5) The board shall continue granting parole to offenders under this  
3 section until the director certifies that the population is at  
4 operational capacity. The director shall so certify within thirty days  
5 after the date on which the population first reaches operational  
6 capacity.

7 Sec. 2. Original section 83-962, Revised Statutes Cumulative  
8 Supplement, 2016, is repealed.

9 Sec. 3. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.