

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 108

Introduced by Bolz, 29.

Read first time January 10, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Treatment and Corrections Act;
- 2 to amend section 83-176, Reissue Revised Statutes of Nebraska, and
- 3 section 83-1,135, Revised Statutes Cumulative Supplement, 2018; to
- 4 prescribe requirements for and limitations on placement of
- 5 Department of Correctional Services inmates in county jails as
- 6 prescribed; to harmonize provisions; and to repeal the original
- 7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-176, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 83-176 (1) Whenever any person is sentenced or committed under any
4 provision of law to a specific facility within the department or to the
5 custody of the warden or superintendent of such facility, he or she shall
6 be deemed to be sentenced or committed to the department.

7 (2) Subject to the annual limit on placements in county jails under
8 section 3 of this act, the The director may designate as a place of
9 confinement of a person committed to the department any available,
10 suitable, and appropriate residence facility or institution, whether or
11 not operated by the state, and may at any time transfer such person from
12 one place of confinement to another.

13 Sec. 2. Section 83-1,135, Revised Statutes Cumulative Supplement,
14 2018, is amended to read:

15 83-1,135 Sections 83-170 to 83-1,135.05 and section 3 of this act
16 shall be known and may be cited as the Nebraska Treatment and Corrections
17 Act.

18 Sec. 3. (1) In any year the department may contract with county
19 jail facilities to house no more than one hundred fifty committed
20 offenders. This limit shall apply to the entire state. Committed
21 offenders eligible for placement in the county jails shall only include
22 those within one year of parole or release eligibility or those requiring
23 only community-based or minimum-security supervision.

24 (2) The department shall only place a committed offender for housing
25 in a county jail if the county jail facility has the capacity and agrees
26 to offer services to meet one or more of the offender's prerelease
27 programming requirements when such programming is needed for the offender
28 to become eligible for parole or release. The department may place a
29 committed offender who does not have prerelease programming requirements
30 in a county jail facility in which such programming is not offered.

31 (3) The department may not withhold good time or in any other way

1 sanction a committed offender solely based upon his or her refusal to
2 participate in placement in a county jail under this section.

3 Sec. 4. Original section 83-176, Reissue Revised Statutes of
4 Nebraska, and section 83-1,135, Revised Statutes Cumulative Supplement,
5 2018, are repealed.