

**ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025**  
**COMMITTEE STATEMENT**  
**LB150**

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**Hearing Date:** Wednesday February 12, 2025  
**Committee On:** Judiciary  
**Introducer:** Bosn  
**One Liner:** Change the habitual criminal sentencing enhancement

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Bosn, DeBoer, Hallstrom, Holdcroft, Rountree, Storer, Storm
<b>Nay:</b>	1	Senator McKinney
<b>Absent:</b>		
<b>Present Not Voting:</b>		

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**Testimony:**

**Proponents:**

Senator Carolyn Bosn  
Amy Goodro

**Representing:**

Opening Presenter  
Nebraska County Attorneys Association

**Opponents:**

Spike Eickholt  
Jason Witmer

**Representing:**

Nebraska Criminal Defense Attorneys Association  
ACLU of Nebraska

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB 150 amends section 29-2221 to eliminate an exception providing for a reduced habitual criminal penalty enhancement as prescribed if the felony committed and at least one of the prior felony convictions do not involve sexual contact, sexual penetration, the threat to inflict serious bodily injury or death on another person, the infliction of serious bodily injury on another person, a deadly or dangerous weapon, or a firearm..

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**Explanation of amendments:**

The Committee considered and adopted an amendment (AM 1370) which strikes and replaces the original sections of LB 150 and includes LB 150 as amended by AM 581. The committee amendment also incorporates LB 219 as introduced, LB 271 as amended by AM 1346, LB 329 as amended by AM 892, LB 386 as amended by AM 1344, LB 412 as amended by AM 732, LB 539 as amended by AM 505, and LB 606 as introduced. LB 150 comprises section 14 of AM 1370; LB 219 comprises section 8 of AM 1370; LB 271 comprises section 13 of AM 1370; LB 329 comprises



sections 7, 9 to 11, and 19 of AM 1370; LB 386 comprises sections 1 to 6, 51 to 67, and 69 to 73 of AM 1370; LB 412 comprises sections 21 to 23 of AM 1370; LB 539 comprises sections 47 to 50 and 104 of AM 1370; and LB 606 comprises sections 12, 15 to 18, 20, 24 to 46, 68, 74 to 102, and 104 of AM 1370.

AM 581 amends LB 150 to change the exception for a reduced habitual criminal penalty enhancement under subdivision (1)(c) of section 29-2221. The amendment provides that if the felony committed is in violation of subsection (3) of section 28-416 (controlled substance violations) or in violation of sections 28-509 to 28-518 (theft) and all of the habitual criminal's prior felonies are also violations of such subsection or sections, the mandatory minimum term shall be three years and the maximum term not more than twenty years.

## LB 219

LB 219 was introduced by Senator Dungan and amends section 28-105 to remove a minimum sentencing requirement for nine months of post-release supervision for Class III and Class IIIA felonies.

LB 219 was amended into LB 150 on a 8-0 vote of the Committee:

Yes: Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

No: 0

Absent: 0

Present Not Voting: 0

LB 219 had a public hearing on February 19, 2025 with the following testimony:

### Proponents:

Sen. George Dungan, Opening Presenter

Spike Eickholt, Nebraska Criminal Defense Attorneys Association

Brad Johnson, Lancaster County Board

Opponents: none

Neutral: none

## LB 271

LB 271 was introduced by Senator Storer and amends section 28-101 and adds a new section to the Nebraska Criminal Code making it unlawful to knowingly, willfully, or recklessly place any obstruction on or otherwise interfere with any rail or part of the tracks or other fixture or devices involving operations of any railroad; interferes with any signal, mechanism, device or equipment of a railroad; interferes with or places any biological agent or destructive substance on any rail infrastructure; detaches or initiates an emergency brake application or otherwise interferes with the movement of any train; assaults any rail passenger, railroad employee, or railroad police; makes a terroristic threat or knowingly conveys false information regarding any attempt to commit any of the acts described in this new section; or attempts or threatens to commit any act described in this section. A violation of this new section is a Class IIIA felony.

AM 1346 amends LB 271 to strike the original sections and instead amends section 28-519 to expand the definition of criminal mischief. Criminal mischief now includes an actor who acts intentionally or maliciously with the intent to cause a substantial interruption or impairment of any rail infrastructure, any telecommunications or broadband communication service, or the supply of water, gas, or power. The penalty for this type of criminal mischief is a Class III felony.



LB 271 was amended into LB 150 on a on a 7-1 vote of the Committee:  
Yes: Senators Bosn, DeBoer, Hallstrom, Holdcroft, Rountree, Storer, Storm  
No: Senator McKinney  
Absent: 0  
Present Not Voting: 0

LB 271 had a public hearing on March 5, 2025 with the following testimony:

Proponents:

Sen. Tanya Storer, Opening Presenter  
Richard Schmeling, Pro Rail Nebraska  
Thomas McCaslin, BNSF Railway  
Jeff Davis, BNSF Railway

Opponents:

Spike Eickholt, Nebraska Criminal Defense Attorneys Association

Neutral:

Andrew Foust, SMART - TD

LB 329

LB 329 was introduced by Senator von Gillern and amends section 28-316.01 (sexual abuse by a school employee) to add "school contract worker" to the definition of "school employee." The bill defines "school contract worker" as a person aged 19 or older who, as part of such person's employment, spends time working at a public, private, denominational, or parochial school approved or accredited by the State Department of Education but is not employed by such a school. The term includes a school resource officer, a construction worker, or a school consultant or independent contractor.

AM 892 strikes the original sections of LB 329 and amends section 28-316.01 to redefine "school employee" and "student" and define "school", "school contract worker" and "school worker" to simplify changes made by the original bill. In defining "school worker", AM 892 also amends several other sections of law for harmonization purposes.

LB 329 was amended into LB 150 on a 8-0 vote of the Committee:  
Yes: Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm  
No: 0  
Absent: 0  
Present Not Voting: 0

LB 329 had a public hearing on March 26, 2025 with the following testimony:

Proponents:

Sen. R. Brad von Gillern, Opening Presenter  
Lisa Albers, Nebraska Association of School Boards; Grand Island Public Schools  
William Rinn, Douglas County Sheriffs Office  
Mande Saitta, Self  
James Saitta, Self  
Tanya Encalada Cruz, Self\*



Opponents:

Spike Eickholt, Nebraska Criminal Defense Attorneys Association  
Jeanie Mezger, Self  
Gini Aland, Self

Neutral: none

LB 386

LB 386 was introduced by Senator Storer and creates the Regional Mental Health Expansion Pilot Program Act to address the shortage of mental health care professionals and the accessibility of services, particularly in rural Nebraska. The pilot program provides grant funding to a selected county law enforcement agency to expand mental health in an existing jail or another facility. The purpose of the pilot program is to expand access to care and alleviate the strain on law enforcement when officers take someone suffering from health issues into emergency protective custody. The bill also provides for videoconferencing during mental health evaluations and mental health board hearings under the Nebraska Mental Health Commitment Act and Sex Offender Commitment Act. .

AM 1344 amends LB 386 to require the agreement of all parties before a mental health board may hold a hearing via videoconferencing and to add a new provision of law which provides that the Nebraska Commission on Law Enforcement and Criminal Justice shall create a pilot program to seek federal funding for collaborative efforts in emergency response by law enforcement agencies and mental health professionals.

LB 386 was amended into LB 150 on a 8-0 vote of the Committee:

Yes: Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

No: 0

Absent: 0

Present Not Voting: 0

LB 386 had a public hearing on March 28, 2025 with the following testimony:

Proponents:

Sen. Tanya Storer, Opening Presenter  
Michael Hilgers, Nebraska Attorney General  
Micheal Dwyer, Self  
Bryan Waugh, Police Chiefs Association of Nebraska; Nebraska Sheriffs Association  
Elaine Menzel, Nebraska Association of County Officials

Opponents:

Spike Eickholt, Nebraska Criminal Defense Attorneys Association  
Delores Eden, Self  
Tim Hruza, Nebraska State Bar Association  
Jeanie Mezger, Self

Neutral: none

LB 412

LB 412 was introduced by Senator Hallstrom and amends definitions and procedures related to paternity actions. The



bill amends section 43-1401 to redefine "child" to except such definition as provided in section 43-1411. The bill also amends subsection (3) of section 43-1411 to modify the process for establishing paternity. Existing law allows an individual claiming to be the biological father of a child under juvenile court jurisdiction to file a complaint to intervene in the proceedings if he submits an affidavit affirming his belief in his paternity. Upon the filing of such complaint, the juvenile court must order genetic testing. The bill makes genetic testing optional, at the court's discretion. It also establishes criteria for the court to consider when deciding on genetic testing or paternity establishment, including the child's age and existing relationships with presumptive parents, whether the child could benefit or be harmed by establishing the complainant's paternity, and any other factor the court deems relevant. For purposes of subsection (3) of section 43-1411, "child" means a person under the age of eighteen years, regardless of whether the person was born out of wedlock.

AM 732 amends 43-1411 to allow an individual who has reason to believe he is the biological father of a child to file a civil proceeding to determine paternity in district court, and strikes new subdivision (3) (d) of such section added by the original bill which provided criteria for the court to consider when deciding on genetic testing or paternity establishment. AM 732 also amends section 43-1414, which regards the requirements and process for genetic testing in paternity proceedings, to define "child" as a person under the age of eighteen years, regardless whether the child was born out of wedlock.

LB 412 was amended into LB 150 on a 8-0 vote of the Committee:

Yes: Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

No: 0

Absent: 0

Present Not Voting: 0

LB 412 had a public hearing on February 21, 2025 with the following testimony:

Proponents:

Senator Bob Hallstrom, Opening Presenter

Opponents: none

Neutral:

Tim Hruza, Nebraska State Bar Association

LB 539

LB 539 amends certain sections of Chapter 69 of the Nebraska Revised Statutes to eliminate provisions relating to handgun purchase requirements and to change provisions relating to criminal history record checks to avoid creation of a redundant state check system.

LB 539 amends section 69-2409.01 to provide that for criminal history record information checks relating to firearms or explosives, the Nebraska State Patrol (Patrol) shall be furnished with only such information as may be necessary for the purposes of determining whether an individual is qualified to receive a permit to carry a concealed handgun under section 69-2433, or disqualified from purchasing or possessing firearms or explosives pursuant to state or federal law. The bill also amends this section to provide that the information the clerks of the various courts are required to furnish to the Department of Health and Human Services (Department) and the Patrol necessary to set up and maintain the database required by this section shall include information regarding those persons who are disqualified from purchasing or possessing firearms or explosives pursuant to state or federal law, including, but not limited to, 18 U.S.C. 992(d)(4) and (g)(4), and those who meet the definition of adjudicated as a mental defective or committed to a mental institution pursuant to 27 C.F.R 478.11.



The bill also amends section 69-2409.01 to provide that any person who intentionally causes the Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2430 or is otherwise subject to a criminal history record information check pursuant to law shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law. Further, section 69-2409.01 is amended to eliminate a requirement that the Patrol and the Department file a biannual report with the Legislature.

Finally, LB 539 amends section 69-2410 to eliminate certain requirements by an importer, manufacturer, or dealer of handguns made obsolete by elimination of the state criminal history check system requirements in favor of using the National Instant Criminal Background Check System. Also, sections 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418, 69-2419, and 69-2423 relating to the state criminal history record check system being eliminated are outright repealed.

AM 505 is a white copy amendment that strikes and replaces the original sections with the same amended sections, but further amends section 69-2409.01 regarding the information the clerks of various courts are mandated to furnish. Such information shall include with those persons who meet the definition of adjudicated as a mental defective or committed to a mental institution pursuant to 27 C.F.R 478.11, those individuals found not responsible by reason of insanity, found not competent to stand trial, found to lack the mental capacity to manage their own affairs, or otherwise found by a court to be not competent.

LB 539 was amended into LB 150 on a 8-0 vote of the Committee:

Yes: Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

No: 0

Absent: 0

Present Not Voting: Senator

LB 539 had a public hearing on March 14, 2025 with the following testimony:

Proponents:

Senator Brian Hardin, Opening Presenter

Kelsey Remmers, Nebraska State Patrol

Patricia Harrold, Nebraska Firearms Owners Association; Women for Gun Rights

Allie Bush, Nebraskans Against Government Overreach

Scott Thomas, Village in Progress

Josephine Litwinowicz, Higher Power Church

Opponents: none

Neutral: none

LB 606

LB 606 was introduced by Senator Holdcroft and eliminates references to obsolete provisions relating to the Division of Parole Supervision and the Director of Supervision and Services. Following passage of LB 631 in 2024, the Division of Parole Supervision was transferred to the Department of Correctional Services (DCS). LB 606 also changes the metric used for declaring an overcrowding emergency within DCS facilities from design capacity to operational capacity.



Sections 1 to 34, 36, 38 to 41, and 43 to 58 of LB 606 are sections in Chapters 28, 29, 47, 71, 81, and 83 of the Nebraska Revised Statutes that are amended to harmonize name changes in the bill relating to the elimination of the Division of Parole Supervision as well as the position of the Director of Supervision and Supervision and to substitute the Department of Correctional Services and the Director of Correctional Services where applicable. Obsolete dates are also eliminated in sections 41 and 56 of LB 606, and references to outright repealed sections 83-1,101 and 83-1,102 are struck in sections 2, 7, 34, 45, and 52 of LB 606.

The Committee advanced LB 606 to General File without amendments on an 8-0 vote.

LB 606 was amended into LB 150 on a 8-0 vote of the Committee:

Aye: Senators Bosn, DeBoer, Hallstrom, Holdcroft, McKinney, Rountree, Storer, Storm

LB 606 had a public hearing on March 12, 2025 with the following testimony:

Proponents:

Senator Rick Holdcroft, Opening Presenter

Diane Sabatka-Rine, Nebraska Department of Correctional Services

Opponents: none

Neutral: none

Section-by-Section Summary:

Section 1: A new section of law which provides that Sections 1 to 5 of this act shall be known as the Regional Mental Health Expansion Pilot Program Act. (LB 386)

Section 2: A new section of law which states legislative findings and declarations for the Regional Mental Health Expansion Pilot Program Act. (LB 386)

Section 3: A new section of law which provides that the Nebraska Commission on Law Enforcement and Criminal Justice (Crime Commission) shall create a regional mental health expansion pilot program to provide funding to a county law enforcement agency to expand mental health beds and encourage cooperation between law enforcement agencies to service the region. The Crime Commission shall select one county law enforcement agency that meets the eligibility requirements of this section. This section states that the Regional Mental Health Expansion Pilot Program Act is not intended to criminalize mental health issues or result in the incarceration of individuals for mental health issues. (LB 386 as amended by AM 1344)

Section 4: A new section of law which provides that the Crime Commission shall administer the pilot program and identify grant funding for it. (LB 386)

Section 5: A new section of law which provides that the Crime Commission shall coordinate with the Attorney General in carrying out the Regional Mental Health Expansion Pilot Program Act. (LB 386)

Section 6: A new section of law which provides that the Crime Commission shall create a pilot program to seek federal funding for collaborative efforts in emergency response by law enforcement agencies and mental health professionals. (LB 386 as amended by AM 1344)

Section 7: Makes harmonizing changes to section 27-413. (LB 329 as amended by AM 892)





Section 8: Amends subsection (1) of section 28-105 to remove the minimum sentencing requirement of nine-months of post-release supervision for Class III and Class IIIA felonies. (LB 219)

Section 9: Makes harmonizing changes to section 28-311.11. (LB 329 as amended by AM 892)

Section 10: Amends section 28-316.01 to define the terms “school,” “school contract worker,” and “school worker,” and redefine “school employee” and “student” for purposes of such section. (LB 329 as amended by AM 892)

Section 11: Makes harmonizing changes to section 28-318. (LB 329 as amended by AM 892)

Section 12: Makes harmonizing changes to section 28-322. (LB 606)

Section 13: Amends section 28-519 to define the terms “tamper” and “rail infrastructure” for purposes of such section and to provide that criminal mischief is a Class III felony if the actor acts intentionally or maliciously with the intent to cause a substantial interruption or impairment of any rail infrastructure, any telecommunications or broadband communication service, or the supply of water, gas, or power. (LB 271 as amended by AM 1346)

Section 14: Amends section 29-2221 to change the exception for determining a reduced habitual criminal penalty enhancement under subdivision (1)(c) of such section. The amendment provides that if the felony committed is in violation of subsection (3) of section 28-416 (controlled substance violations) or in violation of sections 28-509 to 28-518 (theft) and all of the habitual criminal's prior felonies are also violations of such subsection or sections or of a similar statute in another state or of the United States, the mandatory minimum term shall be three years and the maximum term not more than twenty years. (LB 150 as amended by AM 581)

Sections 15 to 18: Make harmonizing changes to sections 29-2246, 29-2252, 29-2261, and 29-2935. (LB 606)

Section 19: Makes harmonizing changes to section 29-4003. (LB 329 as amended by AM 892)

Section 20: Makes harmonizing changes to section 29-4019. (LB 606)

Section 21: Amends section 43-1401 to provide that the definition of “child” in such section applies except as provided in sections 43-1411 and 43-1414. (LB 412 as amended by AM 732)

Section 22: Amends section 43-1411 to provide that a civil proceeding to establish the paternity of a child may also be instituted by a person who has reason to believe he is the biological father of a child. This section also defines “child” for purposes of such section. (LB 412 as amended by AM 732)

Section 23: Amends section 43-1414 to define “child” for purposes of the subsection regarding the process for genetic testing required in paternity proceedings. (LB 412 as amended by AM 732)

Sections 24 to 46: Make harmonizing changes to sections 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 47-1102, 47-1103, 47-1104, 47-1105, 47-1106, 47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114, 47-1115, 47-1116, 47-1117, and 47-1119. (LB 606)

Section 47: Makes harmonizing changes to section 69-2403. (LB 539 as amended by AM 505)

Section 48: Amends section 69-2409.01 to provide that for criminal history record information checks relating to firearms or explosives, the Nebraska State Patrol (Patrol) shall be furnished with only such information as may be





necessary for the purposes of determining whether an individual is qualified to receive a permit to carry a concealed handgun under section 69-2433, or disqualified from purchasing or possessing firearms or explosives pursuant to state or federal law.

The information the clerks of the various courts are required to furnish to the Department of Health and Human Services (Department) and the Patrol necessary to set up and maintain the database required by this section shall include information regarding those persons who are disqualified from purchasing or possessing firearms or explosives pursuant to state or federal law, including, but not limited to, 18 U.S.C. 992(d)(4) and (g)(4), and those who meet the definition of adjudicated as a mental defective or committed to a mental institution pursuant to 27 C.F.R. 478.11. Such information shall include with those persons who meet the definition of adjudicated as a mental defective or committed to a mental institution pursuant to 27 C.F.R. 478.11, those individuals found not responsible because of insanity, found not competent to stand trial, found to lack the mental capacity to manage their own affairs, or otherwise found by a court to be not competent.

This section also provides that any person who intentionally causes the Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2430 or is otherwise subject to a criminal history record information check pursuant to law shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law. A requirement that the Patrol and the Department file a biannual report with the Legislature is eliminated. (LB 539 as amended by AM 505)

Section 49: Amends section 69-2410 to eliminate certain requirements by an importer, manufacturer, or dealer of handguns made obsolete by elimination of the state criminal history check system requirements in favor of using the National Instant Criminal Background Check System. (LB 539)

Section 50: Makes harmonizing changes to section 69-2420. (LB 539)

Section 51: Amends section 71-901 to add sections 54 and 55 of this act to the Nebraska Mental Health Commitment Act. (LB 386 as amended by AM 1344)

Section 52: Amends section 71-903 to provide that the definitions in sections 54 and 55 of this act apply for purposes of the Nebraska Mental Health Commitment Act. (LB 386 as amended by AM 1344)

Section 53: Amends section 71-904 to provide that the term "administrator," for purposes of the Nebraska Mental Health Commitment Act, includes the administrator or other chief administrative officer of a medical facility, jail, or Department of Correctional Services facility. (LB 386)

Sections 54: A new section of law which provides that the term "dangerous sex offender" has the same meaning as in section 83-174.01. (LB 386)

Sections 55: A new section of law which defines the term "videoconferencing." (LB 386)

Section 56: Amends section 71-915 to provide that, upon the agreement of all parties, any hearing before the mental health board may be conducted by videoconferencing. (LB 386 as amended by AM 1344)

Section 57: Amends section 71-919 to change provisions of law regarding the placement of a person taken into emergency protective custody under such section who is not a sex offender and to add that such person may be admitted to an appropriate and available medical facility or a jail to allow placement in a mental health bed under the Regional Mental Health Expansion Pilot Program. The current law requires such person to be admitted to an appropriate and available medical facility. This section also provides that, upon the agreement of all parties, the



required mental health evaluation of a person taken into custody may be conducted by videoconferencing if the mental health professional conducting the evaluation thinks it appropriate under the circumstances. (LB 386 as amended by AM 1344)

Sections 58 and 59: Make harmonizing changes to sections 71-920 and 71-922. (LB 386)

Section 60: Amends section 71-924 to provide that a hearing held by the mental health board under this section may, upon the agreement of all parties, be conducted by videoconferencing. (LB 386 as amended by AM 1344)

Sections 61 to 63: Make harmonizing changes to sections 71-926, 71-939, and 71-941. (LB 386)

Section 64: Amends section 71-951 to provide that, upon the agreement of all parties, any hearing before the mental health board may be conducted by videoconferencing. (LB 386 as amended by AM 1344)

Section 65: Amends section 71-952 to also provide a videoconferencing option for a subject appearing at a mental health board hearing to testify in his or her own behalf and to present witnesses and tangible evidence in defending against the petition at the hearing. (LB 386 as amended by AM 1344)

Section 66: Amends section 71-954 to provide that this section, which provides that a subject has the right at a hearing held under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act to confront and cross-examine adverse witnesses and evidence equivalent to the confrontation rights granted by the United States Constitution and the Nebraska Constitution, does not prohibit a mental health board from conducting a hearing using videoconferencing. (LB 386)

Section 67: Makes a harmonizing change to section 71-958. (LB 386)

Section 68: Makes a harmonizing change to section 71-961. (LB 606)

Section 69: Amends section 71-1203 to provide that the definitions in sections 54 and 55 of this act apply for purposes of the Sex Offender Commitment Act and that the term “administrator,” for purposes of the act, includes the administrator or other chief administrative officer of a medical facility, jail, or Department of Correctional Services facility. (LB 386 as amended by AM 1344)

Sections 70 and 71: Make harmonizing changes to sections 71-1204 and 71-1206. (LB 386)

Section 72: Amends section 71-1208 to provide that a mental health board hearing to determine whether there is clear and convincing evidence that the subject is a dangerous sex offender as alleged in the petition may, upon the agreement of all parties, be conducted by videoconferencing. (LB 386 as amended by AM 1344)

Section 73: Makes a harmonizing change to section 71-1223. (LB 386)

Sections 74 to 77: Make harmonizing changes to sections 71-3426, 71-3430, 81-1401, and 83-170. (LB 606)

Section 78: Amends section 83-171 to require the Department of Correctional Services to maintain all records and files associated with the Board of Parole, including relating to individuals subject to lifetime community supervision under section 83-174.03. (LB 606)

Section 79: Makes harmonizing changes to section 83-171.01. (LB 606)



Section 80: Amends section 83-173 to provide additional duties for the Director of Correctional Services, including to supervise and be responsible for administration of parole services in the community, including work release and reentry centers; establish and maintain policies for the field parole service and the community supervision of sex offenders; divide the state into parole districts and appoint district parole officers; cooperate with the courts, Crime Commission, and other agencies; cooperate with, provide records to, and make recommendations to the Board of Parole; organize and conduct training for parole officers; use funds provided under section 83-1,107.02 to augment operational and personnel costs associated with parole-based programs and purchase services; periodically validate any risk or needs assessment instrument; report to the Governor and to the Clerk of the Legislature each January 1 as to the number of parole revocations and technical violations; take all necessary actions to assist the board during an overcrowding emergency; and administer the Interstate Compact for Adult Offender Supervision. (LB 606)

Sections 81 to 84: Make harmonizing changes to sections 83-174.03, 83-174.04, 83-174.05, and 83-192. (LB 606)

Section 85: Amends section 83-1,100 to strike language creating the Division of Parole Supervision within the Department of Correctional Services. (LB 606)

Sections 86 to 101: Make harmonizing changes to sections 83-1,100.02; 83-1,103; 83-1,103.01; 83-1,103.02; 83-1,103.03; 83-1,103.04; 83-1,104; 83-1,107; 83-1,107.01; 83-1,107.02; 83-1,109; 83-1,118; 83-1,119; 83-1,122.02; 83-1,125; and 83-1,125.0. (LB 606)

Section 102: Amends section 83-962 by striking "design capacity" and replacing it with "operational capacity". An overcrowding emergency now exists when the Director of Correctional Services certifies the inmate population is over 140% of operational capacity. This section also adds language allowing the Board of Parole to defer release of those inmates eligible for parole during an overcrowding emergency if they have determined that the committed offender's continued correctional treatment, medical care, or vocational or other training in the facility will substantially enhance the offender's capacity to lead a law-abiding life when released. This section also strikes language allowing the board to defer release based on its determination that there is a very substantial risk the offender will commit a violent act against a person. (LB 606)

Section 103: Repealer (LB 606)

Section 104: Outright repeal of sections 83-1,101 and 83-1,102 (LB 606) to eliminate sections relating to the Director of Supervision and Services and such director's duties; and sections 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418, 69-2419, and 69-2423 (LB 539 as amended by AM 505) relating to the state criminal history record check system being eliminated.

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Carolyn Bosn, Chairperson

