

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 191

Introduced by Council, 11; Ashford, 20.

Read first time January 07, 2011

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to
2 amend sections 83-1,107 and 83-1,108, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to
4 sentence reductions; to repeal the original sections; and
5 to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-1,107, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-1,107 (1)(a) Within sixty days after initial
4 classification and assignment of any offender committed to the
5 department, all available information regarding such committed
6 offender shall be reviewed and a committed offender department-
7 approved personalized program plan document shall be drawn up. The
8 document shall specifically describe the department-approved
9 personalized program plan and the specific goals the department
10 expects the committed offender to achieve. The document shall also
11 contain a realistic schedule for completion of the department-
12 approved personalized program plan. The department-approved
13 personalized program plan shall be fully explained to the committed
14 offender. The department shall provide programs to allow compliance
15 by the committed offender with the department-approved personalized
16 program plan.

17 Programming may include, but is not limited to:

18 (i) Academic and vocational education, including teaching
19 such classes by qualified offenders;

20 (ii) Substance abuse treatment;

21 (iii) Mental health and psychiatric treatment, including
22 criminal personality programming;

23 (iv) Constructive, meaningful work programs; and

24 (v) Any other program deemed necessary and appropriate by
25 the department.

1 (b) A modification in the department-approved
2 personalized program plan may be made to account for the increased or
3 decreased abilities of the committed offender or the availability of
4 any program. Any modification shall be made only after notice is
5 given to the committed offender. The department may not impose
6 disciplinary action upon any committed offender solely because of the
7 committed offender's failure to comply with the department-approved
8 personalized program plan, but such failure may be considered by the
9 board in its deliberations on whether or not to grant parole to a
10 committed offender.

11 ~~(2)~~(2)(a) The department shall reduce the term of a
12 committed offender by six months for each year of the offender's term
13 and pro rata for any part thereof which is less than a year.

14 (b) In addition to reductions granted in subdivision (2)
15 (a) of this subsection, the department shall reduce the term of a
16 committed offender by three days on the first day of each month
17 following a twelve-month period of incarceration within the
18 department during which the offender has not been found guilty of (i)
19 a Class I or Class II offense or (ii) not more than three Class III
20 offenses under the department's disciplinary code. Reductions earned
21 under this subdivision shall not be subject to forfeit or withholding
22 by the department.

23 (c) The total reductions under this subsection shall be
24 credited from the date of sentence, which shall include any term of
25 confinement prior to sentence and commitment as provided pursuant to

1 section 83-1,106, and shall be deducted from the maximum term, to
2 determine the date when discharge from the custody of the state
3 becomes mandatory.

4 (3) While the offender is in the custody of the
5 department, reductions of terms granted pursuant to ~~subsection (2)~~
6 subdivision (2)(a) of this section may be forfeited, withheld, and
7 restored by the chief executive officer of the facility with the
8 approval of the director after the offender has been notified
9 regarding the charges of misconduct.

10 (4) The department shall make treatment programming
11 available to committed offenders as provided in section 83-1,110.01
12 and shall include continuing participation in such programming as
13 part of each offender's parolee personalized program plan.

14 (5)(a) Within thirty days after any committed offender
15 has been paroled, all available information regarding such parolee
16 shall be reviewed and a parolee personalized program plan document
17 shall be drawn up and approved by the Office of Parole
18 Administration. The document shall specifically describe the approved
19 personalized program plan and the specific goals the office expects
20 the parolee to achieve. The document shall also contain a realistic
21 schedule for completion of the approved personalized program plan.
22 The approved personalized program plan shall be fully explained to
23 the parolee. During the term of parole, the parolee shall comply with
24 the approved personalized program plan and the office shall provide
25 programs to allow compliance by the parolee with the approved

1 personalized program plan.

2 Programming may include, but is not limited to:

3 (i) Academic and vocational education;

4 (ii) Substance abuse treatment;

5 (iii) Mental health and psychiatric treatment, including
6 criminal personality programming;

7 (iv) Constructive, meaningful work programs;

8 (v) Community service programs; and

9 (vi) Any other program deemed necessary and appropriate
10 by the office.

11 (b) A modification in the approved personalized program
12 plan may be made to account for the increased or decreased abilities
13 of the parolee or the availability of any program. Any modification
14 shall be made only after notice is given to the parolee. Intentional
15 failure to comply with the approved personalized program plan by any
16 parolee as scheduled for any year, or pro rata part thereof, shall
17 cause disciplinary action to be taken by the office resulting in the
18 forfeiture of up to a maximum of three months' good time for the
19 scheduled year.

20 (6) While the offender is in the custody of the board,
21 reductions of terms granted pursuant to subsection ~~(2)~~(2)(a) of this
22 section may be forfeited, withheld, and restored by the administrator
23 with the approval of the director after the offender has been
24 notified regarding the charges of misconduct or breach of the
25 conditions of parole. In addition, the board may recommend such

1 forfeitures of good time to the director.

2 (7) Good time or other reductions of sentence granted
3 under the provisions of any law prior to July 1, 1996, may be
4 forfeited, withheld, or restored in accordance with the terms of the
5 Nebraska Treatment and Corrections Act.

6 Sec. 2. Section 83-1,108, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 83-1,108 (1) The board shall reduce, for good conduct in
9 conformity with the conditions of parole, a parolee's parole term by
10 ~~two~~ten days for each month of such term. The total of such
11 reductions shall be deducted from the maximum term, less good time
12 granted pursuant to section 83-1,107, to determine the date when
13 discharge from parole becomes mandatory.

14 (2) Reductions of the parole terms may be forfeited,
15 withheld, and restored by the board after the parolee has been
16 consulted regarding any charge of misconduct or breach of the
17 conditions of parole.

18 Sec. 3. Original sections 83-1,107 and 83-1,108, Reissue
19 Revised Statutes of Nebraska, are repealed.

20 Sec. 4. Since an emergency exists, this act takes effect
21 when passed and approved according to law.