

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 675

Introduced by Krist, 10.

Read first time January 03, 2018

Committee:

- 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.