

AMENDMENTS TO LB920

(Amendments to Standing Committee amendments, AM2286)

Introduced by Geist, 25.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 24-1302, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 24-1302 (1) For purposes of this section, problem solving court
6 means a drug, veterans, mental health, driving under the influence,
7 reentry, young adult, or other problem solving court.

8 (2) A district court may establish a problem solving court. A
9 problem solving court shall function within the existing structure of the
10 court system. The goals of a problem solving court shall be consistent
11 with any relevant standards adopted by the United States Department of
12 Justice and the National Association of Drug Court Professionals, as such
13 standards existed on January 1, 2022.

14 (3) An individual may participate in a problem solving court through
15 a pretrial diversion program, as a condition of probation, as a response
16 to a technical violation of parole, as a sentence imposed by a court, or
17 as otherwise provided by the Supreme Court's rules.

18 (4) ~~Problem (1) Drug, veterans, mental health, driving under the~~
19 ~~influence, reentry, and other problem solving courts shall be subject to~~
20 ~~rules which shall be promulgated by the Supreme Court for procedures to~~
21 ~~be implemented in the administration of such courts.~~

22 (5) (2) It is the intent of the Legislature that funds be
23 appropriated separately to the Supreme Court such that each judicial
24 district may operate at least one drug, veterans, mental health, driving
25 under the influence, reentry, and young adult problem solving court. The
26 State Court Administrator shall ensure that each judicial district has at

1 least one of such courts by January 1, 2023 for each of the problem
2 solving courts to carry out this section and section 24-1301.

3 (6) The State Court Administrator shall track and evaluate outcomes
4 of problem solving courts. On or before June 1, 2023, and on or before
5 each June 1 thereafter, the State Court Administrator shall
6 electronically submit a report to the Legislature regarding the impact of
7 problem solving courts on recidivism rates in the state. The report shall
8 also include rates of return to court and program completion. The report
9 shall identify judicial districts that are underserved by problem solving
10 courts and what services or funding are needed to properly serve such
11 districts.

12 Sec. 2. (1) The State Court Administrator shall create a pilot
13 program to utilize physical space and information technology resources
14 within Nebraska courts to serve as points of access for virtual
15 behavioral health services for court-involved individuals.

16 (2) The pilot program shall be limited to a single probation
17 district. Such district shall be chosen by the State Court Administrator
18 in consultation with the probation administrator.

19 (3) The purpose of the program is to provide access to safe,
20 confidential, and reliable behavioral health treatment via telehealth for
21 Nebraskans involved with the criminal justice system, either as
22 defendants, probationers, or victims in a criminal proceeding.

23 (4) On or before June 1, 2023, the State Court Administrator shall
24 electronically submit a report to the Judiciary Committee of the
25 Legislature regarding the pilot program.

26 Sec. 3. Section 29-2263, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 29-2263 (1)(a) {1} Except as provided in subsection (2) of this
29 section, when a court has sentenced an offender to probation, the court
30 shall specify the term of such probation which shall be not more than
31 five years upon conviction of a felony or second offense misdemeanor and

1 two years upon conviction of a first offense misdemeanor.

2 (b) At sentencing, the court shall provide notice to the offender
3 that the offender may be eligible to have the conviction set aside as
4 provided in subsection (2) of section 29-2264 and shall provide
5 information on how to file such a petition. The State Court Administrator
6 shall develop standardized advisement language and any forms necessary to
7 carry out this subdivision.

8 (c) The court, on application of a probation officer or of the
9 probationer or on its own motion, may discharge a probationer at any
10 time.

11 (2) When a court has sentenced an offender to post-release
12 supervision, the court shall specify the term of such post-release
13 supervision as provided in section 28-105. The court, on application of a
14 probation officer or of the probationer or on its own motion, may
15 discharge a probationer at any time.

16 (3) During the term of probation, the court on application of a
17 probation officer or of the probationer, or its own motion, may modify or
18 eliminate any of the conditions imposed on the probationer or add further
19 conditions authorized by section 29-2262. This subsection does not
20 preclude a probation officer from imposing administrative sanctions with
21 the probationer's full knowledge and consent as authorized by sections
22 29-2266.01 and 29-2266.02.

23 (4)(a) {4} Upon completion of the term of probation, or the earlier
24 discharge of the probationer, the probationer shall be relieved of any
25 obligations imposed by the order of the court and shall have satisfied
26 the sentence for his or her crime.

27 (b) Upon satisfactory fulfillment of the conditions of probation for
28 the entire period or after discharge from probation prior to the
29 termination of the period of probation, a probation officer shall notify
30 the probationer that the probationer may be eligible to have the
31 conviction set aside as provided in subsection (2) of section 29-2264.

1 The notice shall include an explanation of the requirements for a
2 conviction to be set aside, how to file a petition for a conviction to be
3 set aside, and the effect of and limitations of having a conviction set
4 aside and an advisement that the probationer consult with an attorney
5 prior to filing a petition. The State Court Administrator shall develop
6 standardized advisement language and any forms necessary to carry out
7 this subdivision.

8 (5) Whenever a probationer disappears or leaves the jurisdiction of
9 the court without permission, the time during which he or she keeps his
10 or her whereabouts hidden or remains away from the jurisdiction of the
11 court shall be added to the original term of probation.

12 Sec. 4. Section 29-2269, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-2269 Sections 29-2246 to 29-2269 and sections 5 and 6 of this act
15 shall be known and may be cited as the Nebraska Probation Administration
16 Act.

17 Sec. 5. (1) The probation administrator shall create a pilot
18 program to hire additional assistant probation officers as provided in
19 this section.

20 (2) The pilot program shall be limited to a single probation
21 district.

22 (3) Assistant probation officers hired under this section shall
23 assist probation officers in the supervision of high-risk caseloads.

24 (4) The purpose of the pilot program is to determine whether
25 additional support for probation officers results in probationers
26 completing their terms of probation with fewer violations.

27 (5) On or before June 1, 2023, the probation administrator shall
28 electronically submit a report to the Judiciary Committee of the
29 Legislature regarding the pilot program. The report shall include the
30 total number of persons admitted into the pilot program, including
31 demographic information, criminal history, and top needs according to the

1 results of a risk assessment; conditions of supervision; the total number
2 of violations of supervision conditions; the number of supervision
3 discharges by type of discharge; and recidivism rates.

4 Sec. 6. (1) The probation administrator shall create a pilot
5 program to establish a probationer incentive program as provided in this
6 section.

7 (2) The pilot program shall be limited to a single probation
8 district. Such district shall be chosen by the State Court Administrator.

9 (3) The pilot program shall establish a gift fund to be used for the
10 purchase of gift cards, vouchers, and other tangible rewards for
11 probationers who are succeeding at probation, in order to encourage
12 continued success and reduce recidivism. The gifts shall be awarded at
13 the discretion of probation officers, subject to policies and guidelines
14 of the office.

15 (4) On or before June 1, 2023, the probation administrator shall
16 electronically submit a report to the Judiciary Committee of the
17 Legislature regarding the pilot program.

18 Sec. 7. Section 29-2281, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 29-2281 (1) To determine the amount of restitution, the court may
21 hold a hearing at the time of sentencing. The amount of restitution shall
22 be based on the actual damages sustained by the victim and shall be
23 supported by evidence which shall become a part of the court record. The
24 court shall consider the defendant's earning ability, employment status,
25 financial resources, and family or other legal obligations and shall
26 balance such considerations against the obligation to the victim. In
27 considering the earning ability of a defendant who is sentenced to
28 imprisonment, the court may receive evidence of money anticipated to be
29 earned by the defendant during incarceration.

30 (2) A person may not be granted or denied probation or parole either
31 solely or primarily due to his or her financial resources or ability or

1 inability to pay restitution.

2 (3) The court may order that restitution be made immediately, in
3 specified installments, or within a specified period of time not to
4 exceed five years after the date of judgment or defendant's final release
5 date from imprisonment, whichever is later.

6 (4) If, in addition to restitution, a defendant is ordered to pay
7 finances and costs as part of the judgment and the defendant fails to pay
8 the full amount owed, funds shall first be applied to a restitution
9 obligation with the remainder applied towards fines and costs only when
10 the restitution obligation is satisfied in full.

11 (5) Restitution payments shall be made through the clerk of the
12 court ordering restitution. The clerk shall maintain a record of all
13 receipts and disbursements.

14 Sec. 8. Section 47-706, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 47-706 (1) It is the intent of the Legislature to ensure that human
17 services agencies, correctional facilities, and detention facilities
18 recognize that:

19 (a) Federal law generally does not authorize federal financial
20 participation for medicaid when a person is an inmate of a public
21 institution as defined in federal law but that federal financial
22 participation is available after an inmate is released from
23 incarceration; and

24 (b) The fact that an applicant is currently an inmate does not, in
25 and of itself, preclude the Department of Health and Human Services from
26 processing an application submitted to it by, or on behalf of, the
27 inmate.

28 (2)(a) Medical assistance under the medical assistance program shall
29 be suspended, rather than canceled or terminated, for a person who is an
30 inmate of a public institution if:

31 (i) The Department of Health and Human Services is notified of the

1 person's entry into the public institution;

2 (ii) On the date of entry, the person was enrolled in the medical
3 assistance program; and

4 (iii) The person is eligible for the medical assistance program
5 except for institutional status.

6 (b) A suspension under subdivision (2)(a) of this section shall end
7 on the date the person is no longer an inmate of a public institution.

8 (c) Upon release from incarceration, such person shall continue to
9 be eligible for receipt of medical assistance until such time as the
10 person is otherwise determined to no longer be eligible for the medical
11 assistance program.

12 (3)(a) The Department of Correctional Services shall notify the
13 Department of Health and Human Services:

14 (i) Within twenty days after receiving information that a person
15 receiving medical assistance under the medical assistance program is or
16 will be an inmate of a public institution; and

17 (ii) Within forty-five days prior to the release of a person who
18 qualified for suspension under subdivision (2)(a) of this section.

19 (b)(i) The Department of Correctional Services shall record the
20 number of notifications it provides under this subsection to the
21 Department of Health and Human Services and the number of individuals
22 released from custody who are eligible for the medical assistance program
23 who do not have the suspension under subdivision (2)(a) of this section
24 ended upon release from a public institution.

25 (ii) The Department of Health and Human Services shall record the
26 number of suspensions under subdivision (2)(a) of this section that have
27 ended on the date a person is no longer an inmate of a public
28 institution.

29 (c) ~~(b)~~ Local correctional facilities, juvenile detention
30 facilities, and other temporary detention centers shall notify the
31 Department of Health and Human Services within ten days after receiving

1 information that a person receiving medical assistance under the medical
2 assistance program is or will be an inmate of a public institution.

3 (4) Nothing in this section shall create a state-funded benefit or
4 program.

5 (5) For purposes of this section, medical assistance program means
6 the medical assistance program under the Medical Assistance Act and the
7 State Children's Health Insurance Program.

8 (6) This section shall be implemented only if, and to the extent,
9 allowed by federal law. This section shall be implemented only to the
10 extent that any necessary federal approval of state plan amendments or
11 other federal approvals are obtained. The Department of Health and Human
12 Services shall seek such approval if required.

13 (7) Local correctional facilities, the Nebraska Commission on Law
14 Enforcement and Criminal Justice, and the Office of Probation
15 Administration shall cooperate with the Department of Health and Human
16 Services and the Department of Correctional Services for purposes of
17 facilitating information sharing to achieve the purposes of this section.

18 (8)(a) The Department of Correctional Services shall adopt and
19 promulgate rules and regulations, in consultation with the Department of
20 Health and Human Services and local correctional facilities, to carry out
21 this section.

22 (b) The Department of Health and Human Services shall adopt and
23 promulgate rules and regulations, in consultation with the Department of
24 Correctional Services and local correctional facilities, to carry out
25 this section.

26 Sec. 9. (1) The Legislature finds that while serious crime in the
27 State of Nebraska has not increased, the prison population continues to
28 increase as does the amount spent on correctional issues. The Legislature
29 further finds that a need exists to closely examine the criminal justice
30 system of the State of Nebraska in order to increase public safety while
31 concurrently reducing correctional spending and reinvesting in strategies

1 that decrease crime and strengthen Nebraska communities.

2 (2) The Justice Reinvestment Oversight Task Force is created. The
3 task force shall evaluate implementation of the Nebraska Justice
4 Reinvestment Initiative, this legislative bill, and related issues.

5 (3) The task force shall consist of the following ten members, who
6 shall be selected or appointed no later than October 1, 2022:

7 (a) The chairperson of the Judiciary Committee of the Legislature,
8 who shall serve as chairperson of the task force;

9 (b) Two other members of the Legislature selected by the Executive
10 Board of the Legislative Council;

11 (c) Four members who are key criminal justice stakeholders appointed
12 by the Governor; and

13 (d) Three members selected by the Chief Justice.

14 (4) The task force shall monitor and guide analysis and policy
15 development in all aspects of the criminal justice system in Nebraska
16 within the scope of the justice reinvestment initiative, including
17 tracking implementation of evidence-based strategies as established in
18 Laws 2015, LB605, and this legislative bill, and reviewing policies and
19 practices to improve public safety and reduce recidivism. The task force
20 shall monitor performance and measure outcomes by collecting data from
21 counties and relevant state agencies for analysis and reporting. The
22 Nebraska Commission on Law Enforcement and Criminal Justice shall provide
23 administrative and staff support to the task force.

24 (5) The task force shall prepare and submit an annual report of its
25 activities and findings and may make recommendations to improve any
26 aspect of the criminal justice system. The task force shall deliver the
27 report to the Governor, the Clerk of the Legislature, and the Chief
28 Justice by September 1, 2023, and by each September 1 thereafter. The
29 report to the Legislature shall be delivered electronically.

30 Sec. 10. Section 50-434, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 50-434 (1) The Legislature finds that while serious crime in the
2 State of Nebraska has not increased in the past five years, the prison
3 population continues to increase as does the amount spent on correctional
4 issues. The Legislature further finds that a need exists to closely
5 examine the criminal justice system of the State of Nebraska in order to
6 increase public safety while concurrently reducing correctional spending
7 and reinvesting in strategies that decrease crime and strengthen Nebraska
8 communities.

9 (2) It is the intent of the Legislature that the State of Nebraska
10 work cooperatively with the Council of State Governments Justice Center
11 to study and identify innovative solutions and evidence-based practices
12 to develop a data-driven approach to reduce correctional spending and
13 reinvest savings in strategies that can decrease recidivism and increase
14 public safety and for the executive, legislative, and judicial branches
15 of Nebraska state government to work with the Council of State
16 Governments Justice Center in this process.

17 (3) The Committee on Justice Reinvestment Oversight is created as a
18 special legislative committee to maintain continuous oversight of the
19 Nebraska Justice Reinvestment Initiative and related issues.

20 (4) The special legislative committee shall be comprised of five
21 members of the Legislature selected by the Executive Board of the
22 Legislative Council, including the chairperson of the Judiciary Committee
23 of the Legislature who shall serve as chairperson of the special
24 legislative committee.

25 (5) The Committee on Justice Reinvestment Oversight shall monitor
26 and guide analysis and policy development in all aspects of the criminal
27 justice system in Nebraska within the scope of the justice reinvestment
28 initiative, including tracking implementation of evidence-based
29 strategies as established in Laws 2015, LB605, and reviewing policies to
30 improve public safety, reduce recidivism, and reduce spending on
31 corrections in Nebraska. With assistance from the Council of State

1 Governments Justice Center, the committee shall monitor performance and
2 measure outcomes by collecting data from counties and relevant state
3 agencies for analysis and reporting.

4 (6) The committee shall prepare and submit an annual report of its
5 activities and findings and may make recommendations to improve any
6 aspect of the criminal justice system. The committee shall deliver the
7 report to the Governor, the Clerk of the Legislature, and the Chief
8 Justice by September 1 of each year. The report to the clerk shall be
9 delivered electronically.

10 (7) The committee terminates on September 30, 2022.

11 Sec. 11. Section 71-5661, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 71-5661 (1) The financial incentives provided by the Rural Health
14 Systems and Professional Incentive Act shall consist of (a) student loans
15 to eligible students for attendance at an eligible school as determined
16 pursuant to section 71-5662, (b) the repayment of qualified educational
17 debts owed by physicians and psychiatrists in an approved medical
18 specialty residency program in Nebraska as determined pursuant to section
19 71-5662, and (c) the repayment of qualified educational debts owed by
20 eligible health professionals as determined pursuant to section 71-5662.
21 Funds for such incentives shall be appropriated from the General Fund to
22 the department for such purposes.

23 (2) The Rural Health Professional Incentive Fund is created. The
24 fund shall be used to carry out the purposes of the act, except that
25 transfers may be made from the fund to the General Fund at the direction
26 of the Legislature. Money credited pursuant to section 71-5670.01 and
27 payments received pursuant to sections 71-5666, 71-5668, and 71-5669.01
28 shall be remitted to the State Treasurer for credit to the Rural Health
29 Professional Incentive Fund. Any money in the fund available for
30 investment shall be invested by the state investment officer pursuant to
31 the Nebraska Capital Expansion Act and the Nebraska State Funds

1 Investment Act.

2 Sec. 12. Section 71-5662, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 71-5662 (1) To be eligible for a student loan under the Rural Health
5 Systems and Professional Incentive Act, an applicant or a recipient shall
6 be enrolled or accepted for enrollment in an accredited medical or dental
7 education program or physician assistant education program or an approved
8 mental health practice program in Nebraska.

9 (2) To be eligible for the medical resident incentive under the act,
10 an applicant or a recipient shall be enrolled or accepted for enrollment
11 in an approved medical specialty residency program in Nebraska.

12 (3) To be eligible for loan repayment under the act, an applicant or
13 a recipient shall be a pharmacist, a dentist, a physical therapist, an
14 occupational therapist, a mental health practitioner, a psychologist
15 licensed under the requirements of section 38-3114 or the equivalent
16 thereof, a nurse practitioner, a physician assistant, a psychiatrist, or
17 a physician in an approved specialty and shall be licensed to practice in
18 Nebraska, not be enrolled in a residency program, not be practicing under
19 a provisional or temporary license, and enter practice in a designated
20 health profession shortage area in Nebraska.

21 Sec. 13. Section 71-5663, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 71-5663 (1) The amount of financial assistance provided through
24 student loans pursuant to the Rural Health Systems and Professional
25 Incentive Act shall be limited to thirty thousand dollars for each
26 recipient for each academic year and, except as provided in subdivision
27 (4)(a) of this section, shall not exceed one hundred twenty thousand
28 dollars per medical, dental, or doctorate-level mental health student or
29 thirty thousand dollars per master's level mental health or physician
30 assistant student.

31 (2) The amount of financial assistance provided through the medical

1 resident incentive program pursuant to the act shall be limited to forty
2 thousand dollars for each recipient for each year of residency and,
3 except as provided in subdivision (4)(b) of this section, shall not
4 exceed one hundred twenty thousand dollars.

5 (3) The amount of financial assistance provided by the state through
6 loan repayments pursuant to the act (a) for physicians, psychiatrists,
7 dentists, and psychologists shall be limited to thirty thousand dollars
8 per recipient per year of full-time practice in a designated health
9 profession shortage area and, except as provided in subdivision (4)(c) of
10 this section, shall not exceed ninety thousand dollars per recipient and
11 (b) for physician assistants, nurse practitioners, pharmacists, physical
12 therapists, occupational therapists, and mental health practitioners
13 shall be limited to fifteen thousand dollars per recipient per year of
14 full-time practice in a designated health profession shortage area and,
15 except as provided in subdivision (4)(c) of this section, shall not
16 exceed forty-five thousand dollars per recipient.

17 (4)(a) The total amount of financial assistance provided through
18 student loans for a doctorate-level mental health student or master's
19 level mental health student shall be the full amount of such loans for a
20 person who practices psychiatry, psychology, or mental health practice:

21 (i) For at least five years in a designated health profession
22 shortage area; and

23 (ii) If all or a majority of such practice consists of the treatment
24 of members of the community supervision population.

25 (b) The total amount of financial assistance provided through the
26 medical resident incentive program for a psychiatrist shall be the full
27 amount of such psychiatrist's qualified educational debts if such person
28 practices psychiatry:

29 (i) For at least five years in a designated health profession
30 shortage area; and

31 (ii) If all or a majority of such practice consists of the treatment

1 of members of the community supervision population.

2 (c) The total amount of financial assistance provided through loan
3 repayments pursuant to the act for psychiatrists, psychologists, and
4 mental health practitioners shall be the full amount of such person's
5 qualified educational debts if such person practices psychiatry,
6 psychology, or mental health practice:

7 (i) For at least five years in a designated health profession
8 shortage area; and

9 (ii) If all or a majority of such practice consists of the treatment
10 of members of the community supervision population.

11 (5) For purposes of this section, community supervision population
12 means persons on probation, post-release supervision, and pretrial
13 release.

14 Sec. 14. Section 71-5665, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 71-5665 The commission shall periodically designate health
17 profession shortage areas within the state for the following professions:
18 Medicine and surgery, psychiatry, physician assistants' practice, nurse
19 practitioners' practice, psychology, and mental health practitioner's
20 practice. The commission shall also periodically designate separate
21 health profession shortage areas for each of the following professions:
22 Pharmacy, dentistry, physical therapy, and occupational therapy. In
23 making such designations the commission shall consider, after
24 consultation with other appropriate agencies concerned with health
25 services and with appropriate professional organizations, among other
26 factors:

27 (1) The latest reliable statistical data available regarding the
28 number of health professionals practicing in an area and the population
29 to be served by such practitioners;

30 (2) Inaccessibility of health care services to residents of an area;

31 (3) Particular local health problems;

- 1 (4) Age or incapacity of local practitioners rendering services; and
- 2 (5) Demographic trends in an area both past and future.

3 Sec. 15. Section 71-5666, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-5666 Each student loan recipient shall execute an agreement with
6 the state. Such agreement shall be exempt from the requirements of
7 sections 73-501 to 73-510 and shall include the following terms, as
8 appropriate:

9 (1) The borrower agrees to practice the equivalent of one year of
10 full-time practice of an approved specialty in a designated health
11 profession shortage area in Nebraska for each year of education for which
12 a loan is received, or a longer period as required in subdivision (4)(a)
13 of section 71-5663, and agrees to accept medicaid patients in his or her
14 practice;

15 (2) If the borrower practices an approved specialty in a designated
16 health profession shortage area in Nebraska, the loan shall be forgiven
17 as provided in this section and subdivision (4)(a) of section 71-5663.
18 Practice in a designated area shall commence within three months of the
19 completion of formal education, which may include a period not to exceed
20 five years to complete specialty training in an approved specialty. The
21 commission may approve exceptions to any period required for completion
22 of training upon showing good cause. Loan forgiveness shall occur on a
23 quarterly basis, with completion of the equivalent of three months of
24 full-time practice resulting in the cancellation of one-fourth of the
25 annual loan amount. Part-time practice in a shortage area shall result in
26 a prorated reduction in the cancellation of the loan amount;

27 (3) If the borrower practices an approved specialty in Nebraska but
28 not in a designated health profession shortage area, practices a
29 specialty other than an approved specialty in Nebraska, does not practice
30 the profession for which the loan was given, discontinues practice of the
31 profession for which the loan was given, or practices outside Nebraska,

1 the borrower shall repay one hundred fifty percent of the outstanding
2 loan principal with interest at a rate of eight percent simple interest
3 per year from the date of default. Such repayment shall commence within
4 six months of the completion of formal education, which may include a
5 period not to exceed five years to complete specialty training in an
6 approved specialty, and shall be completed within a period not to exceed
7 twice the number of years for which loans were awarded;

8 (4) If a borrower who is a medical, dental, or doctorate-level
9 mental health student determines during the first or second year of
10 medical, dental, or doctorate-level mental health education that his or
11 her commitment to the loan program cannot be honored, the borrower may
12 repay the outstanding loan principal, plus six percent simple interest
13 per year from the date the loan was granted, prior to graduation from
14 medical or dental school or a mental health practice program without
15 further penalty or obligation. Master's level mental health and physician
16 assistant student loan recipients shall not be eligible for this
17 provision;

18 (5) If the borrower discontinues the course of study for which the
19 loan was granted, the borrower shall repay one hundred percent of the
20 outstanding loan principal. Such repayment shall commence within six
21 months of the date of discontinuation of the course of study and shall be
22 completed within a period of time not to exceed the number of years for
23 which loans were awarded;~~and~~

24 (6) Any practice or payment obligation incurred by the student loan
25 recipient under the student loan program is canceled in the event of the
26 student loan recipient's total and permanent disability or death; and -

27 (7) For a borrower seeking benefits under subdivision (4)(a) of
28 section 71-5663, the borrower agrees to such other terms as the
29 department deems appropriate.

30 Sec. 16. Section 71-5668, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-5668 Each loan repayment recipient shall execute an agreement
2 with the department and a local entity. Such agreement shall be exempt
3 from the requirements of sections 73-501 to 73-510 and shall include, at
4 a minimum, the following terms:

5 (1) The loan repayment recipient agrees to practice his or her
6 profession, and a physician, psychiatrist, dentist, nurse practitioner,
7 or physician assistant also agrees to practice an approved specialty, in
8 a designated health profession shortage area for at least three years, or
9 the period required by subdivision (4)(c) of section 71-5663, and to
10 accept medicaid patients in his or her practice;

11 (2) In consideration of the agreement by the recipient, the State of
12 Nebraska and a local entity within the designated health profession
13 shortage area will provide equal funding for the repayment of the
14 recipient's qualified educational debts, in amounts up to thirty thousand
15 dollars per year per recipient for physicians, psychiatrists, dentists,
16 and psychologists and up to fifteen thousand dollars per year per
17 recipient for physician assistants, nurse practitioners, pharmacists,
18 physical therapists, occupational therapists, and mental health
19 practitioners toward qualified educational debts for up to three years or
20 a longer period as required by subdivision (4)(c) of section 71-5663. The
21 department shall make payments directly to the recipient;

22 (3) If the loan repayment recipient discontinues practice in the
23 shortage area prior to completion of the three-year requirement or the
24 period required by subdivision (4)(c) of section 71-5663, as applicable,
25 the recipient shall repay to the state one hundred fifty percent of the
26 total amount of funds provided to the recipient for loan repayment with
27 interest at a rate of eight percent simple interest per year from the
28 date of default. Upon repayment by the recipient to the department, the
29 department shall reimburse the local entity its share of the funds which
30 shall not be more than the local entity's share paid to the loan
31 repayment recipient;~~and~~

1 (4) Any practice or payment obligation incurred by the loan
2 repayment recipient under the loan repayment program is canceled in the
3 event of the loan repayment recipient's total and permanent disability or
4 death; and -

5 (5) For a loan repayment recipient seeking benefits under
6 subdivision (4)(c) of section 71-5663, the recipient agrees to such other
7 terms as the department deems appropriate.

8 Sec. 17. Section 71-5669.01, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 71-5669.01 Each medical resident incentive recipient shall execute
11 an agreement with the department. Such agreement shall be exempt from the
12 requirements of sections 73-501 to 73-510 and shall include, at a
13 minimum, the following terms:

14 (1) The medical resident incentive recipient agrees to practice an
15 approved medical specialty the equivalent of one year of full-time
16 practice in a designated health profession shortage area, or for a longer
17 period as required by subdivision (4)(b) of section 71-5663, and to
18 accept medicaid patients in his or her practice;

19 (2) In consideration of the agreement by the medical resident
20 incentive recipient, the State of Nebraska will provide funding for the
21 repayment of the recipient's qualified educational debts, in amounts up
22 to forty thousand dollars per year for up to three years while in an
23 approved medical specialty residency program in Nebraska, or for a longer
24 period as required by subdivision (4)(b) of section 71-5663. The
25 department shall make payments directly to the medical resident incentive
26 recipient;

27 (3) If the medical resident incentive recipient extends his or her
28 residency training but not in an approved specialty, practices an
29 approved specialty in Nebraska but not in a designated health profession
30 shortage area, practices a specialty other than an approved specialty in
31 Nebraska, does not practice the profession for which the loan was given,

1 discontinues practice of the profession for which the loan was given, or
2 practices outside Nebraska, the medical resident incentive recipient
3 shall repay to the state one hundred fifty percent of the outstanding
4 loan principal with interest at a rate of eight percent simple interest
5 per year from the date of default. Such repayment shall commence within
6 six months of the completion or discontinuation of an approved specialty
7 residency training in Nebraska and shall be completed within a period not
8 to exceed twice the number of years for which the medical resident
9 incentive recipient received awards;~~and~~

10 (4) Any practice or payment obligation incurred by the medical
11 resident incentive recipient under the medical resident incentive program
12 is canceled in the event of the medical resident incentive recipient's
13 total and permanent disability or death; and -

14 (5) For a medical resident incentive recipient seeking benefits
15 under subdivision (4)(b) of section 71-5663, the recipient agrees to such
16 other terms as the department deems appropriate.

17 Sec. 18. Section 83-1,100.02, Revised Statutes Cumulative
18 Supplement, 2020, is amended to read:

19 83-1,100.02 (1) For purposes of this section:

20 (a) Levels of supervision means the determination of the following
21 for each person on parole:

22 (i) Supervision contact requirements, including the frequency,
23 location, methods, and nature of contact with the parole officer;

24 (ii) Substance abuse testing requirements and frequency;

25 (iii) Contact restrictions;

26 (iv) Curfew restrictions;

27 (v) Access to available programs and treatment, with priority given
28 to moderate-risk and high-risk parolees; and

29 (vi) Severity of graduated responses to violations of supervision
30 conditions;~~and~~

31 (b) Responsivity factors means characteristics of a parolee that

1 affect the parolee's ability to respond favorably or unfavorably to any
2 treatment goals; and

3 (c) ~~(b)~~ Risk and needs assessment means an actuarial tool that has
4 been validated in Nebraska to determine the likelihood of the parolee
5 engaging in future criminal behavior.

6 (2) The Division of Parole Supervision shall establish an evidence-
7 based process that utilizes a risk and needs assessment to measure
8 criminal risk factors, ~~and~~ specific individual needs, and responsivity
9 factors.

10 (3) The risk and needs assessment shall be performed at the
11 commencement of the parole term and every six months thereafter by
12 division staff trained and certified in the use of the risk and needs
13 assessment.

14 (4) The validity of the risk and needs assessment shall be tested at
15 least every five years.

16 (5) Based on the results of the risk and needs assessment, the
17 division shall target parolee criminal risk and need factors by focusing
18 sanction, program, and treatment resources on moderate-risk and high-risk
19 parolees.

20 (6) The division shall provide training to its parole officers on
21 (a) use of a risk and needs assessment, (b) risk-based supervision
22 strategies, (c) relationship skills, (d) cognitive behavioral
23 interventions, (e) community-based resources, (f) criminal risk factors,
24 (g) targeting criminal risk factors to reduce recidivism, (h) and proper
25 use of a matrix of administrative sanctions, custodial sanctions, and
26 rewards developed pursuant to section 83-1,119, and (i) addressing
27 responsivity factors. All parole officers employed on August 30, 2015,
28 shall complete the training requirements set forth in this subsection on
29 or before January 1, 2017. Each parole officer hired on or after August
30 30, 2015, shall complete the training requirements set forth in this
31 subsection within one year after his or her hire date or one year after

1 the effective date of this act, whichever is later.

2 (7) The division shall provide training for chief parole officers to
3 become trainers so as to ensure long-term and self-sufficient training
4 capacity in the state.

5 Sec. 19. Section 83-1,111, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 83-1,111 (1)(a) (1) A committed offender serving an indeterminate
8 sentence under which he or she may become eligible for parole shall be
9 interviewed and have his or her record reviewed by two or more members of
10 the board ~~Board of Parole~~ or a person designated by the board within
11 sixty days before the expiration of his or her minimum term less any
12 reductions as provided in section 83-1,110.

13 (b) If the committed offender is a qualified offender as defined in
14 section 20 of this act, the committed offender shall enter into a
15 streamlined parole contract as provided in such section.

16 (2) If the committed offender is a qualified offender, the review
17 shall be limited to verifying that the committed offender is a qualified
18 offender and whether the committed offender has already fulfilled the
19 streamlined parole contract. If the committed offender has not yet
20 fulfilled the streamlined parole contract, a subsequent review shall be
21 set for the date the committed offender will fulfill the streamlined
22 parole contract, assuming the committed offender will meet the
23 requirements of subsection (3) of section 20 of this act.

24 (3)(a) This subsection applies if the committed offender is not a
25 qualified offender or has been found at a review under subsection (2) of
26 this section to have not fulfilled the terms of the streamlined parole
27 contract. If, in the opinion of the reviewers, the review indicates the
28 offender is reasonably likely to be granted parole and has a potential
29 parole term of no less than one month, the board ~~Board of Parole~~ shall
30 schedule a public hearing before a majority of its members. At such
31 hearing the offender may present evidence, call witnesses, and be

1 represented by counsel. If, in the opinion of the reviewers, the review
2 indicates the offender should be denied parole, the offender may request
3 an additional review by a majority of the members of the board. A review
4 by the majority of the members of the board may be conducted not more
5 than once annually. Any hearing and review shall be conducted in an
6 informal manner, but a complete record of the proceedings shall be made
7 and preserved.

8 (b) ~~(2)~~ The board shall render its decision regarding the committed
9 offender's release on parole within a reasonable time after the hearing
10 or review. The decision shall be by majority vote of the board. The
11 decision shall be based on the entire record before the board which shall
12 include the opinion of the person who conducted the review. If the board
13 denies parole, written notification listing the reasons for such denial
14 and the recommendations for correcting deficiencies which cause the
15 denial shall be given to the committed offender within thirty days
16 following the hearing.

17 (c) ~~(3)~~ If the board fixes the release date, such date shall be not
18 more than six months from the date of the committed offender's parole
19 hearing or from the date of last reconsideration of his or her case,
20 unless there are special reasons for fixing a later release date.

21 (d) ~~(4)~~ If the board defers the case for later reconsideration, the
22 committed offender shall be afforded a parole review at least once a year
23 until a release date is fixed. The board may order a reconsideration or a
24 rehearing of the case at any time.

25 (4) ~~(5)~~ The release of a committed offender on parole shall not be
26 upon the application of the offender but by the initiative of the Board
27 of Parole. No application for release on parole made by a committed
28 offender or on his or her behalf shall be entertained by the board. This
29 subsection does not prohibit the Director of Correctional Services from
30 recommending to the board that it consider an individual offender for
31 release on parole.

1 Sec. 20. (1) A qualified offender serving a sentence imposed prior
2 to the effective date of this act who has not yet received a review from
3 the board shall, at the review, enter into a streamlined parole contract
4 under this section.

5 (2) A qualified offender serving a sentence imposed on or after the
6 effective date of this act shall, at the qualified offender's first
7 review from the board, enter into a streamlined parole contract under
8 this section.

9 (3) Under a streamlined parole contract, a qualified offender shall
10 be released on parole on the qualified offender's eligibility date,
11 without a hearing before the board, if:

12 (a) In the twenty-four-month period prior to the parole eligibility
13 date, the qualified offender has not committed a Class I offense under
14 the department's disciplinary code; and

15 (b) The qualified offender has completed all diagnostic evaluations
16 provided by the department and any programming or treatment required by
17 the department for substance abuse, sex offenses, and violence reduction.

18 (4) If a qualified offender does not meet the requirements of
19 subsection (3) of this section, the board shall consider the offender's
20 parole eligibility as provided for nonqualified offenders under section
21 83-1,111.

22 (5) For purposes of this section:

23 (a) Qualified offender means a committed offender who is serving an
24 indeterminate sentence under which the committed offender may become
25 eligible for parole and who is not serving a sentence for a violent
26 felony;

27 (b) Serious bodily injury has the same meaning as in section 28-109;

28 (c) Sexual contact and sexual penetration have the same meaning as
29 in section 28-318; and

30 (d) Violent felony means an offense which is a Class IIIA felony or
31 higher and:

- 1 (i) Which includes, as an element of the offense:
2 (A) Sexual contact or sexual penetration;
3 (B) The threat to inflict serious bodily injury or death on another
4 person, the infliction of serious bodily injury on another person, or
5 causing the death of another person; or
6 (C) The use of physical force against another person; or
7 (ii) Which consists of attempt, conspiracy, being an accessory to,
8 or aiding and abetting a felony with any of the offenses described in
9 subdivision (5)(d)(i) of this section as the underlying offense.

10 Sec. 21. Section 83-1,114, Revised Statutes Cumulative Supplement,
11 2020, is amended to read:

12 83-1,114 (1) Whenever the board considers the release of a committed
13 offender who is eligible for release on parole, it shall order his or her
14 release unless it is of the opinion that his or her release should be
15 deferred because:

16 (a) There is a substantial risk that he or she will not conform to
17 the conditions of parole;

18 (b) His or her release would depreciate the seriousness of his or
19 her crime or promote disrespect for law;

20 (c) His or her release would have a substantially adverse effect on
21 institutional discipline; or

22 (d) His or her continued correctional treatment, medical care, or
23 vocational or other training in the facility will substantially enhance
24 his or her capacity to lead a law-abiding life when released at a later
25 date.

26 (2) In making its determination regarding a committed offender's
27 release on parole, the board shall give consideration to the ~~its~~ decision
28 guidelines as set forth in its rules and regulations and shall take into
29 account each of the following factors:

30 ~~(a) The offender's personality, including his or her maturity,~~
31 ~~stability, and sense of responsibility and any apparent development in~~

1 ~~his or her personality which may promote or hinder his or her conformity~~
2 ~~to law;~~

3 ~~(a) (b) The adequacy of the offender's parole plan, including~~
4 ~~sufficiency of residence, employment history, and employability;~~

5 ~~(c) The offender's ability and readiness to assume obligations and~~
6 ~~undertake responsibilities;~~

7 ~~(d) The offender's intelligence and training;~~

8 ~~(e) The offender's family status and whether he or she has relatives~~
9 ~~who display an interest in him or her or whether he or she has other~~
10 ~~close and constructive associations in the community;~~

11 ~~(f) The offender's employment history, his or her occupational~~
12 ~~skills, and the stability of his or her past employment;~~

13 ~~(g) The type of residence, neighborhood, or community in which the~~
14 ~~offender plans to live;~~

15 ~~(h) The offender's past use of narcotics or past habitual and~~
16 ~~excessive use of alcohol;~~

17 ~~(i) The offender's mental or physical makeup, including any~~
18 ~~disability or handicap which may affect his or her conformity to law;~~

19 ~~(b) (j) The offender's prior criminal record, including the nature~~
20 ~~and circumstances, dates, and frequency of previous offenses;~~

21 ~~(k) The offender's attitude toward law and authority;~~

22 ~~(l) The offender's conduct in the facility, including particularly~~
23 ~~whether he or she has taken advantage of the opportunities for self-~~
24 ~~improvement, whether he or she has been punished for misconduct within~~
25 ~~six months prior to his or her hearing or reconsideration for parole~~
26 ~~release, whether any reductions of term have been forfeited, and whether~~
27 ~~such reductions have been restored at the time of hearing or~~
28 ~~reconsideration;~~

29 ~~(c) (m) The offender's institutional behavior and attitude during~~
30 ~~any previous experience of probation or parole and how recent such~~
31 ~~experience is;~~

1 (d) The offender's previous experience on parole and how recent such
2 experience is;

3 (e) Whether the offender has completed a ~~(n)~~ The risk and needs
4 assessment completed pursuant to section 83-192; and

5 (f) Any testimony or written statement by a victim as provided in
6 section 81-1848.

7 ~~(o) Any other factors the board determines to be relevant.~~

8 Sec. 22. (1) The Division of Parole Supervision and the department
9 shall create a pilot program to establish a technical parole violation
10 residential housing program. The purpose of the program is to provide
11 accountability and intensive support for individuals on parole who commit
12 technical violations, without revoking them fully back to prison.

13 (2) The program shall provide a structured environment for selected
14 individuals on parole who have committed technical violations. The
15 program shall be based upon a therapeutic community model. Participants
16 in the program shall, at a minimum, be required to take part in
17 counseling, educational, and other programs as the department deems
18 appropriate, to provide community service, and to submit to drug and
19 alcohol screening.

20 (3) An individual on parole shall not be placed in the pilot program
21 until the Division of Parole Supervision has determined the individual is
22 a suitable candidate in accordance with policies and guidelines developed
23 by the division.

24 (4) On or before June 1, 2023, the Division of Parole Supervision
25 shall electronically submit a report to the Judiciary Committee of the
26 Legislature regarding the pilot program. The report shall evaluate
27 effects of the pilot program on recidivism and make recommendations
28 regarding expansion of or changes to the program.

29 (5) For purposes of this section, technical violation has the same
30 meaning as in section 83-1,119.

31 Sec. 23. Section 83-1,135, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 83-1,135 Sections 83-170 to 83-1,135.05 and sections 20 and 22 of
3 this act shall be known and may be cited as the Nebraska Treatment and
4 Corrections Act.

5 Sec. 24. Section 83-1,135.02, Revised Statutes Cumulative
6 Supplement, 2020, is amended to read:

7 83-1,135.02 (1) It is the intent of the Legislature that the changes
8 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
9 with respect to parole eligibility apply to all committed offenders under
10 sentence and not on parole on May 24, 2003, and to all persons sentenced
11 on and after such date.

12 (2) It is the intent of the Legislature that the changes made to
13 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
14 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,
15 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
16 sentence, on parole, or on probation on August 30, 2015, and to all
17 persons sentenced on and after such date.

18 (3) It is the intent of the Legislature that the changes made to
19 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
20 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
21 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
22 apply to all committed offenders under sentence, on parole, or on
23 probation on or after April 20, 2016, and to all persons sentenced on and
24 after such date.

25 (4) It is the intent of the Legislature that the changes made to
26 sections 83-1,110.02 and 83-1,122.01 by Laws 2018, LB841, apply to all
27 committed offenders under sentence or on parole on or after July 19,
28 2018, and to all persons sentenced on and after such date.

29 (5) Except as otherwise provided in section 20 of this act, it is
30 the intent of the Legislature that the changes made to sections 83-1,111
31 and 83-1,114 and section 20 of this act by this legislative bill, apply

1 to all committed offenders under sentence or on parole on or after the
2 effective date of this act, and to all persons sentenced on and after
3 such date.

4 Sec. 25. Original sections 24-1302, 29-2263, 29-2269, 29-2281,
5 47-706, 50-434, 71-5661, 71-5662, 71-5663, 71-5665, 71-5666, 71-5668, and
6 71-5669.01, Reissue Revised Statutes of Nebraska, and sections
7 83-1,100.02, 83-1,111, 83-1,114, 83-1,135, and 83-1,135.02, Revised
8 Statutes Cumulative Supplement, 2020, are repealed.