

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 265**

Introduced by Brewer, 43; Blood, 3; Holdcroft, 36.

Read first time January 10, 2023

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to state personnel; to amend section 83-173,  
2 Revised Statutes Cumulative Supplement, 2022; to change provisions  
3 relating to the duties of the Director of Correctional Services; to  
4 require protective vests for correctional officers as prescribed; to  
5 allow Department of Health and Human Services employees to use  
6 justified use of force as prescribed; and to repeal the original  
7 section.  
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 83-173, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3 83-173 The Director of Correctional Services shall:

4 (1) Supervise and be responsible for the administration of the  
5 Department of Correctional Services;

6 (2) Establish, consolidate, or abolish any administrative  
7 subdivision within the department and appoint and remove for cause the  
8 heads thereof and delegate appropriate powers and duties to them;

9 (3) Establish and administer policies and programs for the operation  
10 of the facilities in the department and for the custody, control, safety,  
11 correction, and rehabilitation of persons committed to the department;

12 (4) Appoint and remove the chief executive officer of each facility  
13 and delegate appropriate powers and duties to him or her;

14 (5) Appoint and remove employees of the department and delegate  
15 appropriate powers and duties to them;

16 (6) Adopt and promulgate rules and regulations for the management,  
17 correctional treatment, and rehabilitation of persons committed to the  
18 department, the administration of facilities, and the conduct of officers  
19 and employees under his or her jurisdiction;

20 (7) Designate the place of confinement of persons committed to the  
21 department subject to section 83-176;

22 (8) Establish and administer policies that ensure that complete and  
23 up-to-date electronic records are maintained for each person committed to  
24 the department and which also ensure privacy protections. Electronic  
25 records shall include programming recommendations, program completions,  
26 time spent in housing other than general population, and medical records,  
27 including mental and behavioral health records;

28 (9) Collect, develop, and maintain statistical information  
29 concerning persons committed to the department, sentencing practices, and  
30 correctional treatment as may be useful in penological research or in the  
31 development of treatment programs;

1           (10) Provide training programs designed to equip employees for duty  
2 in the facilities and related services of the department and to raise and  
3 maintain the educational standards, ~~and the level of performance, and~~  
4 safety of such employees;

5           (11) Notify law enforcement agencies of upcoming furloughs as  
6 required by section 83-173.01;

7           (12) Issue or authorize the issuance of a warrant for the arrest of  
8 any person committed to the department who has escaped from the custody  
9 of the department; and

10          (13) Exercise all powers and perform all duties necessary and proper  
11 in carrying out his or her responsibilities.

12          Sec. 2. The Department of Correctional Services shall provide each  
13 correctional officer, as part of the standard uniform, with a protective  
14 vest designed to protect against edged weapons and stabbings. Each such  
15 vest shall be fitted to the officer.

16          Sec. 3. The Department of Health and Human Services shall not  
17 restrict, in any manner, an employee from exercising justified use of  
18 force pursuant to sections 28-1409 to 28-1416 to protect such employee or  
19 others from serious bodily harm or death.

20          Sec. 4. Original section 83-173, Revised Statutes Cumulative  
21 Supplement, 2022, is repealed.