

# **One Hundred Eighth Legislature - First Session - 2023**

## **Introducer's Statement of Intent**

### **LB352**

---

**Chairperson: Senator Justin Wayne**

**Committee: Judiciary**

**Date of Hearing: February 01, 2023**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB 352 would enact a series of evidence-based strategies identified by the Nebraska Criminal Justice Reinvestment Working Group to reduce inmate populations and lower recidivism while improving public safety. The bill contains 21 measures the areas of sentencing, release, reentry, and supervision designed to:

- Focus corrections resources on violent and high-risk individuals;
- Address significant regional differences across the state;
- Minimize barriers to successful reentry;
- Expand community-based services to increase treatment placement options and support law enforcement collaboration; and
- Ensure the sustainability of criminal justice reforms.

Specifically, LB 352 would:

1. Establish a streamlined parole process for non-violent offenders.
2. Increase investment in Assistant Probation Officer positions who can provide direct support to Probation Officers supervising high-risk caseloads.
3. Establish supportive housing programs for individuals on supervision in the community.
4. Create statewide standards for the use of early probation discharge.
5. Narrow broad sentencing ranges by tailoring punishments to specific levels of seriousness.
6. Reduce “jamming out” releases. Jamming out is when an inmate is released after serving their maximum sentence length and so cannot be released to parole supervision.
7. Increase education for stakeholders about young adults involved in the criminal justice system so that the science of brain development can be considered in decisions on arrest,

sentencing, and release of emerging adults.

8. Expand problem-solving courts.

9. Improve reentry practices for those being released from prison by: a) requiring Parole to establish a reentry plan, b) establishing a Parole position to help individuals navigate resources upon release, and c) requiring NDCS to ensure Medicaid enrollment forms are completed prior to an individual's release.

10. Minimize the barrier of a criminal conviction for individuals who are successful on supervision by notifying them of their ability to have their conviction set aside upon the successful completion of parole.

11. Invest in tangible incentives to motivate compliance while on community supervision.

12. Prioritize restitution payments to victims of crime above other court-imposed financial obligations.

13. Increase state incentives for students in Nebraska pursuing careers in behavioral health to provide care in designated shortage areas across the state.

14. Utilize county and district courts as physical access centers for virtual behavioral health treatment for individuals on community supervision.

15. Expand the use of sentencing alternatives by increasing the utilization of problem solving courts.

16. Create statewide standards for diversion programs and reinvest funding into judicial districts to administer such programs.

17. Appoint the Working Group to reconvene to review the implementation and fidelity of the reforms resulting from this effort.

18. Create a geriatric parole mechanism.

19. Modify drug possession penalties to establish weight-based thresholds for misdemeanor possession of substances other than marijuana.

20. Ensure consecutive sentences are used consistently and appropriately across the state.

21. Discourage the use of mandatory minimum sentences for non-violent felonies.

**Principal Introducer:** \_\_\_\_\_

**Senator Justin Wayne**