

LEGISLATIVE BILL 399

Approved by the Governor February 7, 1990

Introduced by Pirsch, 10

AN ACT relating to criminal procedure; to amend section 47-401, Reissue Revised Statutes of Nebraska, 1943; to authorize the use of house arrest for certain crimes; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 47-401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-401. (1) Any person sentenced to a city or county jail upon conviction for a misdemeanor, a felony, contempt, or nonpayment of any fine or forfeiture may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

- (a) Seeking employment;
- (b) Working at his or her employment;
- (c) Conducting such person's own business or other self-employed occupation, including housekeeping and attending to the needs of such person's family;
- (d) Attending any high school, college, university, or other educational or vocational training program or institution;
- (e) Serious illness or death of a member of the prisoner's such person's immediate family; or
- (f) Medical treatment.

(2) Any person sentenced to a city or county jail upon conviction for a misdemeanor or nonpayment of any fine or forfeiture may be granted the privilege of serving the sentence or a part of the sentence at a house of correction, community residential center, work release center, halfway house, or other place of confinement properly designated as a jail facility in accordance with this section and sections 15-259, 47-117, 47-207, 47-401, and 47-409.

(3) Any person sentenced to a city or county jail upon conviction for a misdemeanor, a felony, contempt, or nonpayment of any fine or forfeiture may be granted the privilege of serving all or part of the sentence under house arrest. For purposes of this subsection, house arrest shall mean restricting an

offender to a specific residence except for authorized periods of absence for employment or for medical, educational, or other reasons approved by the court. House arrest may be monitored by electronic surveillance devices or systems.

Sec. 2. That original section 47-401, Reissue Revised Statutes of Nebraska, 1943, is repealed.