

# LB 50: Improving Public Safety in Nebraska

June 2023



In 2021, Nebraska engaged in a year-long bipartisan effort to identify data-driven solutions to address the state's prison population growth, overcapacity problem, and high recidivism rates. In 2022, the legislature introduced LB 920, however, in a short session, the legislature ran out of time to reach agreement on all the policies before sine die.

These issues were taken up by LB 50 during the 2023 legislative session. After undergoing many rounds of negotiation and amendments, the bill passed with broad, bipartisan support from state leaders and system stakeholders, including law enforcement. Governor Pillen signed the bill into law on June 6, 2023.

## The bill focuses on reducing recidivism by:

### 1. Incentivizing participation in programming and treatment for early parole release.

- Reduces “jam-outs” (individuals being released, unsupervised, at the end of their sentence) by requiring that those with sentences under 20 years be eligible for parole at least 2 years prior to their maximum discharge date. Individuals with sentences over 20 years are eligible for parole once 80 percent of the time prior to their maximum discharge date has been served.
- Creates a streamlined parole review process without a hearing for individuals who are convicted of a nonviolent offense, have completed all required programming and treatment, and have no misconduct reports within 24 months of their parole review.
- Establishes a mechanism for individuals 75 years or older who have served at least 15 years – excluding anyone convicted of a class I, IA or IB felony or a sexual contact offense – to be eligible for parole review.

### 2. Focusing corrections resources on individuals convicted of violent offenses.

- Creates a 10-year look back period for repeat convictions of certain levels of misdemeanor theft.
- Reduces the penalty for the habitual criminal statute if both the current and underlying offense are nonviolent. Modifying the sentence range of 10 to 60 years to three to 20 years.
- Removes several factors from parole eligibility criteria that do not relate to public safety, including intelligence and family status.
- Expands access to problem-solving court options across the state by requiring each judicial district to establish at least one type of specialty court and to track outcomes.

### **3. Providing additional support and interventions for those on community supervision.**

- Creates a pilot program to provide additional staff to support probation officers carrying high-risk caseloads.
- Establishes a pilot program to provide tangible rewards (i.e., gift cards, and vouchers) to encourage continued success on probation and assess the effectiveness of such an investment.
- Builds a technical parole violation residential housing program for those on parole who repeatedly commit technical violations, without sending them back to prison.

### **4. Improving statewide behavioral health supports.**

- Creates a pilot program to use courthouses as access points for virtual behavioral health appointments.
- Requires certain professionals, including firearms dealers and state police, to share information and educational materials on suicide prevention and crisis supports.
- Increases loan assistance for mental health providers who practice for at least five years in a designated health-professional shortage area and whose practice consists of treating justice-involved individuals.

### **5. Creating ongoing opportunities to assess the need for reform in the state.**

- Establishes the Nebraska Sentencing Reform Task Force to continually study, identify, and recommend policies to improve public safety and effectively allocate resources.
- Requires ongoing information sharing among criminal justice agencies.