

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 52

Introduced by Christensen, 44.

Read first time January 10, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Treatment and Corrections Act; to
2 amend section 83-183, Revised Statutes Cumulative
3 Supplement, 2012; to change provisions relating to the
4 employment of persons committed to the Department of
5 Correctional Services; and to repeal the original
6 section.

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

1 Section 1. Section 83-183, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 83-183 (1) To establish good habits of work and
4 responsibility, to foster vocational training, and to reduce the cost
5 of operating the facilities, persons committed to the department
6 shall be employed, eight hours per day, so far as possible in
7 constructive and diversified activities in the production of goods,
8 services, and foodstuffs to maintain the facilities, for state use,
9 and for other purposes authorized by law.

10 (2) To accomplish these the purposes set forth in
11 subsection (1) of this section, the director may establish and
12 maintain industries and farms in appropriate facilities and may enter
13 into arrangements with any other board or agency of the state, any
14 natural resources district, or any other political subdivision,
15 except that any arrangements entered into with school districts,
16 educational service units, community colleges, state colleges, or
17 universities shall include supervision provided by the department,
18 for the employment of persons committed to the department for state
19 or governmental purposes. ~~Nothing in this subsection shall be~~
20 ~~construed to effect a reduction in the number of work release~~
21 ~~positions.~~

22 (3) To accomplish the purposes set forth in subsection
23 (1) of this section, the director may also enter into arrangements
24 with any charitable, fraternal, or nonprofit corporation for labor
25 services which have a public benefit by persons committed to the

1 incarceration work camp.

2 ~~(2)~~(4) The director shall make rules and regulations
3 governing the hours, conditions of labor, and the rates of
4 compensation of persons committed to the department. In determining
5 the rates of compensation, such regulations may take into
6 consideration the quantity and quality of the work performed by such
7 person, whether or not such work was performed during regular working
8 hours, the skill required for its performance, and the economic value
9 of similar work outside of correctional facilities.

10 ~~(3)~~(5) Except as provided in section 83-183.01, wage
11 payments to a person committed to the department shall be set aside
12 by the chief executive officer of the facility in a separate fund.
13 The fund shall enable such person committed to the department to
14 contribute to the support of his or her dependents, if any, to make
15 necessary purchases from the commissary, and to set aside sums to be
16 paid to him or her at the time of his or her release from the
17 facility.

18 ~~(4)~~(6) The director may authorize the chief executive
19 officer to invest the earnings of a person committed to the
20 department. Any accrued interest thereon shall be credited to such
21 person's fund.

22 ~~(5)~~(7) The director may authorize the chief executive
23 officer to reimburse the state from the wage fund of a person
24 committed to the department for:

25 (a) The actual value of property belonging to the state

1 or any other person intentionally or recklessly destroyed by such
2 person committed to the department during his or her commitment;

3 (b) The actual value of the damage or loss incurred as a
4 result of unauthorized use of property belonging to the state or any
5 other person by such person committed to the department;

6 (c) The actual cost to the state for injuries or other
7 damages caused by intentional acts of such person committed to the
8 department; and

9 (d) The reasonable costs incurred in returning such
10 person committed to the department to the facility to which he or she
11 is committed in the event of his or her escape.

12 ~~(6)-(8)~~ No person committed to the department shall be
13 required to engage in excessive labor, and no such person shall be
14 required to perform any work for which he or she is declared unfit by
15 a physician designated by the director. No person who performs labor
16 or work pursuant to this section shall be required to wear manacles,
17 shackles, or other restraints.

18 ~~(7)-(9)~~ The director may authorize that a portion of the
19 earnings of a person committed to the department be retained by that
20 person for personal use.

21 (10) Nothing in subsections (1), (2), or (3) of this
22 section shall be construed to effect a reduction in the number of
23 work release positions.

24 Sec. 2. Original section 83-183, Revised Statutes
25 Cumulative Supplement, 2012, is repealed.