

§ 4-202. Offender review, general and streamlined.

(A) General. A committed offender serving an indeterminate sentence under which he or she may become eligible for parole shall be interviewed and have his or her record reviewed by two or more members of the Board ~~of Parole~~ or a person designated by the Board within sixty days before the expiration of his or her minimum term less any reductions as provided in section 83-1,110.

- 0.1. If the committed offender is a qualified offender as defined in section 83-1,111.01, the committed offender shall enter into a streamlined parole contract as provided in such section
2. If the committed offender is a qualified offender, the review shall be limited to verifying that the committed offender is a qualified offender and whether the committed offender has already fulfilled the streamlined parole contract. If the committed offender has not yet fulfilled the streamlined parole contract, a subsequent review shall be set for the date the committed offender will fulfill the streamlined parole contract, assuming the committed offender will meet the requirements of subsection (3) of section 83-1,111.01
- 0.3. If the committed offender is not a qualified offender or has been found at a review to have not fulfilled the terms of the streamlined parole contract the Board shall conduct a review under section (A) of this Rule. If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole and has a potential parole term of no less than one month, the Board ~~of Parole~~ shall schedule a public hearing before a majority of its members. At such hearing the offender may present evidence, call witnesses, and be represented by counsel.
- 0.4. If, in the opinion of the reviewers, the review indicated the offender should be denied parole, the offender may request an additional review by a majority of the members of the Board.
- 0.5. A review by the majority of the members of the Board may be conducted not more than once annually.
- 0.6. Offender reviews shall be conducted in an informal manner, but a complete record of the proceedings shall be made and preserved.
- 0.7. The Board shall render its decision regarding the committed offender's parole status within a reasonable time after the review, not to exceed ten days. The decision shall be by majority vote of the Board and shall be based on the entire record before the Board, including the opinion of the person(s) who conducted the review.
- 0.8. If the Board defers the case for later consideration, the committed offender shall be afforded a parole review at least once a year until a release date is fixed. The Board may order a reconsideration of the case at any time.
- 0.9. The release of a committed offender on parole shall not be upon the application of the offender, but by the initiative of the Board of Parole.

No application for release on parole made by a committed offender or on his or her behalf shall be entertained by the Board. The Director of Correctional Service is not prohibited, however, from recommending to the Board that it consider an individual offender for release on parole.

0.10. Offender reviews are not subject to the Open Meetings Act and are therefore not open to the public. Decisions made by the Board Member offender review team may be announced verbally at the time of the review. Written notice of the Board decision consequent to an offender review shall be sent to the offender within 14 days. Disclosure of the Board's decision to anyone other than the offender prior to the Board's written notice is prohibited.

0.11. An offender may waive the opportunity to appear and participate in the Board's offender review. A waiver form developed by the Board of Parole and signed by the offender is required. Once an offender has voluntarily signed a waiver form, the offender will not appear before the Board for an offender review. If an offender wishes to withdraw his or her waiver, a written request must be submitted to the Board at least 14 days prior to the scheduled offender review.

12. Offender reviews may be conducted remotely through video conferencing from the institution where an offender resides. In the event video conferencing technology malfunctions or there is a power failure, the offender review shall be rescheduled and completed at that time.

(B) Streamlined Parole. A qualified offender serving a sentence imposed prior to September 2, 2023, who has not yet received a review from the board shall, at the review, enter into a streamlined parole contract under this section. A qualified offender serving a sentence imposed on or after September 2, 2023, shall, at the qualified offender's first review from the board, enter into a streamlined parole contract under this section.

1. Under a streamlined parole contract, a qualified offender shall be released on parole on the qualified offender's parole eligibility date, without a hearing before the board, if:

(a) In the twenty-four-month period prior to the eligibility date, the qualified offender has not committed a Class I offense under the department's disciplinary code; and

(b) The qualified offender has completed all diagnostic evaluations provided by the department and any programming or treatment required by the department for substance abuse, sex offenses, and violence reduction.

2. If a qualified offender does not meet the requirements of subsection (3) of this section, the board shall consider the offender's parole eligibility as provided for nonqualified offenders under section 83-1,111.

3. For purposes of this section:

- (a) Qualified offender means a committed offender who is serving an indeterminate sentence under which the committed offender may become eligible for parole and who is not serving a sentence for a violent felony;
- (b) Serious bodily injury has the same meaning as in section 28-109;
- (c) Sexual contact and sexual penetration have the same meanings as in section 28-318; and
- (d) Violent felony means an offense which is a Class IIIA felony or higher which:
 - a. Includes, as an element of the offense:
 - i. Sexual contact or sexual penetration;
 - ii. The threat to inflict serious bodily injury or death on another person, the infliction of serious bodily injury on another person, or causing the death of another person; or
 - iii. The use of physical force against another person; or
 - ~~b.~~ Consists of attempt, conspiracy, being an accessory to, or aiding and abetting a felony with any of the offenses described above as the underlying offense.

STATUTORY REFERENCE: NEB. REV. STAT. § 83-1,111 AND 83-1,111.01

History: Adopted September 22, 2016
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