

Proposed Amendment to Rule

§ 4-301. Parole hearing.

- (A) If, in the opinion of the reviewers, the review indicates the offender is reasonably likely to be granted parole, the Board of Parole shall schedule a public hearing before a majority of its members. The parole hearing will be set no sooner than ~~45~~ 30 days from the time of review to allow the offender adequate time to develop an appropriate parole plan.
- (B) At the parole hearing, the offender may present evidence, call witnesses, and be represented by counsel.
- (C) Parole hearings shall be conducted in an informal manner, but a complete record of the proceedings shall be made and preserved.
- (D) The Board shall render its decision regarding the committed offender's release on parole within a reasonable time after the hearing. The decision shall be by a majority vote of the board. The decision shall be based on the entire record before the board, which shall include the opinion of the person(s) who conducted the review. The Board may inform the offender of its decision verbally at the time of the parole hearing with written notification to follow within 14 days.
- (E) If the Board shall deny parole, written notification listing the reasons for such denial and the recommendations for correcting deficiencies which cause the denial shall be given to the committed offender within thirty days following the hearing.
- (F) If the Board fixes the release date, such date shall not be more than six months from the date of the committed offender's parole hearing, or from the date of last reconsideration of his or her case, unless there are special reasons for fixing a later release date.
- (G) If the Board defers the case for later reconsideration, 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 or a rehearing of the case at any time. A parole hearing may be deferred at the discretion of the Board.
- (H) Parole hearings are open to the public pursuant to the Open Meetings Act.
- (I) An offender may waive the opportunity to appear and participate in his or her parole hearing. A waiver form developed by the Department of Correctional Services and signed by the offender is sufficient. Once an offender has voluntarily signed a waiver form, the offender will not appear before the Board for a parole hearing. 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 parole hearing.

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

History: Adopted September 22, 2016