

## **Proposed Amended Rule No. 4-205**

§ 4-205. Offender review, material and factors considered.

(A) Reviews shall include the circumstances of the offense, the presentence investigation report, the committed offender's previous social history and criminal record, his or her conduct, employment and attitude during commitment, and the reports of such physical and mental examinations as have been made. The board shall meet with the committed offender and counsel him or her concerning his or her progress and prospects for future parole.

(B) Reports regarding the offenders conduct, employment and attitude shall be accessible to the Board through the electronic records systems maintained by the Department of Correctional Services. These reports shall be kept current for each offender who is scheduled for review and has not waived his or her appearance.

(C) A copy of all psychological evaluations performed shall be forwarded to the Board of Parole. In the case of offenders serving sentences for first degree murder, second degree murder, or manslaughter convictions, the Board shall request a psychological evaluation of the offender from the Nebraska Department of Correctional Services – Mental Health team. Additionally, the Board may request a psychological evaluation from the Department of Correctional Services – Mental Health team in the following cases: the risk assessment indicates a level of criminally diverse and the offender is serving a sentence for a violent offense; the offender has a history of violent behavior in the institution; or the offender is serving a sentence for a violent offense. Psychological evaluations shall be requested and performed within 3 months of a Key review before scheduling the offender for a parole hearing.

~~In the case of offenders serving sentences for first degree murder, second degree murder, or manslaughter convictions, the Board shall consider a psychological evaluation performed within 6 months of the review before scheduling the offender for a parole hearing.~~

STATUTORY REFERENCE: NEB. REV. STAT. § 83-192

History: Adopted September 22, 2016

Amendment deferred January 16, 2018