

AM2355 (Geist) to LB920 **removes the following policies:**

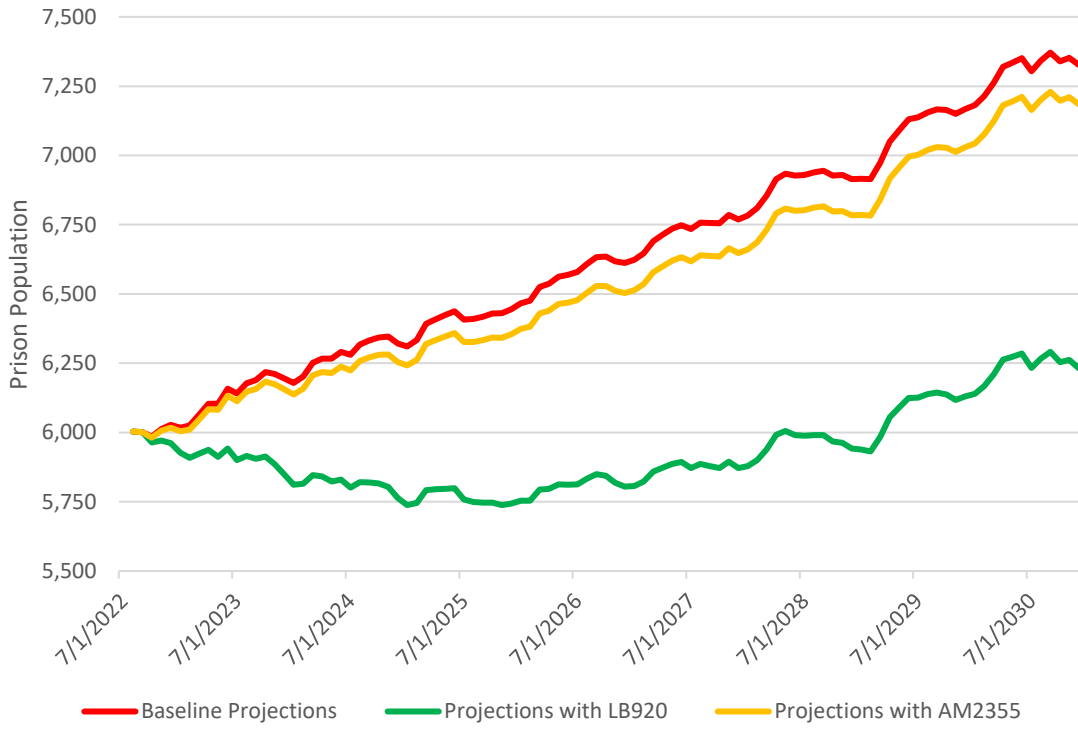
Working Group Consensus Policies:

- A. Creating statewide standards for diversion programs
 - Requires that guidelines for pre-trial diversion not categorically prohibit participation by a defendant charged with a class IV felony who has no prior felonies and has not completed pretrial diversion for a felony.
- B. Tailoring punishment to seriousness for low-level theft offenses
 - All prior convictions used to enhance low level theft convictions must have occurred within ten years of the commission date of the current offense.
- C. Narrowing broad sentencing ranges for burglary offenses
 - Creates three degrees of burglary:
 - 1st degree is burglary of a dwelling. (Class IIA felony)
 - 2nd degree is burglary of an occupied non-dwelling. (Class III felony)
 - 3rd degree is burglary of an unoccupied non-dwelling. (Class IIIA felony)
- D. Reducing “jamming” out releases
 - Caps minimum term at 50% of maximum for non-sex offenses and at 70% of maximum for sex offense
 - For all people sentenced to five years or more in prison, parole eligibility is the earlier of:
 - One half of minimum term
 - Two years prior to mandatory discharge date

Working Group Non-Consensus Policies:

- E. Creating a geriatric parole mechanism
 - Creates geriatric parole. To be eligible a person must:
 - Not be serving a sentence for a class I or IA felony
 - Be 70 or older
 - Have served at least 10 years
 - People being considered for geriatric parole must go through the standard parole review process.
- F. Modifying drug possession penalty
 - For substances other than marijuana, possession of .5g or less is a Class I misdemeanor (formerly class IV felony).
- G. Discouraging the use of mandatory minimums and allowing credit be earned during the mandatory term toward the non-mandatory portion of sentence
 - Limits mandatory minimums use to non-drug related offenses and Limits use of habitual criminal enhancement to prior offenses for certain violent/sex offenses.
 - For those sentenced to mandatory minimum sentences, parole eligibility is at the completion of all mandatory minimum terms or at half of the maximum sentence whichever is later
- H. Ensure consecutive sentences are used consistently and appropriately across state
 - Except where consecutive sentences are required by statute, courts must impose a concurrent sentence unless one or more aggravating factors apply:
 - Offenses occurring on separate days
 - Offense involved use of force or threat of force against multiple victims
 - Offense involved a sexual assault
 - Offense was especially heinous, atrocious, or cruel

Nebraska Prison Forecast with Policy Changes



Cumulative Cost Avoidance by Calendar Year

