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**Capitol View
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**Sentencing Reform is a Viable Approach to Solving Prison Overcrowding**

Several measures aimed at reducing prison overcrowding through sentencing reform have gained an interesting proponent during debate in the Nebraska Legislature.

Appropriations Committee Chairman John Stinner of Gering has spoken in support of Lincoln Sen. Patty Pansing Brook’s proposal (LB131) that would require a minimum sentence be no more than half the years as the maximum for certain class felonies. The change would have the practical effect of allowing offenders to become parole-eligible sooner and alleviate the overcrowding crisis.

Stinner told his colleagues that it would cost the state $400 million to $500 million just to build more prison space, not counting operating costs. He said he thinks the state has a lot of other priorities than to build prisons.

Pansing Brooks and Judiciary Committee Chairman Sen. Steve Lathrop of Omaha said the several sentencing reform measures could be as consequential as any property tax or business incentives bills because of the money involved.

Under the Pansing Brooks proposal, if the maximum sentence is 20 years, the minimum could be no more than 10 years. In cases where a statutory mandatory minimum has been established, the measure would not apply. She noted that just because an inmate would be parole eligible doesn’t mean the person would be granted parole. That’s still the function of the Parole Board.

Lathrop reminded colleagues that a looming declaration of emergency population conditions is due July 1. That will require the Department of Corrections to release inmates to get the population adjusted. He said the system only has room for 150 more inmates and there are 900 people who have

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gone beyond their parole eligibility date and are still sitting in the state's overcrowded prisons.

Those 900 have not been paroled for a variety of reasons, including not getting the proper programming needed for release. Another Pansing Brooks bill (LB133) requires the Board of Parole to notify Corrections about any who have been denied parole because of lack of programming and to provide recommendations on programming or treatment in which the offender should participate in order to enhance his or her likelihood of release.

Lathrop said prison population projections show that by the end of 2030 the prisons could hold more than 7,300 inmates. That would mean the department would have to build 200 beds a year just to be at 140% design capacity. Senators must decide if the state wants to try to build its way out of the crisis or address it with sentencing reform.

I agree with Lathrop and Stinner that we can’t build our way out of this. The system can’t keep enough staff in its current facilities, let alone staff new ones.

That makes the sentencing reform measures consequential. As Lathrop says, if the state has to spend that kind of money on brick and mortar, and workers and operations, it can forget about property tax relief, business tax incentives and properly funding schools.

Reform doesn’t sit well with the law-n-order types, newly represented by Sen. Julie Slama of Peru, an appointee of Governor Pete Ricketts. She says debate centers around a serious concept that involves sentencing a person guilty of a heinous crime to 10 to 20 years -- instead of 19 to 20 years, and thus allowing parole eligibility in a shorter time.

Similar bills have always been opposed by the Attorney General's office and prosecutors who say the discretion by judges to determine a sentence on a case-by-case basis is good enough. Prosecutors say it could pose a significant

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and unnecessary risk to public safety and have no verifiable impact on crowding of prisons.

We’ve seen how that has worked out so far. Given the overcrowding crisis, it hasn’t.

So why not try something new?
Let’s give sentencing reform a fair chance. It just might work.

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