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**Capitol View**

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**One Small Step for Prison Reform in the Face of New Prison Construction**

So, this is prison reform? At this point, it's something and we'll cling to every little bit of it while the Republican majority anticipates the building of a new prison, which will do little, if anything, to alleviate overcrowding

An omnibus bill sponsored by Omaha Sen. Justin Wayne and signed into law by Governor Jim Pillen creates several programs intended to improve the state’s criminal justice system, including a program to expand problem-solving courts, a pilot program to establish parole-violation residential housing and a probationer incentive program.

In the waning days of the most unusual 2023 session, Wayne’s original bill was amended by more than a dozen other bills tagged along for the ride. One was a Wayne bill dealing with habitual criminal enhancement and parole eligibility.

That key piece of legislation sets the mandatory minimum term for a habitual offender and calls for two criminal defense attorneys with at least 10 years’ experience to be appointed by the governor to the newly created Nebraska Sentencing Reform Task Force.

As originally introduced by former Lincoln Sen. Suzanne Geist who resigned before the session was over to mount what proved to be an unsuccessful run for Lincoln Mayor, the measure also expands problem-solving courts, a pilot program to establish parole-violation residential housing and creation of a probationer incentive program.

A highly controversial provision which drew lengthy first round debate and was later amended to address concerns of opponents would allow an offender who is serving a maximum sentence of 20 years to be parole eligible at least two years prior to their mandatory discharge date and would allow an offender who is serving a sentence over 20 years to be parole eligible after having served 80 percent of the term prior to their mandatory discharge date.

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The mandatory minimum term for a habitual offender would be three years and the maximum term would be no more than the maximum term given or twenty years — whichever is greater — for qualified offenders. Individuals who have committed offenses related to firearms, violence or sex crimes would be excluded from those provisions.

Wayne said the amended measure gives inmates a larger window in which to become parole eligible, addressing concerns over “jamming out” — a term used to describe when an offender exhausts their sentence without the opportunity for parole or supervision.

“One year doesn’t make a difference on a 20-year sentence, but one year being supervised makes … a difference,” Wayne said. “We have to supervise people on the back end.”

Lincoln Sen. Danielle Conrad supported the bill because the changes address Nebraska’s prison overcrowding crisis. Research shows that providing more reentry support reduces the likelihood that offenders will commit new crimes, she said, which would keep Nebraskans safer.

“Over 90 percent of [offenders] are going to return to our communities,” Conrad said. “When they return to our communities, they need to have hope. They need to have help.”

The bill, which lawmakers passed one day after five guards at the Reception and Treatment Center in Lincoln were stabbed by three inmates armed with homemade weapons, includes a measure offered by Gordon Sen. Tom Brewer that requires the Nebraska Department of Correctional Services to provide stab-resistant protective vests to each corrections officer. Timing is everything.

It’s important to understand that without continuing reforms, Nebraska will likely not lose its unfortunate designation as the nation’s most overcrowded prison system and the dream of one new prison to solve the problem will lead to the necessity for two new facilities.

Kudos to those senators who have chosen to move ahead with talk of something other than building another prison.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years.*