

AMENDMENTS TO LB1067

(Amendments to Standing Committee amendments, AM2492)

Introduced by McDonnell, 5.

1 1. Strike amendment 1 and insert the following new amendments:

2 1. Strike original sections 1 to 5 and insert the following new
3 sections:

4 Section 1. Sections 1 to 5 of this act shall be known and may be
5 cited as the State Prisoner Reimbursement Act.

6 Sec. 2. For purposes of the State Prisoner Reimbursement Act:

7 (1) Criminal detention facility has the same meaning as in section
8 83-4,125; and

9 (2) State prisoner means a person who:

10 (a) Has been convicted and sentenced as an adult to a Department of
11 Correctional Services facility;

12 (b) Has been placed on probation for such offense;

13 (c) Has been placed in a county jail for probation sanctions or
14 probation violations;

15 (d) Is serving consecutive misdemeanor sentences and the combined
16 sentences total a term of one year or more; or

17 (e) Is a parolee held on behalf of the department.

18 Sec. 3. (1) The State Prisoner Reimbursement Act shall apply on and
19 after July 1, 2024.

20 (2)(a) After sentencing, if a prisoner is a state prisoner as
21 defined in subdivision (2)(a), (b), (c), or (e) of section 2 of this act,
22 the state shall reimburse the county where the state prisoner was or is
23 maintained in a criminal detention facility at the rate of one hundred
24 dollars per day for each day the state prisoner was maintained in the
25 criminal detention facility from the state prisoner's initial date of
26 detention until the day the state prisoner is transferred to a Department

1 of Correctional Services facility, placed on probation for such offense,
2 or released from custody at the request of the department.

3 (b) After sentencing, if a prisoner is a state prisoner as defined
4 in subdivision (2)(d) of section 2 of this act, the state shall reimburse
5 the county where the state prisoner was or is maintained in a criminal
6 detention facility at the rate of one hundred dollars per day for each
7 day the state prisoner was maintained in the criminal detention facility
8 from the state prisoner's initial date of detention until the completion
9 of all consecutive sentences.

10 (3) If state appropriations are not sufficient to satisfy all of the
11 eligible county jail reimbursement claims filed during any quarterly
12 fiscal period, then the state shall prorate each county's total
13 reimbursement for that quarterly fiscal period in proportion to the
14 remaining appropriation.

15 (4) Any county jail reimbursement claims paid by the state on a
16 prorated basis shall not be refiled.

17 (5) Subject to available appropriations, the Department of
18 Correctional Services shall reimburse all counties on a quarterly basis
19 for all eligible county jail reimbursement claims as soon as practicable
20 after the end of each quarterly filing period.

21 (6) The county board or county board of corrections serving pursuant
22 to Chapter 23, article 28, shall request reimbursement as provided in
23 section 4 of this act. If the Department of Correctional Services has
24 been notified under section 83-4,133 that the criminal detention facility
25 which is requesting reimbursement does not qualify for reimbursement
26 under this section, the department shall deny the reimbursement request
27 for the days the facility was not qualified.

28 (7) If a conviction on which reimbursement for prisoner costs was
29 based is reversed and the case dismissed, the amount of such
30 reimbursement shall be refunded as provided in section 4 of this act. The
31 county attorney shall notify the sheriff or county board of corrections

1 of the dismissal of any such case.

2 (8) For fiscal year 2024-25 and each fiscal year thereafter, the
3 total annual appropriations approved by the Legislature for the
4 Department of Correctional Services for county jail reimbursement
5 assistance shall not exceed fifty million dollars. County jail
6 reimbursement claims filed for any fiscal year shall only be paid out of
7 the same fiscal year's appropriation, including any amounts
8 reappropriated or certified as encumbrances for county jail reimbursement
9 assistance, but no previous fiscal year claims shall be paid or filed by
10 counties to be paid from a subsequent fiscal year's new appropriation
11 established for county jail reimbursement assistance. County jail
12 reimbursement claims, as certified by each county, shall be received in
13 the office of the accounting section of the department within forty-five
14 days after the end of any quarterly fiscal period ending on March 31,
15 June 30, September 30, and December 31. Any claims not meeting these
16 deadlines shall be determined ineligible for future filing and shall not
17 be reimbursed by the state.

18 Sec. 4. (1) The county board of each county and the county board of
19 corrections serving pursuant to Chapter 23, article 28, confining state
20 prisoners within its jails shall receive reimbursement from the state
21 pursuant to section 3 of this act for boarding such prisoners. Such
22 boards are hereby authorized to provide such meals, fuel, lights,
23 washing, and clothing as may be necessary for the comfort of such
24 prisoners while in custody in the county. The sheriff or county board of
25 corrections shall, on a regular basis not less than quarterly nor more
26 than monthly, make a report in writing to the Director of Correctional
27 Services of the number of state prisoners in custody in such county for
28 whom reimbursement is claimed, the number of days for which reimbursement
29 is claimed, and the amount of any reimbursement to be refunded pursuant
30 to subsection (7) of section 3 of this act. Such report shall be
31 consistent with any rules and regulations adopted and promulgated by the

1 Department of Correctional Services under section 5 of this act. All
2 claims for reimbursement shall be sworn to by the sheriff or a designated
3 representative of the county board of corrections before the clerk of the
4 county and certified to under his or her seal. Thereupon the director
5 shall request that a warrant be drawn upon the State Treasurer for the
6 amount due to the county treasurer of the county, and the amount drawn
7 shall be credited to the general fund of the county.

8 (2) For purposes of substantiating a claim, the Department of
9 Correctional Services may audit the records and reports of a county
10 relating to the county's claim for reimbursement. The department shall
11 audit such records and reports once every two years or as otherwise
12 deemed necessary by the department. The county board or county board of
13 corrections shall keep the records pertaining to a claim for two years
14 after the date the claim is submitted to the department.

15 Sec. 5. The Department of Correctional Services may adopt and
16 promulgate rules and regulations to carry out the State Prisoner
17 Reimbursement Act.

18 Sec. 6. (1) The Court Security and Service Reimbursement Program is
19 created. The program shall be administered by the Nebraska Commission on
20 Law Enforcement and Criminal Justice. The commission shall make
21 reimbursement payments to counties for the following security and service
22 expenses:

23 (a) Actual wage costs of deputies assigned to court security and
24 service for up to one and four-tenths deputies assigned per judge; and

25 (b) Actual wage costs of supervisors of deputies for up to one
26 supervisor for every ten deputies employed by the county and assigned to
27 county security and service.

28 (2) For purposes of this section:

29 (a) Actual wage costs include any expense paid by the county for
30 salary and benefits for any eligible deputy or supervisor; and

31 (b) Judge includes any judge of the district court, county court,

1 separate juvenile court, or workers' compensation court or any child
2 support referee.

3 (3) Each county shall report to the commission the total actual wage
4 costs eligible for reimbursement under the program for the previously
5 completed fiscal year ending June 30 by October 1 of each year.

6 (4) The commission shall certify the total amount of actual wage
7 costs reported by the counties and the amount of reimbursement payments
8 to be paid to each county receiving reimbursement payments and to the
9 budget administrator of the budget division of the Department of
10 Administrative Services by November 1 of each year. If funds appropriated
11 by the Legislature are insufficient to provide reimbursement payment for
12 the total actual wage costs by counties as described in this section, the
13 amount of reimbursement payments to each county shall be paid pro rata.

14 (5) The commission shall annually make reimbursement payments in
15 eight equal monthly payments, beginning in November of each fiscal year.
16 No reimbursement payments shall be made in the months of July, August,
17 September, or October.

18 (6) It is the intent of the Legislature to appropriate twelve
19 million dollars per year from the General Fund for the Court Security and
20 Service Reimbursement Program.

21 3. Renumber the remaining sections accordingly.