

LEGISLATIVE BILL 315

Approved by the Governor April 6, 1979

Introduced by Landis, 46

AN ACT relating to jails; to redefine terms; to provide where certain sentences may be served; to amend sections 15-259 and 47-409, Reissue Revised Statutes of Nebraska, 1943, and section 47-401, Revised Statutes Supplement, 1978; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 15-259, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-259. A primary city may erect, establish, and regulate ~~workhouses and poorhouses~~, houses of correction, jails, community residential centers, work release centers, halfway houses, and such other places of control or confinement as may be designated as a jail facility from time to time by the city, including station houses and other buildings necessary buildings to the keeping and confinement of prisoners, and provide for the government and support of same.

Sec. 2. That section 47-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

47-409. The chief of police, or county sheriff, or such other person as may be charged with the administrative direction of a jail or jail facility may refuse to permit the prisoner to exercise his privilege to leave the jail or jail facility as provided in section 47-401 for any breach of discipline or other violation of jail regulations. Any such breach of discipline or other violation of jail regulations shall be reported to the sentencing court.

Sec. 3. For the purposes of Chapter 47, article 1, jail shall be defined to include a jail, house of correction, community residential center, work release center, halfway house, or other place of confinement of a person committed by any lawful authority to any suitable and appropriate residence, facility, center, or institution designated as a jail facility by the county.

Sec. 4. For the purposes of Chapter 47, article 2, jail shall be defined to include a jail, house of

correction, community residential center, work release center, halfway house, or other place of confinement of a person committed by any lawful authority to any suitable and appropriate residence, facility, center, or institution designated as a jail facility by the city.

Sec. 5. That section 47-401, Revised Statutes Supplement, 1978, be amended to read as follows:

47-401. (1) Any person sentenced to a city or county jail upon conviction for a misdemeanor, felony, contempt, or nonpayment of any fine or forfeiture may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:

{1} (a) Seeking employment;

{2} (b) Working at his employment;

{3} (c) Conducting such person's own business or other self-employed occupation including housekeeping and attending to the needs of such person's family;

{4} (d) Attending any high school, college, university or other educational or vocational training program or institution;

{5} (e) Serious illness or death of a member of the prisoner's immediate family; or

{6} (f) Medical treatment.

(2) Any person sentenced to a city or county jail upon conviction for a misdemeanor or nonpayment of any fine or forfeiture may be granted the privilege of serving the sentence or a part of the sentence at a house of correction, community residential center, work release center, halfway house, or other place of confinement properly designated as a jail facility in accordance with this act.

Sec. 6. That original sections 15-259 and 47-409, Reissue Revised Statutes of Nebraska, 1943, and section 47-401, Revised Statutes Supplement, 1978, are repealed.