

NEBRASKA SENTENCING REFORM TASK FORCE

MINUTES

IN-PERSON MEETING
OCTOBER 27, 2023, 1:00 P.M.
STATE CAPITOL, ROOM 1525

1. Lt. Governor Kelly called the meeting of the Sentencing Reform Task Force to order at 1:05 p.m. and requested a roll call of Task Force members.
2. Members Present: Senator Carolyn Bosn, Douglas County Sheriff Aaron Hansen, Attorney General Mike Hilgers, Lt. Governor Joe Kelly, Lincoln County Public Defender Robert Lindemeier, Senator Terrell McKinney, Colfax County Attorney Bruce Prenda, Douglas County Public Defender Tom Riley, Kearney Police Chief Brian Waugh, Senator Justin Wayne. Members Absent: Douglas County Attorney Don Kleine.
3. A quorum having been established, Lt. Governor Kelly announced that the meeting was being conducted in accordance with the Open Meetings Act and stated that on October 23, 2023, a notice of this meeting with the agenda were provided to the Task Force members and to the public by posting to the Nebraska Public Meeting Calendar (Nebraska.gov/calendar). Notice of the meeting with the agenda were also available for public inspection at the Attorney General's Office, State Capitol Room 2115 and kept continually current. The public notice of the meeting is attached to these minutes.
4. A motion to adopt the Task Force agenda was made by Senator Wayne and Seconded by Senator Bosn. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
5. Lt. Governor Kelly called for a motion for nomination of a Chair of the Task Force. Senator Wayne made a motion to nominate Attorney General Hilgers, Lt. Governor Kelly seconded the motion. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
6. Attorney General Hilgers' nomination as Chair being affirmed, chaired the remainder of the meeting.
7. Attorney General Hilgers made a motion to nominate Senator McKinney as Vice-Chair of the Task Force, the motion was seconded by Senator Wayne. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
8. Attorney General Hilgers began discussion of establishment of subcommittees and suggested the establishment of four subcommittees comprised of three to

four members, respectively. Noting the language in Nebraska Revised Statute §50-433 which establishes the Task Force, Attorney General Hilgers suggested four committees: Sentencing Reform; Criminal Justice System Resource Allocation and Recidivism Reduction; Public Safety; and Data Collection. Members discussed the merit of each committee and how each subcommittee is sufficiently distinctive, yet each necessarily are informative of the others. Members agreed on the formation of the four subcommittees described by the Attorney General. The Task Force briefly discussed whether a chair of each subcommittee was necessary and determined that subcommittees being comprised of three or four members did not require a chair.

9. Attorney General Hilgers requested a motion to approve establishment of the Sentencing Reform Subcommittee. The motion was made by Public Defender Riley and Seconded by County Attorney Prenda. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
10. The Sentencing Reform Subcommittee having been established, the Task Force discussed which members were interested and best suited to serve on the Sentencing Subcommittee. A motion was made by Tom Riley and seconded by Bruce Prenda to place Senator Bosn, County Attorney Prenda, and Public Defender Riley on the Sentencing Subcommittee. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
11. Attorney General Hilgers requested a motion to approve establishment of the Data Collection Subcommittee. The motion was made by Senator Bosn and Seconded by Lt. Governor Kelly. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
12. The Data Collection Subcommittee having been established, the Task Force discussed which members were interested and best suited to serve on the Data Collection Subcommittee. Senator Wayne emphasized the importance of establishing trust in the data utilized by the Task Force. A motion was made by Senator Bosn and seconded by Joe Kelly to place Attorney General Hilgers, Lt. Governor Kelly, and Senator Wayne on the Data Collection Subcommittee. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
13. Attorney General Hilgers requested a motion to approve establishment of the Public Safety Subcommittee. The motion was made by Lt. Governor Kelly and Seconded by Sheriff Hansen. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney,*

Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.

14. The Public Safety Subcommittee having been established, the Task Force discussed which members were interested and best suited to serve on the Public Safety Subcommittee. A motion was made by Senator Bosn and seconded by Attorney General Mike Hilgers to place Sheriff Hansen, Public Defender Lindemeier, and Chief Waugh on the Public Safety Subcommittee. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
15. Attorney General Hilgers requested a motion to approve establishment of the Resource Allocation and Recidivism Reduction Subcommittee. The motion was made by Attorney General Hilgers and Seconded by Senator Wayne. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
16. The Resource Allocation and Recidivism Reduction Subcommittee having been established, the Task Force discussed which members were interested and best suited to serve on the Subcommittee. A motion was made by Senator Wayne and seconded by Attorney General Hilgers. Upon further discussion, Senator Wayne modified the motion to place four members on the subcommittee, those members being: Attorney General Hilgers, Lt. Governor Kelly, County Attorney Kleine, and Senator McKinney. The motion was seconded by Senator Bosn. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.*
17. Each subcommittee having been established and members assigned thereto, the Task Force discussed proposed action items and future meetings. Chief Waugh requested that subcommittees be provided a template for establishing respective action items. Members discussed the possible necessity of holding hearings with invited subject matter testimony and determined that any such hearing would be before the entire Task Force and not a respective subcommittee. Senator Wayne and Attorney General Hilgers suggested that each subcommittee determine their respective priority concerns, objectives, and informational needs by December 15, 2023. Senator Wayne suggested the next Task Force meeting occur in January or February when the Legislature is in recess. Members collectively agreed upon a meeting date of February 9, 2024, at 1:00 p.m. in a location to be determined.
18. Members discussed the statutory requirement of a first annual report to the Legislature to be submitted by November 15, 2023. Senator Wayne made a motion that the first report to the Legislature be a description of the actions taken by the Task Force at the October 27th meeting and be transmitted to the Legislature with the signatures of the Chair and Vice-Chair. The motion was seconded by Joe Kelly. A roll call vote was requested. *Members voting in favor*

of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.

19. The Task Force having concluded its business as provided on the adopted agenda, Attorney General Hilgers made a motion to adjourn the meeting. The motion was seconded by Senator Bosn. A roll call vote was requested. *Members voting in favor of the motion: Bosn, Hansen, Hilgers, Kelly, Lindemeier, McKinney, Prenda, Riley, Waugh, Wayne. Members voting in opposition to the motion: none. Members absent: Kleine.* Meeting adjourned at 1:55 p.m.