

Tony Vargas voted to allow those convicted of serious violent crimes like domestic assault, sexual assault on a child, and armed robbery to be released from prison early. Vargas also voted against mandatory minimum sentencing for serious drug felonies, such as dealing methamphetamine, heroin, and cocaine.

BACKUP:

In 2020, Tony Vargas voted for LB 1004, legislation that would allow prison inmates to become automatically eligible for parole within two years of the end of their sentence:

- On August 13, 2020, Tony Vargas voted for LB 1004, a bill to “change provisions relating to age of majority and the administration of and eligibility for parole.” (Nebraska Legislature, “LB1004 - Change provisions relating to age of majority and the administration of and eligibility for parole,” [Recorded Vote](#), Passed: 29-11-9, Vargas voted Yes, 8/13/20)

LB1004 - Change provisions relating to age of majority and the administration of and eligibility for parole			
Stage:	Final Reading	Date of Vote:	August 13, 2020
Motion/Amendment:			
Vote Totals:	Yes: 29 No: 11 Present - Not Voting: 9 Excused - Not Voting: 0 Absent - Not Voting: 0		
Individual Votes			
Albrecht	No	Hughes	Present - Not Voting
Arch	Present - Not Voting	Hunt	Yes
Blood	Yes	Kolowski	Yes
Bolz	Yes	Kolterman	Yes
Bostelman	No	La Grone	No
Brandt	Yes	Lathrop	Yes
Brewer	No	Lindstrom	Yes
Briese	Present - Not Voting	Linehan	Present - Not Voting
Cavanaugh	Yes	Lowe	No
Chambers	Yes	McCollister	Yes
Clements	No	McDonnell	Yes
Crawford	Yes	Morfeld	Yes
DeBoer	Yes	Moser	Present - Not Voting
Dorn	Yes	Murman	No
Erdman	No	Pansing Brooks	Yes
Friesen	Yes	Quick	Yes
Geist	Present - Not Voting	Scheer	Yes
Gragert	Present - Not Voting	Slama	No
Groene	No	Stinner	Yes
Halloran	No	Vargas	Yes
Hansen, B.	Present - Not Voting	Walz	Yes
Hansen, M.	Yes	Wayne	Yes
Hilgers	Present - Not Voting	Williams	Yes
Hilkemann	Yes	Wishart	Yes
Howard	Yes		

(Nebraska Legislature, “LB1004 - Change provisions relating to age of majority and the administration of and eligibility for parole,” [Recorded Vote](#), Passed: 29-11-9, Vargas voted Yes, 8/13/20)

- Under LB1004, a committed offender automatically was eligible for parole within two years of their mandatory discharge date, unless they are eligible for parole at an earlier

date. “Under LB1004, sponsored by Omaha Sen. Steve Lathrop, a committed offender automatically was eligible for parole within two years of their mandatory discharge date, unless they are eligible for parole at an earlier date.” (Nebraska Legislature, “Earlier parole eligibility vetoed,” [Unicameral Update](#), 8/17/20)

- **Inmates would become automatically eligible for parole within two years of the end their sentence, or once they have served half of their minimum sentence – whichever date was earliest.** “Parole eligibility. Prison inmates would become automatically eligible for parole within two years of their mandatory discharge date under a bill passed 29-11 on Thursday. LB 1004, introduced by Sen. Steve Lathrop of Omaha, aims to help with the overcrowding of Nebraska prisons. Inmates now become eligible for parole when they have served half of their minimum sentence. The new bill would make them eligible to be considered for parole at whichever date is earlier. Inmates still would have to go before the Parole Board and win approval to be released.” (Martha Stoddard, “Nebraska lawmakers approve ‘micro-TIF’ for homeowners, earlier parole eligibility,” [Omaha World-Herald](#), 8/14/20)

Governor Ricketts vetoed LB 1004 out of concern for public safety, noting that the bill was not limited to low-level offenders and would allow criminals incarcerated for serious and violent crimes—such as domestic assault, sexual assault on a child, and robbery—to be eligible for earlier parole:

- **In August 2020, Governor Ricketts vetoed LB 1004 out of concern for public safety.** “The parole measure, LB 1004, was introduced by Sen. Steve Lathrop of Omaha to allow prison inmates to become eligible for parole two years before their mandatory release date... But Ricketts said he was vetoing the bill in the name of public safety.” (Paul Hammel, “Ricketts vetoes bill on witnessing executions, measure offering earlier parole eligibility,” [Omaha World-Herald](#), 8/18/20)
- **Ricketts criticized LB 1004 as flawed because it was not limited to low-level offenders.** “Ricketts said the bill was flawed because it was not limited to low-level offenders. Ricketts also vetoed the funding bill for the proposal, saying the measure failed to provide additional money for parole officers to supervise the added number of parolees.” (“Ricketts vetoes death penalty, prison reform and school-related bills,” [KETV 7 Omaha](#), 8/17/20)
- **According to Ricketts’ veto letter, LB 1004 would allow criminals convicted of serious and violent crimes—such as domestic assault, sexual assault on a child, and robbery—to be eligible for parole.** “Inmates incarcerated for serious and violent crimes like domestic assault, sexual assault on a child and armed robbery will be eligible for earlier parole under this bill,” he said in his veto letter. Ricketts also vetoed the accompanying appropriations bill for LB 1004, saying it would raise costs for the Parole Board and prisons.” (Paul Hammel, “Ricketts vetoes bill on witnessing executions, measure offering earlier parole eligibility,” [Omaha World-Herald](#), 8/18/20)

Editor’s Note: Governor Ricketts’ full veto letter is available [here](#).

In 2017, Tony Vargas voted to advance LB 447, legislation that would repeal mandatory minimum sentences for certain drug offenses, such as dealing methamphetamine, heroin, and cocaine:

- **In January 2017, Sen. Ernie Chambers introduced LB 447, a bill to “change penalty provisions relating to criminal conspiracy and certain drug-related offenses.”** (Nebraska

Legislature, "LB447 - Change penalty provisions relating to criminal conspiracy and certain drug-related offenses," [Bill Info](#), Introduced: 1/17/17)

- **LB 447 was a proposal to repeal mandatory minimum prison terms for drug offenders:** "A proposal to repeal mandatory minimum prison terms for drug offenders won't return to debate this year in the Nebraska Legislature, but it will remain alive for next year. State Sen. Ernie Chambers of Omaha said Thursday his priority bill lacks the 33 votes needed to overcome a likely filibuster. Earlier this session, Legislative Bill 447 advanced from the first-round of debate on a vote of 25-22." (Joe Duggan, "Bill to repeal mandatory minimums for drug offenders won't be debated more this year but will remain alive for 2018," [Omaha World-Herald](#), 5/5/17)
- **As originally written, LB 447 would have ended mandatory minimum sentences for nearly all Class IC and ID felonies—including gun crimes, drive-by shootings, assaults on police and corrections officers, manufacturing of child pornography, and hate crimes.** "As written, the bill would have ended mandatory minimum sentences for nearly all Class IC and ID felonies, which include gun crimes, drive-by shootings, assaults on police and corrections officers, manufacturing of child pornography, and hate crimes. But it was amended during first-round debate to repeal mandatory penalties only for serious drug felonies, such as dealing methamphetamine, heroin and cocaine." (Joe Duggan, "Bill to repeal mandatory minimums for drug offenders won't be debated more this year but will remain alive for 2018," [Omaha World-Herald](#), 5/5/17)
- **LB 447 was amended during first-round debate to only repeal mandatory minimum penalties for serious drug penalties, such as dealing methamphetamine, heroin, and cocaine.** "As written, the bill would have ended mandatory minimum sentences for nearly all Class IC and ID felonies, which include gun crimes, drive-by shootings, assaults on police and corrections officers, manufacturing of child pornography, and hate crimes. But it was amended during first-round debate to repeal mandatory penalties only for serious drug felonies, such as dealing methamphetamine, heroin and cocaine." (Joe Duggan, "Bill to repeal mandatory minimums for drug offenders won't be debated more this year but will remain alive for 2018," [Omaha World-Herald](#), 5/5/17)
- **LB 447 advanced from first-round debate in a vote of 25-22.** "A proposal to repeal mandatory minimum prison terms for drug offenders won't return to debate this year in the Nebraska Legislature, but it will remain alive for next year. State Sen. Ernie Chambers of Omaha said Thursday that his priority bill lacks the 33 votes needed to overcome a likely filibuster. Earlier this session, Legislative Bill 447 advanced from the first-round of debate on a vote of 25-22." (Joe Duggan, "Bill to repeal mandatory minimums for drug offenders won't be debated more this year but will remain alive for 2018," [Omaha World-Herald](#), 5/5/17)
 - **On March 8, 2017, Vargas voted "yes" on the motion to advance LB 447.** (Nebraska Legislature, "LB447 - Change penalty provisions relating to criminal conspiracy and certain drug-related offenses," [Recorded Vote](#), Passed: 25-22-1, Vargas Voted Yes, 3/8/17)

LB447 - Change penalty provisions relating to criminal conspiracy and certain drug-related offenses			
Stage:	General File	Date of Vote:	March 08, 2017
Motion/Amendment:	ADVANCE TO E&R INITIAL		
Vote Totals:	Yes: 25 No: 22 Present - Not Voting: 1 Excused - Not Voting: 1 Absent - Not Voting: 0		
Individual Votes			
Albrecht	No	Kolterman	No
Baker	Yes	Krist	Yes
Blood	Yes	Kuehn	No
Bolz	Yes	Larson	No
Bostelman	No	Lindstrom	No
Brasch	No	Linehan	Yes
Brewer	No	Lowe	No
Briese	Yes	McCollister	Yes
Chambers	Yes	McDonnell	Yes
Clements	No	Morfeld	Yes
Craighead	No	Murante	No
Crawford	Yes	Pansing Brooks	Yes
Ebke	Yes	Quick	Yes
Erdman	No	Riepe	No
Friesen	Present - Not Voting	Scheer	Excused - Not Voting
Geist	No	Schumacher	Yes
Groene	Yes	Smith	Yes
Halloran	No	Stinner	No
Hansen	Yes	Vargas	Yes

(Nebraska Legislature, "LB447 - Change penalty provisions relating to criminal conspiracy and certain drug-related offenses," [Recorded Vote](#), Passed: 25-22-1, Vargas Voted Yes, 3/8/17)