

AMENDMENTS TO LB 1130

(Amendments to Standing Committee amendments, AM2330)

Introduced by Ashford, 20.

1           1. Strike amendment 1 and all amendments thereto and  
2 insert the following new amendment:

3           "1. Strike the original sections and all amendments  
4 thereto and insert the following new sections:

5           Section 1. Sections 1 to 23 of this act shall be known  
6 and may be cited as the Division of Community Corrections Act.

7           Sec. 2. The Division of Community Corrections Act shall  
8 apply to parole personnel on and after July 1, 2009. The Nebraska  
9 Probation Administration Act shall apply to probation personnel  
10 serving adult probationers until such probation personnel become  
11 employees of the Division of Community Corrections according to the  
12 schedule in section 5 of this act, and thereafter the Division of  
13 Community Corrections Act shall apply to such personnel.

14           Sec. 3. For purposes of the Division of Community  
15 Corrections Act:

16           (1) Administrator means the community corrections  
17 administrator;

18           (2) Chief probation and parole officer means the  
19 probation and parole officer in charge of a community corrections  
20 district;

21           (3) Committed offender has the definition found in  
22 section 83-170;

1           (4) Court means a district court, county court, or  
2 juvenile court as defined in section 43-245;

3           (5) Department means the Department of Correctional  
4 Services;

5           (6) Director means the Director of Correctional Services;

6           (7) Division means the Division of Community Corrections  
7 of the department;

8           (8) Parole means release by decision of the Board of  
9 Parole from incarceration in an adult correctional facility;

10           (9) Parolee means a person on parole;

11           (10) Probation has the definition found in section  
12 29-2246;

13           (11) Probation and parole officer means an employee of  
14 the division who supervises probationers and parolees; and

15           (12) Probationer has the definition found in section  
16 29-2246.

17           Sec. 4. (1) The Division of Community Corrections is  
18 created within the department. Administrative support for the  
19 division shall be provided by employees of the department. On and  
20 after July 1, 2009, the division shall consist of the administrator  
21 and the field community corrections service described in section  
22 10 of this act who are responsible for adult parolees. Beginning  
23 July 1, 2009, the division shall also consist of the personnel of  
24 the field community corrections service who are responsible for the  
25 supervision of adult probationers in probation districts as such  
26 districts become the responsibility of the division as community  
27 corrections districts according to the schedule in section 5 of

1 this act. On and after January 1, 2012, the division shall consist  
2 of the administrator and the field community corrections service.

3 (2) On and after July 1, 2009, the division shall be  
4 responsible for supervision of adult parolees. Beginning July 1,  
5 2009, the division shall be responsible for the supervision of  
6 adult probationers in probation districts as such districts become  
7 the responsibility of the division according to the schedule set  
8 out in section 5 of this act.

9 (3) On July 1, 2009, all furniture, equipment, books,  
10 files, and records belonging to the Office of Parole Administration  
11 on such date shall be transferred and delivered to the division.  
12 On January 1, 2012, all furniture, equipment, books, files, and  
13 records belonging to the Office of Probation Administration on such  
14 date which are not related to juvenile probation and to presentence  
15 investigations shall be transferred and delivered to the division.

16 Sec. 5. (1) The adult probation service in each judicial  
17 district shall be merged into the division according to the  
18 following timetable:

- 19 (a) Districts 2, 3, and 4, on or before July 1, 2009;  
20 (b) Districts 5 and 6, on or before January 1, 2010;  
21 (c) Districts 7 and 8, on or before July 1, 2011;  
22 (d) Districts 1 and 10, on or before January 1, 2011;  
23 (e) Districts 9 and 11, on or before July 1, 2011; and  
24 (f) District 12, on or before January 1, 2012.

25 (2) Within thirty days after the operative date of  
26 this section, the Director of Correctional Services shall provide  
27 written notice to the probation administrator directing the Office

1 of Probation Administration to prepare for merger of adult  
2 probation services into the Division of Community Corrections  
3 pursuant to the Division of Community Corrections Act according to  
4 the schedule in this section.

5           Sec. 6. The chief administrative officer of the division  
6 shall be known as the community corrections administrator. The  
7 Governor shall appoint the administrator, with the approval  
8 of a majority of the Legislature, and set the salary of  
9 the administrator on the operative date of this section. The  
10 administrator shall be qualified for the position by appropriate  
11 training and experience in the fields of probation, parole,  
12 criminal law, and criminal justice. The administrator shall serve  
13 at the pleasure of the Governor.

14           Sec. 7. The administrator shall:

15           (1) Supervise and administer the division;

16           (2) Establish and maintain policies, standards, and  
17 procedures for adult probation and parole and the community  
18 supervision of sex offenders pursuant to section 83-174.03;

19           (3) Divide the state into community corrections districts  
20 consistent with district court judicial districts and appoint  
21 chief probation and parole officers, deputy probation and parole  
22 officers, if required, and such other employees as may be required  
23 to carry out adequate parole supervision of all adult parolees,  
24 adequate probation supervision of adult probationers as ordered  
25 by district judges pursuant to the schedule in section 5 of this  
26 act, prescribe powers and duties of probation and parole personnel,  
27 and obtain office quarters for staff in each community corrections

1 district as may be necessary;

2 (4) Cooperate with the Board of Parole, the courts, the  
3 Community Corrections Council, and all other agencies, public and  
4 private, which are concerned with the treatment or welfare of  
5 persons on probation or parole;

6 (5) Provide the Board of Parole and district judges with  
7 any record of a parolee or probationer which it or they may  
8 require;

9 (6) Make recommendations to the Board of Parole or  
10 district judge in cases of violation of the conditions of parole  
11 or probation, issue warrants for the arrest of parole or probation  
12 violators when so instructed by the board or district judge,  
13 notify the director of determinations made by the board, and upon  
14 instruction of the board, issue certificates of parole and of  
15 parole revocation to the facilities and certificates of discharge  
16 from parole to parolees;

17 (7) Be responsible for the direct supervision of adults  
18 placed on probation, parole, or community supervision pursuant to  
19 section 83-174.03;

20 (8) Organize and conduct training programs for probation  
21 and parole officers and other employees;

22 (9) In consultation with the Community Corrections  
23 Council: (a) Use the funds provided under section 20 of this  
24 act to augment operational or personnel costs associated with  
25 the development, implementation, and evaluation of enhanced  
26 parole-based programs and purchase services to provide such  
27 programs aimed at enhancing adult parolee supervision in

1 the community and treatment needs of parolees. Such enhanced  
2 parole-based programs include, but are not limited to, specialized  
3 units of supervision, related equipment purchases and training,  
4 and programs developed by or through the council that address a  
5 parolee's vocational, educational, mental health, behavioral, or  
6 substance abuse treatment needs; and (b) to the extent the division  
7 is responsible for supervision of adult probationers according to  
8 the schedule in section 4 of this act, use the funds provided under  
9 section 18 of this act to augment operational or personnel costs  
10 associated with the development, implementation, and evaluation  
11 of enhanced probation-based programs. Enhanced probation-based  
12 programs include, but are not limited to, specialized units of  
13 supervision, related equipment purchases and training, and programs  
14 developed by or through the council that address a probationer's  
15 vocational, educational, mental health, behavioral, or substance  
16 abuse treatment needs;

17 (10) Establish qualifications for employment as a  
18 probation and parole officer in this state;

19 (11) Establish and maintain advanced periodic inservice  
20 training requirements for employees of the department;

21 (12) Collect, develop, and maintain statistical  
22 information concerning parolees, parole practices, probationers,  
23 probation practices, and the operation of the division;

24 (13) Conduct research for the purpose of evaluating and  
25 improving the effectiveness of the division;

26 (14) Transmit the report required by section 8 of this  
27 act;

1           (15) Administer the Interstate Compact for Adult Offender  
2 Supervision;

3           (16) Maintain all records and files associated with the  
4 Board of Parole;

5           (17) Adopt and promulgate rules and regulations for  
6 administration of the division;

7           (18) Ensure that any risk or needs assessment instrument  
8 utilized by the division be periodically validated; and

9           (19) Exercise all powers and perform all duties necessary  
10 and proper in carrying out his or her responsibilities.

11           Sec. 8. On December 31 and June 30 of each fiscal year,  
12 the administrator shall provide a report to the budget division  
13 of the Department of Administrative Services and the Legislative  
14 Fiscal Analyst which shall include, but not be limited to:

15           (1) The total number of felony cases supervised by the  
16 division in the previous six months for both regular and intensive  
17 supervision probation;

18           (2) The total number of misdemeanor cases supervised by  
19 the division in the previous six months for both regular and  
20 intensive supervision probation;

21           (3) The felony caseload per probation and parole officer  
22 for both regular and intensive supervision probation on the last  
23 day of the reporting period;

24           (4) The misdemeanor caseload per probation and parole  
25 officer for both regular and intensive supervision probation on the  
26 last day of the reporting period; and

27           (5) The parolee caseload per probation and parole officer

1 on the last day of the reporting period.

2 Each member of the Legislature shall receive a copy of  
3 the report required by this section by making a request for it to  
4 the director.

5 Sec. 9. The compact administrator appointed pursuant  
6 to the Interstate Compact for Adult Offender Supervision shall  
7 delegate to the administrator authority and responsibility for:

8 (1) Implementation and administration of the compact as  
9 it affects probationers and parolees; and

10 (2) Supervision of probationers and parolees either  
11 sentenced to probation or parole within the state and supervised in  
12 another state or placed on probation or parole in another state and  
13 supervised within this state pursuant to the compact.

14 Sec. 10. Section 83-1,103, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16 ~~83-1,103~~ The field ~~parole~~ community corrections service,  
17 consisting of ~~district parole~~ chief probation and parole officers  
18 and deputy ~~parole~~ probation and parole officers working under  
19 the direction of the ~~Parole Administrator or district judge,~~  
20 administrator shall be responsible for the investigation of  
21 parolees, and supervision, and assistance of adult parolees, adult  
22 probationers, or individuals subject to community supervision  
23 under section 83-174.03. The field ~~parole~~ community corrections  
24 service shall be sufficient in size to assure that no ~~district~~  
25 ~~parole probation and parole~~ officer carries a ~~ease load~~ caseload  
26 larger than is compatible with adequate ~~parole~~ investigation or  
27 supervision.



1           Sec. 11. Probation and parole officers shall be  
2 compensated with salaries substantially equal to other state  
3 employees who have similar responsibilities.

4           This provision for salary equalization shall apply only  
5 to probation and parole officers and support staff and shall not  
6 apply to chief probation and parole officers or any other similarly  
7 established management positions.

8           No person employed by the Nebraska Probation System or  
9 the parole system on the operative date of this section shall incur  
10 a loss of salary, benefits, including accumulated leave time, or  
11 seniority, if applicable, due to the operation of the provisions of  
12 this legislative bill.

13           Sec. 12. A chief probation and parole officer shall:

14           (1) Make investigations, prior to a committed offender's  
15 release on parole, in cooperation with institutional caseworkers  
16 of the department and with the Board of Parole, to determine the  
17 adequacy of parole plans and make reasonable advance preparation  
18 for release on parole;

19           (2) Supervise probationers and parolees in accordance  
20 with the rules and regulations of the department and the division  
21 and the directions of the sentencing court, in the case of a  
22 probationer, or of the Board of Parole, in the case of a parolee;

23           (3) Advise the sentencing court or the Board of Parole,  
24 as the case may be, of violations of the conditions of probation or  
25 parole by individual probationers or parolees;

26           (4) Advise the sentencing court, in accordance with the  
27 rules and regulations of the department and the division and the

1 direction of the court, when the situation of a probationer may  
2 require a modification of the conditions of probation or when  
3 a probationer's adjustment is such as to warrant termination of  
4 probation;

5 (5) Inform the administrator when, in the opinion of the  
6 chief probation and parole officer, any eligible parolee's conduct  
7 and attitude warrant the parolee's discharge from supervision or  
8 when any parolee's violation of the conditions of parole is of  
9 sufficient seriousness to require action by the Board of Parole;

10 (6) Provide each probationer and parolee with a statement  
11 of the period and conditions of his or her probation or parole;

12 (7) Whenever necessary, exercise the power of arrest as  
13 provided in sections 29-2266 and 83-1,119;

14 (8) Establish procedures for the direction and guidance  
15 of deputy probation and parole officers under his or her  
16 jurisdiction and advise such officers in regard to the most  
17 effective performance of their duties;

18 (9) Supervise and evaluate deputy probation and parole  
19 officers under his or her jurisdiction;

20 (10) Delegate such duties and responsibilities to a  
21 deputy probation and parole officer as he or she deems appropriate;

22 (11) Make such reports as required by the administrator,  
23 the judges of the district in which he or she serves, or the Board  
24 of Parole;

25 (12) Keep accurate and complete accounts of all money or  
26 property collected or received from probationers and parolees and  
27 give receipts therefor;

1           (13) Cooperate fully with and render all reasonable  
2 assistance to other probation and parole officers;

3           (14) In counties with a population of less than  
4 twenty-five thousand people, participate in pretrial diversion  
5 programs established pursuant to sections 29-3601 to 29-3604 as  
6 requested by judges of the district in which he or she serves,  
7 except that participation in such programs shall not require  
8 appointment of additional personnel and shall be consistent with  
9 the probation and parole officer's current caseload;

10           (15) Subject to the requirements of due process of law,  
11 and when required by exigent circumstances or as set forth in  
12 subdivisions (3), (4), and (11) of this section, communicate on an  
13 ex parte basis with the sentencing judge when necessary for the  
14 proper supervision of a probationer;

15           (16) Perform such other duties not inconsistent with the  
16 Division of Community Corrections Act, the Nebraska Treatment and  
17 Corrections Act, or the rules and regulations of the Division of  
18 Community Corrections and the Department of Correctional Services  
19 or as a court may from time to time direct; and

20           (17) Exercise all powers and perform all duties necessary  
21 and proper to carry out his or her responsibilities.

22           Sec. 13. (1) The salaries, actual and necessary expenses,  
23 and expenses incident to the conduct and maintenance of the  
24 division shall be paid by the division. Actual and necessary  
25 expenses shall be paid as provided in sections 81-1174 to 81-1177.

26           (2) Except as provided in sections 29-2262 and  
27 29-2262.04, the costs of drug testing and equipment incident to the

1 electronic surveillance of individuals on probation shall be paid  
2 by the division.

3 (3) The expenses incident to the conduct and maintenance  
4 of the principal office within each community corrections district  
5 shall in the first instance be paid by the county in which it is  
6 located, but such county shall be reimbursed for such expenses by  
7 all other counties within the community corrections district to the  
8 extent and in the proportions determined by the division based upon  
9 population, number of investigations, and cases handled or upon  
10 such other basis as the administrator deems fair and equitable.

11 (4) Each county shall provide office space to the  
12 division for probation and parole officers performing their  
13 official duties. In providing such office space, the county shall  
14 take into account the transition of adult probation services to the  
15 division according to the schedule in section 5 of this act but in  
16 no case shall the county be required to provide more office space  
17 to the division than the county provided to the field probation  
18 service immediately prior to the operative date of this section.  
19 The county shall bear the costs incident to maintenance of such  
20 office space other than salaries and travel expenses.

21 (5) The cost of interpreter services for deaf and hard of  
22 hearing persons and for persons unable to communicate the English  
23 language shall be paid by the state with money appropriated to  
24 the department for use by the division. Interpreter services shall  
25 include auxiliary aids for deaf and hard of hearing persons as  
26 defined in section 20-151 and interpreters to assist persons unable  
27 to communicate the English language as defined in section 25-2402.

1 Interpreter services shall be provided under this section for the  
2 purposes of conducting a presentence investigation and for ongoing  
3 supervision by a probation and parole officer of such persons  
4 placed on probation or parole.

5 (6) The administrator and the director shall prepare a  
6 budget and request for appropriations for the division and shall  
7 submit such request to the budget division of the Department of  
8 Administrative Services pursuant to section 81-132.

9 Sec. 14. (1) The Division of Community Corrections  
10 Automation Cash Fund is created. The administrator shall administer  
11 the fund. The fund shall only be used to support automation  
12 expenses of the division. Any money in the fund available for  
13 investment shall be invested by the state investment officer  
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.

16 (2) The Division of Community Corrections Education Fund  
17 is created. The fund shall consist of money remitted pursuant to  
18 sections 24-205 and 33-154 and shall be used to support mandatory  
19 training and education for employees of the division. Any money in  
20 the fund available for investment shall be invested by the state  
21 investment officer pursuant to the Nebraska Capital Expansion Act  
22 and the Nebraska State Funds Investment Act.

23 Sec. 15. The Division of Community Corrections Cash  
24 Fund is created. Beginning July 1, 2009, and continuing until  
25 January 1, 2012, a portion of seventy-five percent of the funds  
26 collected pursuant to subdivisions (2)(m) and (2)(o) of section  
27 29-2262 shall be remitted to the State Treasurer for credit to

1 the Division of Community Corrections Cash Fund and the remainder  
2 shall be credited to the Probation Cash Fund. The portion to be  
3 credited to the Division of Community Corrections Cash Fund shall  
4 be determined by the probation administrator and the community  
5 corrections administrator based upon the percentage of adult  
6 probation services which have been transferred from the Office of  
7 Probation Administration to the Division of Community Corrections  
8 since the preceding distribution. Expenditures from the fund shall  
9 include, but not be limited to, supplementing any state funds  
10 necessary to support the costs of the services for which the funds  
11 were collected. On January 1, 2012, seventy-five percent of the  
12 money remaining in the Probation Cash Fund shall be transferred  
13 to the Division of Community Corrections Cash Fund and twenty-five  
14 percent of the money remaining in the Probation Cash Fund shall be  
15 transferred to the Court Services Cash Fund. Any money in the fund  
16 available for investment shall be invested by the state investment  
17 officer pursuant to the Nebraska Capital Expansion Act and the  
18 Nebraska State Funds Investment Act.

19           Sec. 16. The State Community Corrections Contractual  
20 Services Cash Fund is created. On January 1, 2012 any money in the  
21 State Probation Contractual Services Cash Fund shall be transferred  
22 to the Court Services Contractual Services Cash Fund. The fund  
23 shall consist only of payments received by the division pursuant  
24 to contractual agreements with political subdivisions for services  
25 provided by the division. The fund shall only be used to pay  
26 for services provided by the division to political subdivisions  
27 which enter into contractual agreements with the division. The fund

1 shall be administered by the administrator. Any money in the fund  
2 available for investment shall be invested by the state investment  
3 officer pursuant to the Nebraska Capital Expansion Act and the  
4 Nebraska State Funds Investment Act.

5           Sec. 17. (1) Except as otherwise provided in this  
6 section, whenever a district court or county court sentences  
7 an adult offender to probation, the court shall require the  
8 probationer to pay a one-time administrative enrollment fee and  
9 thereafter a monthly probation programming fee.

10           (2) Participants in non-probation-based programs or  
11 services in which probation personnel or probation resources  
12 are utilized pursuant to an interlocal agreement authorized by  
13 subdivision (16) of section 40 of this act and in which all or a  
14 portion of the costs of such probation personnel or such probation  
15 resources are covered by funds provided pursuant to section 18 of  
16 this act shall be subject to the fees and other provisions of this  
17 section which are applicable to adult probationers.

18           (3) The court shall establish the administrative  
19 enrollment fee and monthly probation programming fees as follows:

20           (a) Adult probationers placed on either probation  
21 or intensive supervision probation and participants in  
22 non-probation-based programs or services shall pay a one-time  
23 administrative enrollment fee of thirty dollars. The fee shall be  
24 paid in a lump sum upon the beginning of probation supervision  
25 or participation in a non-probation-based program or service. On  
26 January 1, 2012, the State Treasurer shall credit all of such fee  
27 to the Court Services Program Cash Fund.

1           (b) Adult probationers placed on probation shall pay a  
2 monthly probation programming fee of twenty-five dollars, not later  
3 than the tenth day of each month, for the duration of probation. On  
4 July 1, 2009, the State Treasurer shall credit all of such fee to  
5 the State Probation Program Cash Fund; and

6           (c) Adult probationers placed on intensive supervision  
7 probation and participants in non-probation-based programs or  
8 services shall pay a monthly probation programming fee of  
9 thirty-five dollars, not later than the tenth day of each  
10 month, for the duration of probation or participation in a  
11 non-probation-based program or service. On July 1, 2009, the State  
12 Treasurer shall credit all of such fee to the State Probation  
13 Program Cash Fund.

14           (4) The court shall waive payment of the monthly  
15 probation programming fees in whole or in part if after a hearing  
16 a determination is made that such payment would constitute an  
17 undue hardship on the offender due to limited income, employment or  
18 school status, or physical or mental handicap. Such waiver shall be  
19 in effect only during the period of time that the probationer or  
20 participant in a non-probation-based program or service is unable  
21 to pay his or her monthly probation programming fee.

22           (5) If a probationer defaults in the payment of monthly  
23 probation programming fees or any installment thereof, the court  
24 may revoke his or her probation for nonpayment, except that  
25 probation shall not be revoked nor shall the offender be imprisoned  
26 for such nonpayment if the probationer is financially unable to  
27 make the payment, if he or she so states to the court in writing



1 under oath, and if the court so finds after a hearing.

2 (6) If the court determines that the default in payment  
3 described in subsection (5) of this section was not attributable to  
4 a deliberate refusal to obey the order of the court or to failure  
5 on the probationer's part to make a good faith effort to obtain the  
6 funds required for payment, the court may enter an order allowing  
7 the probationer additional time for payment, reducing the amount  
8 of each installment, or revoking the fees or the unpaid portion in  
9 whole or in part.

10 (7) No probationer or participant in a  
11 non-probation-based program or service shall be required to pay  
12 more than one monthly probation programming fee per month. This  
13 subsection does not preclude local fees as provided in subsection  
14 (2) of this section.

15 (8) The imposition of monthly probation programming fees  
16 in this section shall be considered separate and apart from the  
17 fees described in subdivisions (2)(m) and (o) of section 29-2262.

18 (9) Any adult probationer received for supervision  
19 pursuant to the Interstate Compact for Adult Offender Supervision  
20 shall be assessed both a one-time administrative enrollment fee  
21 and monthly probation programming fees during the period of time  
22 the probationer is actively supervised by Nebraska community  
23 corrections authorities.

24 (10) The probationer or participant in a  
25 non-probation-based program or service shall pay the fees described  
26 in this section to the clerk of the court. The clerk of the court  
27 shall remit all fees so collected to the State Treasurer for credit

1 to the State Probation Program Cash Fund.

2           Sec. 18. The State Probation Program Cash Fund is  
3 created. The allotted funds collected pursuant to section 17  
4 of this act shall be remitted to the State Treasurer for credit  
5 to the fund. The fund shall be utilized by the administrator,  
6 in consultation with the Community Corrections Council, for the  
7 purposes stated in section 47-624. On the operative date of this  
8 section, any money remaining in the Probation Program Cash Fund  
9 shall be transferred to the State Probation Program Cash Fund. On  
10 January 1, 2012, twenty percent of the money in the State Probation  
11 Program Cash Fund shall be transferred to the Court Services  
12 Program Cash Fund. Any money in the fund available for investment  
13 shall be invested by the state investment officer pursuant to  
14 the Nebraska Capital Expansion Act and the Nebraska State Funds  
15 Investment Act.

16           Sec. 19. Section 83-1,107.01, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18           ~~83-1,107.01~~ (1) Unless otherwise provided by this  
19 section, whenever an adult offender is paroled, the ~~board~~ Board of  
20 Parole shall require a parolee to pay a monthly parole programming  
21 fee.

22           (2) Parolees under the supervision of the ~~Office~~  
23 ~~of Parole Administration~~ division shall pay a monthly parole  
24 programming fee of twenty-five dollars, not later than the tenth  
25 day of each month, beginning the second month of parole supervision  
26 and continuing for the duration of the parole.

27           (3) The board shall waive payment of the monthly parole

1 programming fee in whole or in part if after a hearing a  
2 determination is made that such payment would constitute an undue  
3 hardship on the parolee due to limited income, employment or school  
4 status, or physical or mental handicap. Such waiver shall be in  
5 effect only during the period of time that the parolee is unable to  
6 pay his or her monthly parole programming fee.

7 (4) When monthly parole programming fees are waived, in  
8 whole or in part, the probation and parole officer, pursuant to  
9 rules and regulations adopted by the board, may contract with the  
10 parolee to perform approved community service at the rate of five  
11 dollars per hour in lieu of payment of monthly parole programming  
12 fees. A parolee may be required to pay a participation fee in  
13 order to take advantage of community service programs. A parolee  
14 may not accumulate more than three months' advance credit for  
15 community service. The use of community service alternatives does  
16 not preclude the imposition of other intermediate measures.

17 (5) The Office of Parole Administration division, with  
18 the approval of the Board of Parole, shall implement sanctions if  
19 a parolee defaults in the payment of monthly parole programming  
20 fees or any installment thereof as established by subsection (2)  
21 of this section, except that parole shall not be revoked nor shall  
22 the parolee be imprisoned for such nonpayment if the parolee is  
23 financially unable to make the payment.

24 (6) If the board determines that the default in payment  
25 described in subsection (5) of this section was not attributable  
26 to a deliberate refusal to obey the order of the board or to  
27 failure on the parolee's part to make a good faith effort to obtain

1 the funds required for payment, the board may allow the parolee  
2 additional time for payment, reduce the amount of each installment,  
3 or revoke the fees or the unpaid portion in whole or in part.

4 (7) No parolee shall be required to pay more than one  
5 monthly parole programming fee per month.

6 (8) The imposition of monthly parole programming fees in  
7 this section shall be considered separate and apart from specific  
8 service delivery fees.

9 (9) Any adult offender received for supervision pursuant  
10 to ~~section 29-2637~~ of the Interstate Compact for Adult Offender  
11 Supervision shall be assessed a monthly parole programming fee  
12 during the period of time the offender is actively supervised by  
13 Nebraska ~~parole~~ community corrections authorities.

14 (10) A parolee shall pay the fees described in this  
15 section to the ~~Office of Parole Administration~~. The office  
16 division. The division shall remit all fees to the State Treasurer  
17 for credit to the Parole Program Cash Fund.

18 (11) The board and the ~~office~~ division shall adopt and  
19 promulgate rules and regulations to carry out this section.

20 Sec. 20. Section 83-1,107.02, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22 ~~83-1,107.02~~ The Parole Program Cash Fund is created. All  
23 funds collected pursuant to section ~~83-1,107.01~~ 19 of this act  
24 shall be remitted to the State Treasurer for credit to the fund.  
25 The fund shall be utilized by the ~~Office of Parole Administration~~,  
26 division, in consultation with the Community Corrections Council,  
27 for the purposes stated in ~~subdivision (8) of section 83-1,102.~~

1 section 47-624. Any money in the fund available for investment  
2 shall be invested by the state investment officer pursuant to  
3 the Nebraska Capital Expansion Act and the Nebraska State Funds  
4 Investment Act.

5 Sec. 21. Section 83-188, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 ~~83-188~~ There is hereby created the Board of Parole. For  
8 administrative purposes only, the board shall be within the Board  
9 of Pardons. Nothing in the Division of Community Corrections Act or  
10 the Nebraska Treatment and Corrections Act shall be construed to  
11 give the director, the administrator, or the Board of Pardons any  
12 authority, power, or responsibility over the Board of Parole, its  
13 employees, or the exercise of its functions under the provisions  
14 of ~~the~~ either act. The employees of the Board of Parole shall be  
15 covered by the State Personnel System.

16 Sec. 22. The chairperson of the Board of Parole shall:

17 (a) Supervise the administration and operation of the  
18 board;

19 (b) Serve in an advisory capacity to the administrator in  
20 administering parole services;

21 (c) Interpret the parole program to the public with a  
22 view toward developing a broad base of public support;

23 (d) Conduct research for the purpose of evaluating and  
24 improving the effectiveness of the parole system;

25 (e) Recommend parole legislation to the Governor;

26 (f) Adopt and promulgate rules and regulations for the  
27 administration and operation of the board;

1           (g) Serve in an advisory capacity to the administrator  
2 with respect to matters relating to employees of the division; and

3           (h) Exercise all other powers and perform all other  
4 duties necessary and proper in carrying out his or her  
5 responsibilities as chairperson.

6           Sec. 23. (1) The Probation and Parole Advisory Board  
7 is created. The Chief Justice of the Supreme Court or his or  
8 her designee shall be the chairperson of the advisory board. The  
9 advisory board shall have the following members:

10           (a) One county court judge, appointed by the Chief  
11 Justice;

12           (b) One district court judge, appointed by the Chief  
13 Justice;

14           (c) The community corrections administrator;

15           (d) The chairperson of the Board of Parole;

16           (e) Until January 1, 2012, the probation administrator,  
17 and on and after such date, the court services administrator; and

18           (f) The Director of Correctional Services.

19           (2) The advisory board shall meet at least twice each  
20 year and may meet more often on the call of the Chief Justice,  
21 except that the advisory board shall meet at least once each month  
22 prior to the appointment of the community corrections administrator  
23 under section 6 of this act. The advisory board shall monitor  
24 the operation, professionalism, and success of the division and  
25 its employees and ensure open lines of communication between the  
26 division and the judiciary.

27           (3) All decisions regarding the budget and allocation

1 of resources of the division shall remain with the Director of  
2 Correctional Services.

3 (4) The chairperson of the Committee on Judiciary of  
4 the Legislature shall consult with the advisory board to determine  
5 if further legislation is necessary to provide for a seamless  
6 transition from the organization of probation and parole services  
7 existing on the operative date of this section to the provisions  
8 of the Division of Community Corrections Act. If legislation is  
9 necessary, the chairperson of the Committee on Judiciary shall  
10 prepare such legislation for introduction in the One Hundred First  
11 Legislature.

12 Sec. 24. Section 20-150, Revised Statutes Cumulative  
13 Supplement, 2006, is amended to read:

14 20-150 (1) The Legislature hereby finds and declares that  
15 it is the policy of the State of Nebraska to secure the rights  
16 of deaf and hard of hearing persons who cannot readily understand  
17 or communicate in spoken language and who consequently cannot  
18 equally participate in or benefit from proceedings, programs, and  
19 activities of state agencies and law enforcement personnel unless  
20 interpreters are available to assist them. State agencies and  
21 law enforcement personnel shall appoint licensed interpreters as  
22 provided in sections 20-150 to 20-159, except that courts, ~~and~~  
23 ~~probation~~ community corrections officials, probation officials, and  
24 on and after January 1, 2012, court services officials shall  
25 appoint interpreters as provided in sections 20-150 to 20-159 and  
26 25-2401 to 25-2407 and public school districts and educational  
27 units shall appoint qualified educational interpreters.

1           (2) It is the intent of the Legislature that by June  
2 30, 2007, the Commission for the Deaf and Hard of Hearing shall  
3 license and evaluate licensed interpreters. Prior to June 30, 2007,  
4 the commission shall (a) develop licensed interpreter guidelines  
5 for distribution, (b) develop training to implement the guidelines,  
6 (c) adopt and promulgate rules and regulations to implement the  
7 guidelines and requirements for licensed interpreters, and (d)  
8 develop a roster of interpreters as required in section 71-4728.

9           (3) It is the intent of the Legislature to assure that  
10 qualified educational interpreters are provided to deaf and hard  
11 of hearing children in kindergarten-through-grade-twelve public  
12 school districts and educational service units. Prior to September  
13 1, 1998, the State Department of Education, in cooperation with  
14 the Commission for the Deaf and Hard of Hearing, shall develop  
15 qualified educational interpreter guidelines for distribution as  
16 well as a training program to implement the guidelines. By  
17 September 1, 2000, the State Department of Education shall adopt  
18 and promulgate rules and regulations to implement the guidelines  
19 and requirements for qualified educational interpreters, and such  
20 rules and regulations shall apply to all qualified educational  
21 interpreters employed for the 2001-02 school year and all school  
22 years thereafter.

23           Sec. 25. Section 20-151, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25           20-151 For purposes of sections 20-150 to 20-159, unless  
26 the context otherwise requires:

27           (1) Appointing authority means the state agency or law



1 enforcement personnel required to provide a licensed interpreter  
2 pursuant to sections 20-150 to 20-159;

3 (2) Auxiliary aid includes, but is not limited to, sign  
4 language interpreters, oral interpreters, tactile interpreters,  
5 other interpreters, notetakers, transcription services, written  
6 materials, assistive listening devices, assisted listening systems,  
7 videotext displays, and other visual delivery systems;

8 (3) Deaf or hard of hearing person means a person whose  
9 hearing impairment, with or without amplification, is so severe  
10 that he or she may have difficulty in auditorily processing spoken  
11 language without the use of an interpreter or a person with a  
12 fluctuating or permanent hearing loss which may adversely affect  
13 the ability to understand spoken language without the use of an  
14 interpreter or other auxiliary aid;

15 (4) Intermediary interpreter means any person, including  
16 any deaf or hard of hearing person, who is able to assist in  
17 providing an accurate interpretation between spoken English and  
18 sign language or between variants of sign language in order to  
19 facilitate communication between a deaf or hard of hearing person  
20 and an interpreter;

21 (5) Licensed interpreter means a person who demonstrates  
22 proficiencies in interpretation or transliteration as required by  
23 the rules and regulations adopted and promulgated by the Commission  
24 for the Deaf and Hard of Hearing pursuant to subsection (2) of  
25 section 20-150 and who holds a license issued by the commission  
26 pursuant to section 20-156;

27 (6) Oral interpreter means a person who interprets

1 language through facial expression, body language, and mouthing;

2 (7) State agency means any state entity which receives  
3 appropriations from the Legislature and includes the Legislature,  
4 legislative committees, executive agencies, courts, ~~and probation~~  
5 community corrections officials, probation officials, and, on and  
6 after January 1, 2012, court services officials but does not  
7 include political subdivisions; and

8 (8) Tactile interpreter means a person who interprets for  
9 a deaf-blind person. The degree of deafness and blindness will  
10 determine the mode of communication to be used for each person.

11 Sec. 26. Section 24-205, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13 24-205 The Supreme Court Education Fund is created. The  
14 State Court Administrator shall administer the fund. The fund shall  
15 consist of money remitted pursuant to section 33-154. The fund  
16 shall only be used to aid in supporting the mandatory training  
17 and education program for judges and employees of the Supreme  
18 Court, Court of Appeals, district courts, separate juvenile courts,  
19 and county courts, and, until January 1, 2012, employees of the  
20 Nebraska Probation System as enacted by rule of the Supreme Court.  
21 On the operative date of this section, any money in the Supreme  
22 Court Education Fund earmarked for probation training and education  
23 for FY2009-10 shall be transferred to the Division of Community  
24 Corrections Education Fund. Any money in the ~~fund~~ Supreme Court  
25 Education Fund available for investment shall be invested by the  
26 state investment officer pursuant to the Nebraska Capital Expansion  
27 Act and the Nebraska State Funds Investment Act.

1           Sec. 27. Section 24-227.01, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           24-227.01 The Supreme Court Automation Cash Fund is  
4 created. The State Court Administrator shall administer the fund.  
5 The fund shall only be used to support automation expenses of  
6 the Supreme Court, Court of Appeals, district courts, separate  
7 juvenile courts, and county courts, and, until January 1, 2012, of  
8 the Nebraska Probation System from the computer automation budget  
9 program. Any money in the ~~fund~~ Supreme Court Automation Cash Fund  
10 available for investment shall be invested by the state investment  
11 officer pursuant to the Nebraska Capital Expansion Act and the  
12 Nebraska State Funds Investment Act.

13           Sec. 28. Section 25-2407, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15           25-2407 Any person who serves as an interpreter for  
16 persons unable to communicate the English language in court  
17 proceedings or ~~probation~~ community corrections services as provided  
18 in subsection ~~(6)~~ (5) of section ~~29-2259~~ 13 of this act or juvenile  
19 probation services as provided in subsection (6) of section 46  
20 of this act shall meet the standards adopted by the Supreme  
21 Court. Such standards shall require that interpreters demonstrate  
22 the ability to interpret effectively, accurately, and impartially,  
23 both receptively and expressively, using any necessary special  
24 vocabulary. A person appointed to interpret for deaf and hard  
25 of hearing persons shall be a licensed interpreter as defined in  
26 section 20-151 or, if a licensed interpreter is unavailable, an  
27 interpreter licensed under the laws of another state.

1           Sec. 29. Section 28-322, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           28-322 For purposes of sections 28-322 to 28-322.03:

4           (1) Inmate or parolee means any individual confined in  
5 a facility operated by the Department of Correctional Services or  
6 a city or county correctional or jail facility or under parole  
7 supervision; and

8           (2) Person means (a) an individual employed by the  
9 Department of Correctional Services or by the ~~Office of Parole~~  
10 ~~Administration~~, Division of Community Corrections, including any  
11 individual working in central administration of the department,  
12 any individual working under contract with the department, any  
13 individual who performs official duties within any facility  
14 operated by the department or a city or county correctional or  
15 jail facility, and any individual, other than an inmate's spouse,  
16 to whom the department has authorized or delegated control over  
17 an inmate or an inmate's activities, (b) an individual employed  
18 by a city or county correctional or jail facility, including  
19 any individual working in central administration of the city or  
20 county correctional or jail facility, any individual working under  
21 contract with the city or county correctional or jail facility,  
22 and any individual, other than an inmate's spouse, to whom the  
23 city or county correctional or jail facility has authorized or  
24 delegated control over an inmate or an inmate's activities, and (c)  
25 an individual employed by the Office of Probation Administration  
26 or, on and after January 1, 2012, the Office of Court Services  
27 who performs official duties within any facility operated by

1 the Department of Correctional Services or a city or county  
2 correctional or jail facility.

3 Sec. 30. Section 28-929, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 28-929 (1) A person commits the offense of assault on  
6 an officer in the first degree if he or she intentionally or  
7 knowingly causes serious bodily injury to (a) a peace officer, a  
8 probation and parole officer, or on and after January 1, 2012,  
9 a court services officer or (b) an employee of the Department of  
10 Correctional Services, the Division of Community Corrections, the  
11 Office of Probation Administration, or, on or after January 1,  
12 2012, the Office of Court Services while such officer or employee  
13 is engaged in the performance of his or her official duties.

14 (2) Assault on an officer in the first degree shall be a  
15 Class II felony.

16 Sec. 31. Section 28-930, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 28-930 (1) A person commits the offense of assault on an  
19 officer in the second degree if he or she:

20 (a) Intentionally or knowingly causes bodily injury with  
21 a dangerous instrument to (a) a peace officer, a probation and  
22 parole officer, or on and after January 1, 2012, a court services  
23 officer or (b) an employee of the Department of Correctional  
24 Services, the Division of Community Corrections, the Office of  
25 Probation Administration, or, on or after January 1, 2012, the  
26 Office of Court Services while such officer or employee is engaged  
27 in the performance of his or her official duties; or

1           (b) Recklessly causes bodily injury with a dangerous  
2 instrument to (a) a peace officer, a probation and parole officer,  
3 or on and after January 1, 2012, a court services officer or (b) an  
4 employee of the Department of Correctional Services, the Division  
5 of Community Corrections, the Office of Probation Administration,  
6 or, on or after January 1, 2012, the Office of Court Services while  
7 such officer or employee is engaged in the performance of his or  
8 her official duties.

9           (2) Assault on an officer in the second degree shall be  
10 a Class III felony.

11           Sec. 32. Section 28-931, Revised Statutes Cumulative  
12 Supplement, 2006, is amended to read:

13           28-931 (1) A person commits the offense of assault on an  
14 officer in the third degree if he or she intentionally, knowingly,  
15 or recklessly causes bodily injury to (a) a peace officer, a  
16 probation and parole officer, or on and after January 1, 2012,  
17 a court services officer or (b) an employee of the Department of  
18 Correctional Services, the Division of Community Corrections, the  
19 Office of Probation Administration, or, on or after January 1,  
20 2012, the Office of Court Services while such officer or employee  
21 is engaged in the performance of his or her official duties.

22           (2) Assault on an officer in the third degree shall be a  
23 Class IIIA felony.

24           Sec. 33. Section 28-931.01, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

26           28-931.01 (1) A person commits the offense of assault  
27 on an officer using a motor vehicle if he or she intentionally

1 and knowingly causes bodily injury to (a) a peace officer, a  
2 probation and parole officer, or on and after January 1, 2012,  
3 a court services officer or (b) an employee of the Department of  
4 Correctional Services, the Division of Community Corrections, the  
5 Office of Probation Administration, or, on or after January 1,  
6 2012, the Office of Court Services ~~(a)~~ by using a motor vehicle  
7 to run over or to strike such officer or employee or ~~(b)~~ by  
8 using a motor vehicle to collide with such officer's or employee's  
9 motor vehicle, while such officer or employee is engaged in the  
10 performance of his or her duties.

11 (2) Assault on an officer using a motor vehicle shall be  
12 a Class IIIA felony.

13 Sec. 34. Sections 34 to 51 of this act shall be known and  
14 may be cited as the Court Services Act.

15 Sec. 35. On and after January 1, 2012, the Office of  
16 Court Services Act shall apply to the provision of juvenile  
17 probation and presentence investigation services.

18 Sec. 36. For purposes of the Court Services Act:

19 (1) Administrator means the court services administrator;

20 (2) Court means a district court, county court, or  
21 juvenile court as defined in section 43-245;

22 (3) Court services officer includes a chief court  
23 services officer, deputy court services officer, juvenile  
24 court officer, juvenile intake officer, presentence officer, or  
25 problem-solving court officer, who shall carry out duties assigned  
26 by the administrator under the act;

27 (4) Juvenile probation means the release by a court,

1 subject to conditions imposed by the court and subject to  
2 supervision, of a juvenile adjudicated delinquent or in need  
3 of special supervision;

4 (5) Office means the Office of Court Services; and

5 (6) Probationer means a person placed on juvenile  
6 probation.

7 Sec. 37. The Office of Court Services is created within  
8 the judicial branch of government and directly responsible to the  
9 Supreme Court. The office shall consist of the administrator, court  
10 services officers, and such other employees as may be necessary to  
11 carry out the functions of the office.

12 Sec. 38. The office shall:

13 (1) Be responsible for juvenile intake services, for  
14 adult presentence investigations, for juvenile predisposition  
15 investigations, for the direct supervision of juveniles placed on  
16 probation, and for adult and juvenile non-probation-based programs  
17 and services authorized by an interlocal agreement pursuant to  
18 subdivision (16) of section 40 of this act;

19 (2) Be sufficient in size to assure that no court  
20 services officer carries a caseload larger than is compatible with  
21 adequate investigation or supervision;

22 (3) Establish policies and standards for the office, with  
23 the concurrence of the Supreme Court; and

24 (4) Supervise juvenile probationers placed on probation  
25 in another state who are within the state pursuant to the  
26 Interstate Compact on Juveniles.

27 Sec. 39. The Supreme Court shall appoint a court services



1 administrator who shall be a person with appropriate experience  
2 and training in relevant disciplines at a recognized college or  
3 university and who shall serve at the pleasure of the Supreme  
4 Court.

5 Sec. 40. The administrator shall:

6 (1) Supervise and administer the office;

7 (2) Establish and maintain policies, standards, and  
8 procedures for the court services system, with the concurrence  
9 of the Supreme Court;

10 (3) Prescribe and furnish such forms for records and  
11 reports as shall be deemed necessary for uniformity, efficiency,  
12 and statistical accuracy;

13 (4) Establish minimum qualifications for employment by  
14 the office;

15 (5) Establish and maintain advanced periodic inservice  
16 training requirements;

17 (6) Cooperate with all agencies, public or private, which  
18 are concerned with treatment or welfare of persons in the court  
19 services system;

20 (7) Organize and conduct training programs for employees  
21 of the office;

22 (8) Collect, develop, and maintain statistical  
23 information concerning the court services system and the operation  
24 of the office;

25 (9) Interpret the juvenile probation program to the  
26 public with a view toward developing a broad base of public  
27 support;

1           (10) Conduct research for the purpose of evaluating and  
2 improving the effectiveness of the office;

3           (11) Adopt and promulgate such rules and regulations as  
4 may be necessary or proper for the operation of the office;

5           (12) Transmit a report during each even-numbered year to  
6 the Supreme Court on the operation of the office for the preceding  
7 two calendar years which shall include a historical analysis of  
8 workload, including participation in non-probation-based programs  
9 and services. The report shall be transmitted by the Supreme Court  
10 to the Governor and the Clerk of the Legislature;

11           (13) Administer the payment by the state of all salaries,  
12 travel, and actual and necessary expenses incident to the conduct  
13 and maintenance of the office;

14           (14) Use the funds provided under sections 17 and 18  
15 of this act to augment operational or personnel costs associated  
16 with the development, implementation, and evaluation of court  
17 services programs and non-probation-based programs and services in  
18 which court services personnel or probation resources are utilized  
19 pursuant to an interlocal agreement authorized by subdivision

20 (16) of this section and to purchase services to provide such  
21 programs aimed at program participant supervision in the community  
22 and treatment needs of program participants. Court services  
23 programs include, but are not limited to, specialized units of  
24 supervision, related equipment purchases and training, and programs  
25 developed by or through the council that address a probationer's  
26 vocational, educational, mental health, behavioral, or substance  
27 abuse treatment needs;

1           (15) Ensure that any risk or needs assessment instrument  
2 utilized by the office be periodically validated;

3           (16) Have the authority to enter into interlocal  
4 agreements in which probation resources or probation personnel may  
5 be utilized in conjunction with or as part of non-probation-based  
6 programs and services. Any such interlocal agreement shall comply  
7 with section 43 of this act; and

8           (17) Exercise all powers and perform all duties necessary  
9 and proper to carry out his or her responsibilities.

10           Each member of the Legislature shall receive a copy of  
11 the report required by subdivision (12) of this section by making a  
12 request for it to the administrator.

13           Sec. 41. On December 31 and June 30 of each fiscal year,  
14 the administrator shall provide a report to the Supreme Court and  
15 the Legislative Fiscal Analyst which shall include, but not be  
16 limited to:

17           (1) The total number of juvenile cases supervised by the  
18 office in the previous six months for both regular and intensive  
19 supervision probation;

20           (2) The total number of predisposition investigations  
21 completed by the office in the previous six months;

22           (3) The total number of presentence investigations  
23 completed by the office in the previous six months; and

24           (4) The total number of juvenile intake screening  
25 interviews conducted and detentions authorized by the office in  
26 the previous six months, using the detention screening instrument  
27 described in section 43-260.01.

1           Sec. 42. (1) The administrator, with the concurrence of  
2 the Supreme Court, shall create and provide court services in  
3 judicial districts based on district court judicial districts as  
4 they existed on the operative date of this section.

5           (2) The administrator shall appoint court services  
6 officers and employees for each judicial district created under  
7 this section as may be required to provide adequate probation  
8 services.

9           (3) The administrator shall appoint a chief court  
10 services officer with the concurrence of the majority of all judges  
11 within a judicial district created under this section.

12           (4) The administrator shall, with the concurrence of  
13 the majority of the separate juvenile court judges within each  
14 separate juvenile court, (a) appoint for each separate juvenile  
15 court a chief juvenile court officer, any deputy juvenile court  
16 officers required, and such other employees as may be required to  
17 provide adequate juvenile probation services for such court and  
18 (b) set the salaries of such officers and employees. The chief  
19 juvenile court officer and deputy juvenile court officers shall be  
20 selected with reference to experience and understanding of problems  
21 of family life and child welfare, juvenile delinquency, community  
22 organizations, and training in the recognition and treatment of  
23 behavior disorders.

24           (5) The administrator may direct a juvenile court  
25 officer of one judicial district created under this section to  
26 temporarily act as juvenile court officer for a court in another  
27 judicial district created under this section, and such juvenile

1 court officer while so serving shall have all the powers and  
2 responsibilities as if he or she were serving in the judicial  
3 district created under this section to which he or she was  
4 originally appointed.

5 (6) The administrator, with the concurrence of the  
6 Supreme Court, shall designate the location of the principal  
7 office of the system within each judicial district created under  
8 this section.

9 Sec. 43. Any interlocal agreement authorized by  
10 subdivision (16) of section 40 of this act shall require the  
11 political subdivision which is party to the agreement to provide  
12 sufficient resources to cover all costs associated with the  
13 participation of court services personnel or use of court services  
14 resources other than costs covered by funds provided pursuant to  
15 section 18 of this act.

16 Sec. 44. Nothing in the Court Services Act shall be  
17 construed to prohibit any court from utilizing volunteers from the  
18 community for juvenile court supervision or non-probation-based  
19 program participant supervision if the volunteer program is  
20 supervised by a full-time court services officer who meets the  
21 minimum qualifications established by the office.

22 Sec. 45. A chief court services officer shall:

23 (1) Conduct juvenile intake interviews and investigations  
24 in accordance with section 43-253 utilizing a standardized juvenile  
25 detention screening instrument described in section 43-260.01;

26 (2) Make presentence and predisposition investigations as  
27 may be required by law or directed by a court in which he or she

1 is serving;

2 (3) Supervise juvenile probationers in accordance with  
3 the rules and regulations of the office and the directions of the  
4 court;

5 (4) Advise the court, in accordance with the Court  
6 Services Act and rules and regulations of the office, of violations  
7 of the conditions of probation by individual probationers;

8 (5) Advise the court, in accordance with the rules and  
9 regulations of the office and the direction of the court, when  
10 the situation of a probationer may require a modification of the  
11 conditions of probation or when a probationer's adjustment is such  
12 as to warrant termination of probation;

13 (6) Provide each probationer with a statement of the  
14 period and conditions of his or her probation;

15 (7) Whenever necessary, exercise the power of arrest as  
16 provided in section 29-2266;

17 (8) Establish procedures for the direction and guidance  
18 of deputy juvenile court officers under his or her jurisdiction and  
19 advise such officers in regard to the most effective performance of  
20 their duties;

21 (9) Supervise and evaluate all court services officers  
22 under his or her jurisdiction;

23 (10) Delegate such duties and responsibilities to court  
24 services officers as he or she deems appropriate;

25 (11) Make such reports as required by the administrator,  
26 the judges of the judicial district created under section 42 of  
27 this act in which he or she serves, or the Supreme Court;

1           (12) Keep accurate and complete accounts of all money or  
2 property collected or received from probationers and give receipts  
3 therefor;

4           (13) Cooperate fully with and render all reasonable  
5 assistance to other juvenile court officers;

6           (14) In counties with a population of less than  
7 twenty-five thousand people, participate in juvenile pretrial  
8 diversion programs established pursuant to sections 43-260.02 to  
9 43-260.07 as requested by judges of the judicial district created  
10 under section 42 of this act in which he or she serves, except  
11 that participation in such programs shall not require appointment  
12 of additional personnel and shall be consistent with the juvenile  
13 court officer's current caseload;

14           (15) Participate, at the direction of the administrator  
15 pursuant to an interlocal agreement which meets the requirements  
16 of section 43 of this act, in non-probation-based programs and  
17 services;

18           (16) Perform such other duties not inconsistent with the  
19 Court Services Act or the rules and regulations of the office as a  
20 court may from time to time direct; and

21           (17) Exercise all powers and perform all duties necessary  
22 and proper to carry out his or her responsibilities.

23           Sec. 46. (1) The salaries, actual and necessary expenses,  
24 and expenses incident to the conduct and maintenance of the office  
25 shall be paid by the state with funds appropriated to the Supreme  
26 Court. Actual and necessary expenses shall be paid as provided in  
27 sections 81-1174 to 81-1177.

1           (2) The salaries and actual and necessary travel expenses  
2 of juvenile probation and presentence investigation shall be paid  
3 by the state with funds appropriated to the Supreme Court. Actual  
4 and necessary expenses shall be paid as provided in sections  
5 81-1174 to 81-1177.

6           (3) Except as provided in sections 29-2262 and  
7 29-2262.04, the costs of drug testing and equipment incident to the  
8 electronic surveillance of individuals on juvenile probation shall  
9 be paid by the state with funds appropriated to the Supreme Court.

10          (4) The expenses incident to the conduct and maintenance  
11 of the principal office within each judicial district created under  
12 section 42 of this act shall in the first instance be paid by the  
13 county in which it is located, but such county shall be reimbursed  
14 for such expenses by all other counties within such judicial  
15 district to the extent and in the proportions determined by the  
16 Supreme Court based upon population, number of investigations, and  
17 cases handled or upon such other basis as the Supreme Court deems  
18 fair and equitable.

19          (5) Each county shall provide office space and necessary  
20 facilities for court officers performing their official duties. In  
21 providing such office space, the county shall take into account the  
22 transition of adult probation services to the Division of Community  
23 Corrections according to the schedule in section 5 of this act but  
24 in no case shall the county be required to provide more office  
25 space to the office than the county provided to the field probation  
26 service immediately prior to the operative date of this section.  
27 The county shall bear the costs incident to maintenance of such



1 offices other than salaries and travel expenses.

2 (6) The cost of interpreter services for deaf and hard of  
3 hearing persons and for persons unable to communicate the English  
4 language shall be paid by the state with money appropriated to  
5 the Supreme Court. Interpreter services shall include auxiliary  
6 aids for deaf and hard of hearing persons as defined in section  
7 20-151 and interpreters to assist persons unable to communicate  
8 the English language as defined in section 25-2402. Interpreter  
9 services shall be provided under this section for the purposes of  
10 conducting presentence investigations and for ongoing supervision  
11 by a juvenile court officer of juvenile probationers.

12 (7) The administrator shall prepare a budget and request  
13 for appropriations for the office and shall submit such request  
14 to the Supreme Court and with its approval to the appropriate  
15 authority in accordance with law.

16 Sec. 47. The Court Services Cash Fund is created.  
17 Twenty-five percent of the funds collected pursuant to subdivisions  
18 (2)(m) and (2)(o) of section 29-2262 shall be remitted to the  
19 State Treasurer for credit to the fund. Expenditures from the fund  
20 shall include, but not be limited to, supplementing any state funds  
21 necessary to support the costs of the services for which the funds  
22 were collected. Any money in the fund available for investment  
23 shall be invested by the state investment officer pursuant to  
24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
25 Investment Act.

26 Sec. 48. The Court Services Contractual Services Cash  
27 Fund is created. The fund shall consist only of payments received

1 by the state pursuant to contractual agreements with political  
2 subdivisions for court services provided by the office. The fund  
3 shall only be used to pay for court services provided by the  
4 office to political subdivisions which enter into contractual  
5 agreements with the office. The fund shall be administered by  
6 the administrator. Any money in the fund available for investment  
7 shall be invested by the state investment officer pursuant to  
8 the Nebraska Capital Expansion Act and the Nebraska State Funds  
9 Investment Act.

10           Sec. 49. The Court Services Program Cash Fund is created.  
11 The fund shall consist of fees remitted pursuant to section 17 of  
12 this act for credit to the fund. Any money in the fund available  
13 for investment shall be invested by the state investment officer  
14 pursuant to the Nebraska Capital Expansion Act and the Nebraska  
15 State Funds Investment Act.

16           Sec. 50. Whenever a person is adjudicated to be as  
17 described in subdivision (1), (2), (3)(b), or (4) of section  
18 43-247, his or her disposition shall be governed by the Nebraska  
19 Juvenile Code.

20           Sec. 51. It is the intent of the Legislature to ensure  
21 that a consistent and objective method of juvenile intake occur  
22 throughout the state for juveniles held in temporary custody by  
23 a law enforcement officer, in accordance with section 43-250, to  
24 avoid either inappropriate or unnecessary detention of juveniles  
25 which may result in inordinately high detention rates, overcrowding  
26 of local detention facilities, excessive detention costs for  
27 counties, and adverse consequences for the juvenile, the juvenile's

1 family, or the community. Juvenile intake services shall be  
2 administered by court services officers acting as juvenile intake  
3 officers and shall be available to all juvenile courts in the  
4 state, both county courts sitting as juvenile courts and separate  
5 juvenile courts. Such court services officers shall be appointed  
6 by the administrator and designated within respective judicial  
7 districts created under section 42 of this act based upon the  
8 need for such services as the administrator determines. In order  
9 to adequately provide juvenile intake services statewide and in  
10 accordance with the Juvenile Detention and Probation Services  
11 Implementation Team Interim Report and Recommendations filed with  
12 the Legislature December 15, 2000, it is the intent of the  
13 Legislature to appropriate funds to the system to provide seven  
14 additional court services officers to act in the capacity of  
15 juvenile intake officers.

16           Sec. 52. Section 29-2246, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18           29-2246 For purposes of the Nebraska Probation  
19 Administration Act and sections 43-2,123.01 and 83-1,102 to  
20 83-1,104, unless the context otherwise requires:

21           (1) Association means the Nebraska District Court Judges  
22 Association;

23           (2) Court means a district court, county court, or  
24 juvenile court as defined in section 43-245;

25           (3) Office means the Office of Probation Administration;

26           (4) Probation means a sentence under which a person found  
27 guilty of a crime upon verdict or plea or adjudicated delinquent or

1 in need of special supervision is released by a court subject to  
2 conditions imposed by the court and subject to supervision;

3 (5) Probationer means a person sentenced to probation;

4 (6) Probation officer means an employee of the system who  
5 supervises probationers and conducts presentence, predisposition,  
6 or other investigations as may be required by law or directed by a  
7 court in which he or she is serving or performs such other duties  
8 as authorized pursuant to ~~section 29-2258,~~ the act, except unpaid  
9 volunteers from the community;

10 (7) Juvenile probation officer means any probation  
11 officer who supervises probationers of a separate juvenile court;

12 (8) Juvenile intake probation officer means an employee  
13 of the system who is called upon by a law enforcement officer in  
14 accordance with section 43-250 to make a decision regarding the  
15 furtherance of a juvenile's detention;

16 (9) Chief probation officer means the probation officer  
17 in charge of a probation district;

18 (10) System means the Nebraska Probation System;

19 (11) Administrator means the probation administrator; and

20 (12) Non-probation-based program or service means a  
21 program or service established within the district, county, or  
22 juvenile courts and provided to individuals not sentenced to  
23 probation who have been charged with or convicted of a crime  
24 for the purpose of diverting the individual from incarceration  
25 or to provide treatment for issues related to the individual's  
26 criminogenic needs. Non-probation-based programs or services  
27 include, but are not limited to, drug court programs established

1 pursuant to section 24-1302 and the treatment of problems relating  
2 to substance abuse, mental health, sex offenses, or domestic  
3 violence.

4 Sec. 53. Section 29-2259.01, Revised Statutes Cumulative  
5 Supplement, 2006, is amended to read:

6 29-2259.01 There is hereby created the Probation Cash  
7 Fund. ~~All~~ A portion of the funds collected pursuant to subdivisions  
8 (2) (m) and (2) (o) of section 29-2262 shall be remitted to the State  
9 Treasurer for credit to the fund as provided in section 15 of this  
10 act. Expenditures from the fund shall include, but not be limited  
11 to, supplementing any state funds necessary to support the costs  
12 of the services for which the funds were collected. Any money in  
13 the fund available for investment shall be invested by the state  
14 investment officer pursuant to the Nebraska Capital Expansion Act  
15 and the Nebraska State Funds Investment Act.

16 Sec. 54. Section 29-2262.03, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 29-2262.03 (1) Whenever the court considers the sentence  
19 for an offender convicted of any crime for which a term of  
20 imprisonment of six months or more is possible and mandatory  
21 minimum imprisonment is not specifically required, the court may  
22 withhold the sentence of imprisonment and sentence the offender to  
23 intensive supervision probation. The decision whether to sentence  
24 an offender to intensive supervision probation shall be guided by  
25 the criteria for withholding a sentence of imprisonment as set  
26 forth in subsection (2) of this section and subsections (2) and (3)  
27 of section 29-2260.

1           (2) Intensive supervision probation shall be governed  
2 by the laws governing probation except as required by specific  
3 provisions of this section and sections ~~29-2252.01~~, 29-2262.02,  
4 29-2262.04, and 29-2262.05.

5           Sec. 55. Section 29-2262.06, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           29-2262.06 (1) Except as otherwise provided in this  
8 section, whenever a district court or county court sentences  
9 an adult offender to probation, the court shall require the  
10 probationer to pay a one-time administrative enrollment fee and  
11 thereafter a monthly probation programming fee.

12           (2) Participants in non-probation-based programs or  
13 services in which probation personnel or probation resources  
14 are utilized pursuant to an interlocal agreement ~~authorized by~~  
15 ~~subdivision (16) of section 29-2252~~ and in which all or a portion  
16 of the costs of such probation personnel or such probation  
17 resources are covered by funds provided pursuant to section  
18 29-2262.07 shall pay the one-time administrative enrollment fee  
19 described in subdivision (3)(a) of this section and the monthly  
20 probation programming fee described in subdivision (3)(c) of  
21 this section. In addition, the provisions of subsections (4),  
22 (7), and (10) of this section applicable to probationers apply  
23 to participants in non-probation-based programs or services.  
24 Any participant in a non-probation-based program or service who  
25 defaults on the payment of any such fees may, at the discretion  
26 of the court, be subject to removal from such non-probation-based  
27 program or service. This subdivision does not preclude a court or

1 other governmental entity from charging additional local fees for  
2 participation in such non-probation-based programs and services or  
3 other similar non-probation-based programs and services.

4 (3) The court shall establish the administrative  
5 enrollment fee and monthly probation programming fees as follows:

6 (a) Adult probationers placed on either probation  
7 or intensive supervision probation and participants in  
8 non-probation-based programs or services shall pay a one-time  
9 administrative enrollment fee of thirty dollars. The fee shall be  
10 paid in a lump sum upon the beginning of probation supervision or  
11 participation in a non-probation-based program or service;

12 (b) Adult probationers placed on probation shall pay a  
13 monthly probation programming fee of twenty-five dollars, not later  
14 than the tenth day of each month, for the duration of probation;  
15 and

16 (c) Adult probationers placed on intensive supervision  
17 probation and participants in non-probation-based programs or  
18 services shall pay a monthly probation programming fee of  
19 thirty-five dollars, not later than the tenth day of each  
20 month, for the duration of probation or participation in a  
21 non-probation-based program or service.

22 (4) The court shall waive payment of the monthly  
23 probation programming fees in whole or in part if after a hearing  
24 a determination is made that such payment would constitute an  
25 undue hardship on the offender due to limited income, employment or  
26 school status, or physical or mental handicap. Such waiver shall be  
27 in effect only during the period of time that the probationer or

1 participant in a non-probation-based program or service is unable  
2 to pay his or her monthly probation programming fee.

3 (5) If a probationer defaults in the payment of monthly  
4 probation programming fees or any installment thereof, the court  
5 may revoke his or her probation for nonpayment, except that  
6 probation shall not be revoked nor shall the offender be imprisoned  
7 for such nonpayment if the probationer is financially unable to  
8 make the payment, if he or she so states to the court in writing  
9 under oath, and if the court so finds after a hearing.

10 (6) If the court determines that the default in payment  
11 described in subsection (5) of this section was not attributable to  
12 a deliberate refusal to obey the order of the court or to failure  
13 on the probationer's part to make a good faith effort to obtain the  
14 funds required for payment, the court may enter an order allowing  
15 the probationer additional time for payment, reducing the amount  
16 of each installment, or revoking the fees or the unpaid portion in  
17 whole or in part.

18 (7) No probationer or participant in a  
19 non-probation-based program or service shall be required to pay  
20 more than one monthly probation programming fee per month. This  
21 subsection does not preclude local fees as provided in subsection  
22 (2) of this section.

23 (8) The imposition of monthly probation programming fees  
24 in this section shall be considered separate and apart from the  
25 fees described in subdivisions (2)(m) and (o) of section 29-2262.

26 (9) Any adult probationer received for supervision  
27 pursuant to section 29-2637 or the Interstate Compact for



1 Adult Offender Supervision shall be assessed both a one-time  
2 administrative enrollment fee and monthly probation programming  
3 fees during the period of time the probationer is actively  
4 supervised by Nebraska probation authorities.

5 (10) The probationer or participant in a  
6 non-probation-based program or service shall pay the fees described  
7 in this section to the clerk of the court. The clerk of the court  
8 shall remit all fees so collected to the State Treasurer for credit  
9 to the Probation Program Cash Fund.

10 Sec. 56. Section 29-2262.07, Revised Statutes Cumulative  
11 Supplement, 2006, is amended to read:

12 29-2262.07 The Probation Program Cash Fund is created.  
13 All funds collected pursuant to section 29-2262.06 shall be  
14 remitted to the State Treasurer for credit to the fund. The  
15 fund shall be utilized by the administrator, in consultation  
16 with the Community Corrections Council, ~~for the purposes stated~~  
17 ~~in subdivision (14) of section 29-2252.~~ Any money in the fund  
18 available for investment shall be invested by the state investment  
19 officer pursuant to the Nebraska Capital Expansion Act and the  
20 Nebraska State Funds Investment Act.

21 Sec. 57. Section 29-2270, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 29-2270 Any individual who is less than nineteen years of  
24 age and who is subject to the supervision of a juvenile probation  
25 officer or, on and after January 1, 2012, a court services officer  
26 or an adult probation a probation and parole officer as defined in  
27 section 3 of this act pursuant to an order of the district court,

1 county court, or juvenile court shall, as a condition of probation,  
2 be required to:

3 (1) Attend school to obtain vocational training or to  
4 achieve an appropriate educational level as prescribed by the  
5 probation officer, court services officer or probation and parole  
6 officer after consultation with the school the individual attends  
7 or pursuant to section 29-2272. If the individual fails to attend  
8 school regularly, maintain appropriate school behavior, or make  
9 satisfactory progress as determined by the probation officer, court  
10 services officer or probation and parole officer after consultation  
11 with the school and the individual does not meet the requirements  
12 of subdivision (2) of this section, the district court, county  
13 court, or juvenile court shall take appropriate action to enforce,  
14 modify, or revoke its order granting probation; or

15 (2) Attend an on-the-job training program or secure and  
16 maintain employment. If the individual fails to attend the program  
17 or maintain employment and does not meet the requirements of  
18 subdivision (1) of this section, the district court, county court,  
19 or juvenile court shall take appropriate action to enforce, modify,  
20 or revoke its order granting probation.

21 Sec. 58. Section 29-2272, Revised Statutes Cumulative  
22 Supplement, 2006, is amended to read:

23 29-2272 (1) If the individual chooses to meet the  
24 requirements of section 29-2270 by attending a public school and  
25 the individual has previously been expelled from school, prior to  
26 the readmission of the individual to the school, school officials  
27 shall meet with the individual's probation officer, court services

1 officer, or probation and parole officer as described in section  
2 29-2270 and assist in developing conditions of probation that  
3 will provide specific guidelines for behavior and consequences for  
4 misbehavior at school as well as educational objectives that must  
5 be achieved. The district court, county court, or juvenile court  
6 shall review the conditions of probation for the individual and may  
7 continue the expulsion or return the individual to school under the  
8 agreed conditions.

9 (2) The school board may expel the individual for  
10 subsequent actions as provided in section 79-267.

11 (3) The individual shall be screened by the school to  
12 which he or she is admitted for possible disabilities and, if the  
13 screening so indicates, be referred for evaluation for possible  
14 placement in a special education program.

15 Sec. 59. Section 29-2935, Revised Statutes Cumulative  
16 Supplement, 2006, is amended to read:

17 29-2935 For purposes of evaluating the treatment process,  
18 ~~the Office of Parole Administration,~~ Division of Community  
19 Corrections, the Department of Correctional Services, the Board of  
20 Parole, and the designated aftercare treatment programs shall allow  
21 appropriate access to data and information as requested by the  
22 Department of Health and Human Services.

23 Sec. 60. Section 29-4009, Revised Statutes Cumulative  
24 Supplement, 2006, is amended to read:

25 29-4009 Information obtained under the Sex Offender  
26 Registration Act shall be confidential, except that:

27 (1) Information shall be disclosed to law enforcement

1 agencies for law enforcement purposes;

2 (2) Information on persons subject to section 83-174.03  
3 shall be disclosed to the ~~Office of Parole Administration~~, Division  
4 of Community Corrections;

5 (3) Information concerning a defendant who is registered  
6 and reports to be employed with, carrying on a vocation at,  
7 or attending a postsecondary educational institution, shall be  
8 disclosed to the law enforcement agency having responsibility for  
9 the campus where the institution is located. This notification  
10 shall go to the affected campus police, if any, and other law  
11 enforcement agency having jurisdiction in the area in which the  
12 institution is located;

13 (4) Information may be disclosed to governmental  
14 agencies conducting confidential background checks for employment,  
15 volunteer, licensure, or certification purposes;

16 (5) Information may be disclosed to health care providers  
17 who serve children or vulnerable adults for the purpose of  
18 conducting confidential background checks for employment;

19 (6) Information concerning the address or whereabouts of  
20 the person required to register may be disclosed to the victim or  
21 victims of such person; and

22 (7) The Nebraska State Patrol, any law enforcement  
23 agency, and any probation ~~or~~ and parole officer may release  
24 relevant information that is necessary to protect the public  
25 concerning a specific person required to register, except that the  
26 identity of a victim of an offense that requires registration shall  
27 not be released.

1           The release of information authorized by this section  
2 shall conform with the rules and regulations adopted and  
3 promulgated by the Nebraska State Patrol pursuant to section  
4 29-4013.

5           Sec. 61. Section 29-4019, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           29-4019 (1) When sentencing a person convicted of an  
8 offense which requires lifetime community supervision upon release  
9 pursuant to section 83-174.03, the sentencing court shall:

10           (a) Provide written notice to the defendant that he or  
11 she shall be subject to lifetime community supervision by the  
12 ~~Office of Parole Administration~~ Division of Community Corrections  
13 upon release from incarceration or civil commitment. The written  
14 notice shall inform the defendant (i) that he or she shall be  
15 subject to lifetime community supervision by the ~~office~~ division  
16 upon release and that the ~~office~~ division shall conduct a risk  
17 assessment and evaluation to determine the conditions of community  
18 supervision which will minimize, in the least restrictive manner  
19 that is compatible with public safety, the risk of the defendant  
20 committing additional offenses, (ii) that a violation of any of the  
21 conditions of community supervision imposed by the ~~office~~ division  
22 may result in the revision of existing conditions, the addition of  
23 new conditions, a recommendation that civil commitment proceedings  
24 should be instituted, or criminal prosecution, and (iii) of his  
25 or her right to challenge the determination of the conditions of  
26 community supervision by the ~~office~~ division and the right to a  
27 periodic review of the conditions of community supervision pursuant

1 to section 83-174.03 to determine if the conditions are still  
2 necessary to protect the public;

3 (b) Require the defendant to read and sign a form stating  
4 that the duty of the defendant to comply with the conditions  
5 of community supervision and his or her rights to challenge the  
6 conditions of community supervision imposed by the ~~effice~~ division  
7 has been explained; and

8 (c) Retain a copy of the written notification signed by  
9 the defendant.

10 (2) Prior to the release of a person serving a sentence  
11 for an offense requiring lifetime community supervision by the  
12 ~~Office of Parole Administration~~ division pursuant to section  
13 83-174.03, the Department of Correctional Services, the Department  
14 of Health and Human Services, or a city or county correctional or  
15 jail facility shall:

16 (a) Provide written notice to the person that he or  
17 she shall be subject to lifetime community supervision by the  
18 ~~effice~~ division upon release from incarceration. The written notice  
19 shall inform the person (i) that he or she shall be subject to  
20 lifetime community supervision by the ~~effice~~ division upon release  
21 and that the ~~effice~~ division shall conduct a risk assessment  
22 and evaluation of the defendant to determine the conditions of  
23 community supervision which will minimize, in the least restrictive  
24 manner that is compatible with public safety, the risk of the  
25 person committing additional offenses, (ii) that a violation of any  
26 of the conditions of community supervision imposed by the ~~effice~~  
27 division may result in the revision of existing conditions, the

1 addition of new conditions, a recommendation that civil commitment  
2 proceedings should be instituted, or criminal prosecution, and  
3 (iii) of his or her right to challenge the determination of the  
4 conditions of community supervision by the ~~office~~ division and  
5 the right to a periodic review of the conditions of community  
6 supervision pursuant to section 83-174.03 to determine if the  
7 conditions are still necessary to protect the public;

8 (b) Require the defendant to read and sign a form stating  
9 that the duty of the defendant to comply with the conditions  
10 of community supervision and his or her right to challenge the  
11 conditions of community supervision imposed by the ~~office~~ division  
12 has been explained; and

13 (c) Retain a copy of the written notification signed by  
14 the person.

15 Sec. 62. Section 33-154, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 33-154 In addition to all other court costs assessed  
18 according to law, a training fee of one dollar shall be taxed as  
19 costs for each case filed in each county court and district court,  
20 including appeals to such courts, and for each appeal and original  
21 action filed in the Court of Appeals and the Supreme Court. The  
22 fees shall be remitted to the State Treasurer on forms prescribed  
23 by the State Treasurer within ten days after the end of each month.  
24 ~~The~~ Until July 1, 2009, the State Treasurer shall credit the fees  
25 to the Supreme Court Education Fund. On and after July 1, 2009,  
26 the State Treasurer shall credit ninety cents of such fee to the  
27 Supreme Court Education Fund and ten cents of such fee to the

1 Division of Community Corrections Education Fund.

2           Sec. 63. Section 43-250, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-250 A peace officer who takes a juvenile into  
5 temporary custody under section 43-248 shall immediately take  
6 reasonable measures to notify the juvenile's parent, guardian,  
7 custodian, or relative and shall proceed as follows:

8           (1) The peace officer shall release such juvenile;

9           (2) The peace officer shall prepare in triplicate a  
10 written notice requiring the juvenile to appear before the juvenile  
11 court of the county in which such juvenile was taken into custody  
12 at a time and place specified in the notice or at the call of the  
13 court. The notice shall also contain a concise statement of the  
14 reasons such juvenile was taken into custody. The peace officer  
15 shall deliver one copy of the notice to such juvenile and require  
16 such juvenile or his or her parent, guardian, other custodian,  
17 or relative, or both, to sign a written promise that such signer  
18 will appear at the time and place designated in the notice. Upon  
19 the execution of the promise to appear, the peace officer shall  
20 immediately release such juvenile. The peace officer shall, as  
21 soon as practicable, file one copy of the notice with the county  
22 attorney and, when required by the juvenile court, also file a copy  
23 of the notice with the juvenile court or the officer appointed by  
24 the court for such purpose;

25           (3) While retaining temporary custody, the peace officer  
26 shall communicate all relevant available information regarding such  
27 juvenile to the probation officer or, on and after January 1,



1 2012, the juvenile court officer and shall deliver the juvenile,  
2 if necessary, to the ~~probation officer~~. ~~The probation officer who~~  
3 shall determine the need for detention of the juvenile as provided  
4 in section 43-260.01. Upon determining that the juvenile should be  
5 placed in a secure or nonsecure placement and securing placement in  
6 such secure or nonsecure setting by ~~the probation~~ such officer, the  
7 peace officer shall implement the ~~probation officer's~~ decision to  
8 release or to detain and place the juvenile. When secure detention  
9 of a juvenile is necessary, such detention shall occur within a  
10 juvenile detention facility except:

11 (a) When a juvenile described in subdivision (1) or  
12 (2) of section 43-247, except for a status offender, is taken  
13 into temporary custody within a metropolitan statistical area and  
14 where no juvenile detention facility is reasonably available, the  
15 juvenile may be delivered, for temporary custody not to exceed  
16 six hours, to a secure area of a jail or other facility intended  
17 or used for the detention of adults solely for the purposes of  
18 identifying the juvenile and ascertaining his or her health and  
19 well-being and for safekeeping while awaiting transport to an  
20 appropriate juvenile placement or release to a responsible party;

21 (b) When a juvenile described in subdivision (1) or (2)  
22 of section 43-247, except for a status offender, is taken into  
23 temporary custody outside of a metropolitan statistical area and  
24 where no juvenile detention facility is reasonably available, the  
25 juvenile may be delivered, for temporary custody not to exceed  
26 twenty-four hours excluding nonjudicial days and while awaiting an  
27 initial court appearance, to a secure area of a jail or other

1 facility intended or used for the detention of adults solely for  
2 the purposes of identifying the juvenile and ascertaining his  
3 or her health and well-being and for safekeeping while awaiting  
4 transport to an appropriate juvenile placement or release to a  
5 responsible party;

6 (c) Whenever a juvenile is held in a secure area of  
7 any jail or other facility intended or used for the detention  
8 of adults, there shall be no verbal, visual, or physical contact  
9 between the juvenile and any incarcerated adult and there shall be  
10 adequate staff to supervise and monitor the juvenile's activities  
11 at all times. This subdivision shall not apply to a juvenile  
12 charged with a felony as an adult in county or district court if he  
13 or she is sixteen years of age or older;

14 (d) If a juvenile is under sixteen years of age or is a  
15 juvenile as described in subdivision (3) of section 43-247, he or  
16 she shall not be placed within a secure area of a jail or other  
17 facility intended or used for the detention of adults;

18 (e) If, within the time limits specified in subdivision  
19 (3) (a) or (3) (b) of this section, a felony charge is filed against  
20 the juvenile as an adult in county or district court, he or she may  
21 be securely held in a jail or other facility intended or used for  
22 the detention of adults beyond the specified time limits;

23 (f) A status offender or nonoffender taken into temporary  
24 custody shall not be held in a secure area of a jail or other  
25 facility intended or used for the detention of adults. A status  
26 offender accused of violating a valid court order may be securely  
27 detained in a juvenile detention facility longer than twenty-four

1 hours if he or she is afforded a detention hearing before a  
2 court within twenty-four hours, excluding nonjudicial days, and if,  
3 prior to a dispositional commitment to secure placement, a public  
4 agency, other than a court or law enforcement agency, is afforded  
5 an opportunity to review the juvenile's behavior and possible  
6 alternatives to secure placement and has submitted a written report  
7 to the court; and

8 (g) A juvenile described in subdivision (1) or (2) of  
9 section 43-247, except for a status offender, may be held in a  
10 secure area of a jail or other facility intended or used for the  
11 detention of adults for up to six hours before and six hours after  
12 any court appearance;

13 (4) When a juvenile is taken into temporary custody  
14 pursuant to subdivision (3) of section 43-248, the peace officer  
15 shall deliver the custody of such juvenile to the Department of  
16 Health and Human Services which shall make a temporary placement of  
17 the juvenile in the least restrictive environment consistent with  
18 the best interests of the juvenile as determined by the department.  
19 The department shall supervise such placement and, if necessary,  
20 consent to any necessary emergency medical, psychological, or  
21 psychiatric treatment for such juvenile. The department shall have  
22 no other authority with regard to such temporary custody until or  
23 unless there is an order by the court placing the juvenile in the  
24 custody of the department. If the peace officer delivers temporary  
25 custody of the juvenile pursuant to this subdivision, the peace  
26 officer shall make a full written report to the county attorney  
27 within twenty-four hours of taking such juvenile into temporary

1 custody. If a court order of temporary custody is not issued  
2 within forty-eight hours of taking the juvenile into custody,  
3 the temporary custody by the department shall terminate and the  
4 juvenile shall be returned to the custody of his or her parent,  
5 guardian, custodian, or relative; or

6 (5) If the peace officer takes the juvenile into  
7 temporary custody pursuant to subdivision (4) of section 43-248,  
8 the peace officer may place the juvenile at a mental health  
9 facility for evaluation and emergency treatment or may deliver  
10 the juvenile to the Department of Health and Human Services as  
11 provided in subdivision (4) of this section. At the time of the  
12 admission or turning the juvenile over to the department, the  
13 peace officer responsible for taking the juvenile into custody  
14 shall execute a written certificate as prescribed by the Department  
15 of Health and Human Services which will indicate that the peace  
16 officer believes the juvenile to be mentally ill and dangerous,  
17 a summary of the subject's behavior supporting such allegations,  
18 and that the harm described in section 71-908 is likely to occur  
19 before proceedings before a juvenile court may be invoked to  
20 obtain custody of the juvenile. A copy of the certificate shall be  
21 forwarded to the county attorney. The peace officer shall notify  
22 the juvenile's parents, guardian, custodian, or relative of the  
23 juvenile's placement.

24 In determining the appropriate temporary placement of a  
25 juvenile under this section, the peace officer shall select the  
26 placement which is least restrictive of the juvenile's freedom so  
27 long as such placement is compatible with the best interests of the

1 juvenile and the safety of the community.

2           Sec. 64. Section 43-253, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           43-253 (1) Upon delivery to the probation officer, or on  
5 and after January 1, 2012, the juvenile court officer of a juvenile  
6 who has been taken into temporary custody under sections 43-248  
7 and 43-250, the ~~probation~~ officer shall immediately investigate  
8 the situation of the juvenile and the nature and circumstances of  
9 the events surrounding his or her being taken into custody. Such  
10 investigation may be by informal means when appropriate.

11           (2) The ~~probation~~ officer's decision to release the  
12 juvenile from custody or place the juvenile in secure or nonsecure  
13 detention shall be based upon the results of the standardized  
14 juvenile detention screening instrument described in section  
15 43-260.01.

16           (3) No juvenile who has been taken into temporary custody  
17 under subdivision (3) of section 43-250 shall be detained in  
18 any secure detention facility for longer than twenty-four hours,  
19 excluding nonjudicial days, after having been taken into custody  
20 unless such juvenile has appeared personally before a court of  
21 competent jurisdiction for a hearing to determine if continued  
22 detention is necessary. If continued secure detention is ordered,  
23 such detention shall be in a juvenile detention facility, except  
24 that a juvenile charged with a felony as an adult in county or  
25 district court may be held in an adult jail as set forth in  
26 subdivision (3)(e) of section 43-250.

27           (4) When the ~~probation~~ officer deems it to be in the best

1 interests of the juvenile, the ~~probation~~ officer shall immediately  
2 release such juvenile to the custody of his or her parent. If  
3 the juvenile has both a custodial and a noncustodial parent and  
4 the ~~probation~~ officer deems that release of the juvenile to the  
5 custodial parent is not in the best interests of the juvenile,  
6 the ~~probation~~ officer shall, if it is deemed to be in the best  
7 interests of the juvenile, attempt to contact the noncustodial  
8 parent, if any, of the juvenile and to release the juvenile to such  
9 noncustodial parent. If such release is not possible or not deemed  
10 to be in the best interests of the juvenile, the ~~probation~~ officer  
11 may release the juvenile to the custody of a legal guardian, a  
12 responsible relative, or another responsible person.

13 (5) The court may admit such juvenile to bail by bond  
14 in such amount and on such conditions and security as the court,  
15 in its sole discretion, shall determine, or the court may proceed  
16 as provided in section 43-254. In no case shall the court or  
17 ~~probation~~ the officer release such juvenile if it appears that  
18 further detention or placement of such juvenile is a matter of  
19 immediate and urgent necessity for the protection of such juvenile  
20 or the person or property of another or if it appears that such  
21 juvenile is likely to flee the jurisdiction of the court.

22 Sec. 65. Section 43-260, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 43-260 The Office of Probation Administration until  
25 January 1, 2012, and the Office of Court Services on and after  
26 such date shall prepare and distribute to probation officers or  
27 juvenile court officers a standardized juvenile detention screening

1 instrument. The types of risk factors to be included as well  
2 as the format of this standardized juvenile detention screening  
3 instrument shall be determined by the office. The standardized  
4 juvenile detention screening instrument shall be used as an  
5 assessment tool statewide by ~~probation~~ officers under section  
6 43-260.01 in order to determine if detention of the juvenile is  
7 necessary and, if so, whether secure or nonsecure detention is  
8 indicated. Probation officers or juvenile court officers trained to  
9 administer the juvenile detention screening instrument shall act  
10 as juvenile intake ~~probation~~ officers. Only duly trained juvenile  
11 probation officers or juvenile court officers shall be authorized  
12 to administer the juvenile detention screening instrument.

13           Sec. 66. Section 43-260.05, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           43-260.05 A juvenile pretrial diversion program may:

16           (1) Provide screening services to the court and county  
17 attorney or city attorney to help identify likely candidates for  
18 the program;

19           (2) Establish goals for diverted juvenile offenders and  
20 monitor performance of the goals;

21           (3) Perform chemical dependency assessments of diverted  
22 juvenile offenders when indicated, make appropriate referrals for  
23 treatment, and monitor treatment and aftercare;

24           (4) Provide individual, group, and family counseling  
25 services;

26           (5) Oversee the payment of victim restitution by diverted  
27 juvenile offenders;

1           (6) Assist diverted juvenile offenders in identifying and  
2 contacting appropriate community resources;

3           (7) Provide educational services to diverted juvenile  
4 offenders to enable them to earn a high school diploma or general  
5 education development diploma; and

6           (8) Provide accurate information on how diverted juvenile  
7 offenders perform in the program to the juvenile courts, county  
8 attorneys, city attorneys, defense attorneys, and probation  
9 officers or juvenile court officers.

10           Sec. 67. Section 43-271, Revised Statutes Cumulative  
11 Supplement, 2006, is amended to read:

12           43-271 (1)(a) A juvenile taken into custody pursuant to  
13 sections 43-248, 43-250, and 43-253 shall be brought before the  
14 court for adjudication as soon as possible after the petition is  
15 filed. On the return of the summons or other process, or mailing  
16 of the notice in lieu of summons, or as soon thereafter as legally  
17 may be, the court shall proceed to hear and dispose of the case as  
18 provided in section 43-279.

19           (b) The hearing as to a juvenile in custody of the  
20 probation officer or, on and after January 1, 2012, the juvenile  
21 court officer or the court shall be held as soon as possible  
22 but, in all cases, within a six-month period after the petition  
23 is filed, and as to a juvenile not in such custody as soon as  
24 practicable but, in all cases, within a six-month period after the  
25 petition is filed. The computation of the six-month period provided  
26 for in this section shall be made as provided in section 29-1207,  
27 as applicable.



1                   (2) Any juvenile taken into custody pursuant to sections  
2 43-248, 43-250, and 43-253 may request a detention review hearing.  
3 The detention review hearing shall be conducted within forty-eight  
4 hours after the request.

5                   Sec. 68. Section 43-274, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7                   43-274 (1) The county attorney, having knowledge of a  
8 juvenile in his or her county who appears to be a juvenile  
9 described in subdivision (1), (2), (3), or (4) of section 43-247,  
10 may file with the clerk of the court having jurisdiction in  
11 the matter a petition in writing specifying which subdivision of  
12 section 43-247 is alleged, setting forth the facts verified by  
13 affidavit, and requesting the court to determine whether support  
14 will be ordered pursuant to section 43-290. Allegations under  
15 subdivisions (1), (2), and (4) of section 43-247 shall be made  
16 with the same specificity as a criminal complaint. It shall be  
17 sufficient if the affidavit is based upon information and belief.  
18 Such petition and all subsequent proceedings shall be entitled In  
19 the Interest of ....., a Juvenile Under Eighteen Years of  
20 Age, inserting the juvenile's name in the blank.

21                   (2) In all cases involving violation of a city or village  
22 ordinance, the city attorney or village prosecutor may file a  
23 petition in juvenile court. If such a petition is filed, for  
24 purposes of such proceeding, references in the Nebraska Juvenile  
25 Code to county attorney shall be construed to include a city  
26 attorney or village prosecutor.

27                   (3) The county attorney or city attorney may offer

1 pretrial diversion to the juvenile in accordance with a juvenile  
2 pretrial diversion program established pursuant to sections  
3 43-260.02 to 43-260.07.

4 (4)(a) If a juvenile appears to be a juvenile described  
5 in subdivision (1), (2), (3)(b), or (4) of section 43-247 because  
6 of a nonviolent act or acts, the county attorney may offer  
7 mediation to the juvenile and the victim of the juvenile's act. If  
8 both the juvenile and the victim agree to mediation, the juvenile,  
9 his or her parent, guardian, or custodian, and the victim shall  
10 sign a mediation consent form and select a mediator or approved  
11 center from the roster made available pursuant to section 25-2908.  
12 The county attorney shall refer the juvenile and the victim to  
13 such mediator or approved center. The mediation sessions shall  
14 occur within thirty days after the date the mediation referral is  
15 made unless an extension is approved by the county attorney. The  
16 juvenile or his or her parent, guardian, or custodian shall pay  
17 the mediation fees. The fee shall be determined by the mediator in  
18 private practice or by the approved center. A juvenile shall not be  
19 denied services at an approved center because of an inability to  
20 pay.

21 (b) Terms of the agreement shall specify monitoring,  
22 completion, and reporting requirements. The county attorney, the  
23 court, or the ~~probation office~~ Office of Probation Administration  
24 or on or after January 1, 2012, Office of Court Services shall  
25 be notified by the designated monitor if the juvenile does not  
26 complete the agreement within the agreement's specified time.

27 (c) Terms of the agreement may include one or more of the

1 following:

2 (i) Participation by the juvenile in certain community  
3 service programs;

4 (ii) Payment of restitution by the juvenile to the  
5 victim;

6 (iii) Reconciliation between the juvenile and the victim;  
7 and

8 (iv) Any other areas of agreement.

9 (d) If no mediation agreement is reached, the mediator  
10 or approved center will report that fact to the county attorney  
11 within forty-eight hours of the final mediation session excluding  
12 nonjudicial days.

13 (e) If a mediation agreement is reached and the agreement  
14 does not violate public policy, the agreement shall be approved  
15 by the county attorney. If the agreement is not approved and  
16 the victim agrees to return to mediation (i) the juvenile may be  
17 referred back to mediation with suggestions for changes needed in  
18 the agreement to meet approval or (ii) the county attorney may  
19 proceed with the filing of a criminal charge or juvenile court  
20 petition. If the juvenile agrees to return to mediation but the  
21 victim does not agree to return to mediation, the county attorney  
22 may consider the juvenile's willingness to return to mediation when  
23 determining whether or not to file a criminal charge or a juvenile  
24 court petition.

25 (f) If the juvenile meets the terms of an approved  
26 mediation agreement, the county attorney shall not file a criminal  
27 charge or juvenile court petition against the juvenile for the acts

1 for which the juvenile was referred to mediation.

2 Sec. 69. Section 43-286, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4 43-286 (1) When any juvenile is adjudicated to be a  
5 juvenile described in subdivision (1), (2), or (4) of section  
6 43-247:

7 (a) The court may continue the dispositional portion of  
8 the hearing, from time to time upon such terms and conditions as  
9 the court may prescribe, including an order of restitution of any  
10 property stolen or damaged or an order requiring the juvenile to  
11 participate in community service programs, if such order is in  
12 the interest of the juvenile's reformation or rehabilitation, and,  
13 subject to the further order of the court, may:

14 (i) Place the juvenile on probation subject to the  
15 supervision of a probation officer or a juvenile court officer;

16 (ii) Permit the juvenile to remain in his or her own home  
17 or be placed in a suitable family home, subject to the supervision  
18 of the ~~probation~~ officer; or

19 (iii) Cause the juvenile to be placed in a suitable  
20 family home or institution, subject to the supervision of the  
21 ~~probation~~ officer. If the court has committed the juvenile to the  
22 care and custody of the Department of Health and Human Services,  
23 the department shall pay the costs of the suitable family home or  
24 institution which are not otherwise paid by the juvenile's parents.

25 Under subdivision (1)(a) of this section, upon a  
26 determination by the court that there are no parental, private, or  
27 other public funds available for the care, custody, and maintenance

1 of a juvenile, the court may order a reasonable sum for the care,  
2 custody, and maintenance of the juvenile to be paid out of a  
3 fund which shall be appropriated annually by the county where the  
4 petition is filed until a suitable provision may be made for the  
5 juvenile without such payment; or

6 (b) The court may commit such juvenile to the Office  
7 of Juvenile Services, but a juvenile under the age of twelve  
8 years shall not be placed at the Youth Rehabilitation and  
9 Treatment Center-Geneva or the Youth Rehabilitation and Treatment  
10 Center-Kearney unless he or she has violated the terms of probation  
11 or has committed an additional offense and the court finds that the  
12 interests of the juvenile and the welfare of the community demand  
13 his or her commitment. This minimum age provision shall not apply  
14 if the act in question is murder or manslaughter.

15 (2) When any juvenile is found by the court to be a  
16 juvenile described in subdivision (3)(b) of section 43-247, the  
17 court may enter such order as it is empowered to enter under  
18 subdivision (1)(a) of this section or enter an order committing or  
19 placing the juvenile to the care and custody of the Department of  
20 Health and Human Services.

21 (3) Beginning July 15, 1998, when any juvenile is  
22 adjudicated to be a juvenile described in subdivision (1), (2),  
23 (3)(b), or (4) of section 43-247 because of a nonviolent act or  
24 acts and the juvenile has not previously been adjudicated to be  
25 such a juvenile because of a violent act or acts, the court may,  
26 with the agreement of the victim, order the juvenile to attend  
27 juvenile offender and victim mediation with a mediator or at an

1 approved center selected from the roster made available pursuant to  
2 section 25-2908.

3 (4) (a) When a juvenile is placed on probation or under  
4 the supervision of the court and it is alleged that the juvenile is  
5 again a juvenile described in subdivision (1), (2), (3) (b), or (4)  
6 of section 43-247, a petition may be filed and the same procedure  
7 followed and rights given at a hearing on the original petition. If  
8 an adjudication is made that the allegations of the petition are  
9 true, the court may make any disposition authorized by this section  
10 for such adjudications.

11 (b) When a juvenile is placed on probation or under  
12 the supervision of the court for conduct under subdivision (1),  
13 (2), (3) (b), or (4) of section 43-247 and it is alleged that the  
14 juvenile has violated a term of probation or supervision or that  
15 the juvenile has violated an order of the court, a motion to revoke  
16 probation or supervision or to change the disposition may be filed  
17 and proceedings held as follows:

18 (i) The motion shall set forth specific factual  
19 allegations of the alleged violations and a copy of such motion  
20 shall be served on all persons required to be served by sections  
21 43-262 to 43-267;

22 (ii) The juvenile shall be entitled to a hearing before  
23 the court to determine the validity of the allegations. At such  
24 hearing the juvenile shall be entitled to those rights relating  
25 to counsel provided by section 43-272 and those rights relating  
26 to detention provided by sections 43-254 to 43-256. The juvenile  
27 shall also be entitled to speak and present documents, witnesses,

1 or other evidence on his or her own behalf. He or she may confront  
2 persons who have given adverse information concerning the alleged  
3 violations, may cross-examine such persons, and may show that he  
4 or she did not violate the conditions of his or her probation or,  
5 if he or she did, that mitigating circumstances suggest that the  
6 violation does not warrant revocation. The revocation hearing shall  
7 be held within a reasonable time after the juvenile is taken into  
8 custody;

9 (iii) The hearing shall be conducted in an informal  
10 manner and shall be flexible enough to consider evidence, including  
11 letters, affidavits, and other material, that would not be  
12 admissible in an adversarial criminal trial;

13 (iv) The juvenile shall be given a preliminary hearing  
14 in all cases when the juvenile is confined, detained, or otherwise  
15 significantly deprived of his or her liberty as a result of his or  
16 her alleged violation of probation. Such preliminary hearing shall  
17 be held before an impartial person other than his or her juvenile  
18 probation officer or any person directly involved with the case.  
19 If, as a result of such preliminary hearing, probable cause is  
20 found to exist, the juvenile shall be entitled to a hearing before  
21 the court in accordance with this subsection;

22 (v) If the juvenile is found by the court to have  
23 violated the terms of his or her probation, the court may modify  
24 the terms and conditions of the probation order, extend the period  
25 of probation, or enter any order of disposition that could have  
26 been made at the time the original order of probation was entered;  
27 and

1           (vi) In cases when the court revokes probation, it shall  
2 enter a written statement as to the evidence relied on and the  
3 reasons for revocation.

4           Sec. 70. Section 43-294, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           43-294 The custodian appointed by a juvenile court shall  
7 have charge of the person of the juvenile and the right to make  
8 decisions affecting the person of the juvenile, including medical,  
9 dental, surgical, or psychiatric treatment, except that consent  
10 to a juvenile marrying or joining the armed forces of the United  
11 States may be given by a custodian, other than the Department of  
12 Health and Human Services, with approval of the juvenile court,  
13 or by the department, as to juveniles in its custody, without  
14 further court authority. The authority of a custodian appointed by  
15 a juvenile court shall terminate when the individual under legal  
16 custody reaches nineteen years of age, is legally adopted, or the  
17 authority is terminated by order of the juvenile court. When an  
18 adoption has been granted by a court of competent jurisdiction  
19 as to any such juvenile, such fact shall be reported immediately  
20 by such custodian to the juvenile court. If the adoption is  
21 denied the jurisdiction over the juvenile shall immediately revert  
22 to the court which authorized placement of the juvenile for  
23 adoption. Any association or individual receiving the care or  
24 custody of any such juvenile shall be subject to visitation or  
25 inspection by the Department of Health and Human Services, or any  
26 probation officer or on or after January 1, 2012, any juvenile  
27 court officer ~~of~~ servng such court or any person appointed by



1 the court for such purpose, and the court may at any time require  
2 from such association or person a report or reports containing  
3 such information or statements as the judge shall deem proper  
4 or necessary to be fully advised as to the care, maintenance,  
5 and moral and physical training of the juvenile, as well as the  
6 standing and ability of such association or individual to care for  
7 such juvenile. The custodian so appointed by the court shall have  
8 standing as a party in that case to file any pleading or motion,  
9 to be heard by the court with regard to such filings, and to be  
10 granted any review or relief requested in such filings consistent  
11 with Chapter 43, article 2.

12           Sec. 71. Section 43-2,108, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           43-2,108 (1) The juvenile court judge shall keep a minute  
15 book in which he or she shall enter minutes of all proceedings of  
16 the court in each case, including appearances, findings, orders,  
17 decrees, and judgments, and any evidence which he or she feels it  
18 is necessary and proper to record. Juvenile court legal records  
19 shall be deposited in files and shall include the petition,  
20 summons, notice, certificates or receipts of mailing, minutes of  
21 the court, findings, orders, decrees, judgments, and motions.

22           (2) Except as provided in subsection (3) of this section,  
23 the medical, psychological, psychiatric, and social welfare reports  
24 and the records of juvenile probation officers as they relate to  
25 individual proceedings in the juvenile court shall not be open  
26 to inspection, without order of the court. Such records shall be  
27 made available to a district court of this state or the District

1 Court of the United States on the order of a judge thereof  
2 for the confidential use of such judge or his or her probation  
3 officer or on or after January 1, 2012, his or her juvenile  
4 court officer as to matters pending before such court but shall  
5 not be made available to parties or their counsel, ~~+~~ and such  
6 district court records shall be made available to a county court  
7 or separate juvenile court upon request of the county judge or  
8 separate juvenile judge for the confidential use of such judge  
9 and ~~his or her~~ probation officer or juvenile court officer as to  
10 matters pending before such court, but shall not be made available  
11 by such judge to the parties or their counsel.

12 (3) As used in this subsection, confidential record  
13 information shall mean all docket records, other than the  
14 pleadings, orders, decrees, and judgments; case files and records;  
15 reports and records of probation officer or juvenile court  
16 officers; and information supplied to the court of jurisdiction in  
17 such cases by any individual or any public or private institution,  
18 agency, facility, or clinic, which is compiled by, produced by,  
19 and in the possession of any court. In all cases under subdivision  
20 (3)(a) of section 43-247, access to all confidential record  
21 information in such cases shall be granted only as follows: (a) The  
22 court of jurisdiction may, subject to applicable federal and state  
23 regulations, disseminate such confidential record information to  
24 any individual, or public or private agency, institution, facility,  
25 or clinic which is providing services directly to the juvenile and  
26 such juvenile's parents or guardian and his or her immediate family  
27 who are the subject of such record information; (b) the court of

1 jurisdiction may disseminate such confidential record information,  
2 with the consent of persons who are subjects of such information,  
3 or by order of such court after showing of good cause, to any  
4 law enforcement agency upon such agency's specific request for  
5 such agency's exclusive use in the investigation of any protective  
6 service case or investigation of allegations under subdivision  
7 (3) (a) of section 43-247, regarding the juvenile or such juvenile's  
8 immediate family, who are the subject of such investigation; and  
9 (c) the court of jurisdiction may disseminate such confidential  
10 record information to any court, which has jurisdiction of the  
11 juvenile who is the subject of such information upon such court's  
12 request.

13 (4) Nothing in subsection (3) of this section shall be  
14 construed to restrict the dissemination of confidential record  
15 information between any individual or public or private agency,  
16 institute, facility, or clinic, except any such confidential record  
17 information disseminated by the court of jurisdiction pursuant to  
18 this section shall be for the exclusive and private use of those to  
19 whom it was released and shall not be disseminated further without  
20 order of such court.

21 (5) (a) Any records concerning a juvenile court petition  
22 filed pursuant to subdivision (3) (c) of section 43-247 shall  
23 remain confidential except as may be provided otherwise by law.  
24 Such records shall be accessible to (i) the juvenile except as  
25 provided in subdivision (b) of this subsection, (ii) the juvenile's  
26 counsel, (iii) the juvenile's parent or guardian, and (iv) persons  
27 authorized by an order of a judge or court.

1           (b) Upon application by the county attorney or by the  
2 director of the facility where the juvenile is placed and upon  
3 a showing of good cause therefor, a judge of the juvenile court  
4 having jurisdiction over the juvenile or of the county where the  
5 facility is located may order that the records shall not be made  
6 available to the juvenile if, in the judgment of the court, the  
7 availability of such records to the juvenile will adversely affect  
8 the juvenile's mental state and the treatment thereof.

9           Sec. 72. Section 43-2,113, Revised Statutes Supplement,  
10 2007, is amended to read:

11           43-2,113 (1) In counties where a separate juvenile court  
12 is established, the county board of the county shall provide  
13 suitable rooms and offices for the accommodation of the judge  
14 of the separate juvenile court and the officers and employees  
15 appointed by such judge or by the probation administrator or,  
16 on and after January 1, 2012, the court services administrator.  
17 ~~pursuant to subsection (4) of section 29-2253.~~ Such separate  
18 juvenile court and the judge, officers, and employees of such court  
19 shall have the same and exclusive jurisdiction, powers, and duties  
20 that are prescribed in the Nebraska Juvenile Code, concurrent  
21 jurisdiction under section 83-223, and such other jurisdiction,  
22 powers, and duties as specifically provided by law.

23           (2) A juvenile court created in a separate juvenile court  
24 judicial district or a county court sitting as a juvenile court in  
25 all other counties shall have and exercise jurisdiction within such  
26 juvenile court judicial district or county court judicial district  
27 with the county court and district court in all matters arising

1 under Chapter 42, article 3, when the care, support, custody,  
2 or control of minor children under the age of eighteen years  
3 is involved. Such cases shall be filed in the county court and  
4 district court and may, with the consent of the juvenile judge, be  
5 transferred to the docket of the separate juvenile court or county  
6 court.

7 (3) All orders issued by a separate juvenile court or a  
8 county court which provide for child support or spousal support as  
9 defined in section 42-347 shall be governed by sections 42-347 to  
10 42-381 and 43-290 relating to such support. Certified copies of  
11 such orders shall be filed by the clerk of the separate juvenile  
12 or county court with the clerk of the district court who shall  
13 maintain a record as provided in subsection (4) of section 42-364.  
14 There shall be no fee charged for the filing of such certified  
15 copies.

16 Sec. 73. Section 43-707, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 43-707 The Department of Health and Human Services shall  
19 have the power and it shall be its duty:

20 (1) To promote the enforcement of laws for the protection  
21 and welfare of children born out of wedlock, mentally and  
22 physically handicapped children, and dependent, neglected, and  
23 delinquent children, except laws the administration of which is  
24 expressly vested in some other state department or division, and  
25 to take the initiative in all matters involving such children when  
26 adequate provision therefor has not already been made;

27 (2) To visit and inspect public and private institutions,

1 agencies, societies, or persons caring for, receiving, placing out,  
2 or handling children;

3 (3) To prescribe the form of reports required by law  
4 to be made to the department by public officers, agencies, and  
5 institutions;

6 (4) To exercise general supervision over the  
7 administration and enforcement of all laws governing the  
8 placing out and adoption of children;

9 (5) To advise with judges and probation officers or on  
10 and after January 1, 2012, juvenile court officers of courts of  
11 domestic relations and juvenile courts of the several counties,  
12 with a view to encouraging, standardizing, and coordinating the  
13 work of such courts and officers throughout the state; and

14 (6) To regulate the issuance of certificates or licenses  
15 to such institutions, agencies, societies, or persons and to revoke  
16 such licenses or certificates for good cause shown. If a license is  
17 refused or revoked, the refusal or revocation may be appealed, and  
18 the appeal shall be in accordance with the Administrative Procedure  
19 Act.

20 Sec. 74. Section 43-2411, Revised Statutes Supplement,  
21 2007, is amended to read:

22 43-2411 (1) The Nebraska Coalition for Juvenile Justice  
23 is created. As provided in the federal act, there shall be no less  
24 than fifteen nor more than thirty-three members of the coalition.  
25 The coalition members shall be appointed by the Governor and shall  
26 include:

27 (a) The Administrator of the Office of Juvenile Services;

1           (b) The chief executive officer of the Department of  
2 Health and Human Services or his or her designee;

3           (c) The Commissioner of Education or his or her designee;

4           (d) The executive director of the Nebraska Commission on  
5 Law Enforcement and Criminal Justice or his or her designee;

6           (e) The Executive Director of the Nebraska Association of  
7 County Officials or his or her designee;

8           (f) ~~The~~ Until January 1, 2012, the probation  
9 administrator and on and after January 1, 2012, the court services  
10 ~~administrator of the Office of Probation Administration~~ or his or  
11 her designee;

12           (g) One county commissioner or supervisor;

13           (h) One police chief;

14           (i) One sheriff;

15           (j) One separate juvenile court judge;

16           (k) One county court judge;

17           (l) One representative of mental health professionals who  
18 works directly with juveniles;

19           (m) Three representatives, one from each congressional  
20 district, from community-based, private nonprofit organizations who  
21 work with juvenile offenders and their families;

22           (n) One volunteer who works with juvenile offenders or  
23 potential juvenile offenders;

24           (o) One person who works with an alternative to  
25 incarceration program for juveniles;

26           (p) The director or his or her designee from a youth  
27 rehabilitation and treatment center;

1           (q) The director or his or her designee from a secure  
2 youth confinement facility;

3           (r) The director or his or her designee from a staff  
4 secure youth confinement facility;

5           (s) At least five members who are under twenty-four years  
6 of age when appointed;

7           (t) One person who works directly with juveniles who have  
8 learning or emotional difficulties or are abused or neglected;

9           (u) One member of the Nebraska Commission on Law  
10 Enforcement and Criminal Justice;

11           (v) One county attorney; and

12           (w) One public defender.

13           (2) The terms of members appointed pursuant to  
14 subdivisions (1)(g) through (1)(w) of this section shall be three  
15 years, except that the terms of the initial members of the  
16 coalition shall be staggered so that one-third of the members  
17 are appointed for terms of one year, one-third for terms of two  
18 years, and one-third for terms of three years, as determined by  
19 the Governor. A majority of the coalition members, including the  
20 chairperson, shall not be full-time employees of federal, state,  
21 or local government. At least one-fifth of the coalition members  
22 shall be under the age of twenty-four at the time of appointment.  
23 Any vacancy on the coalition shall be filled by appointment  
24 by the Governor. The coalition shall select a chairperson, a  
25 vice-chairperson, and such other officers as it deems necessary.

26           (3) Members of the coalition shall be reimbursed for  
27 their actual and necessary expenses pursuant to sections 81-1174 to



1 81-1177.

2 (4) The coalition may appoint task forces or  
3 subcommittees to carry out its work. Task force and subcommittee  
4 members shall have knowledge of, responsibility for, or interest in  
5 an area related to the duties of the coalition.

6 Sec. 75. Section 43-3001, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 43-3001 (1) Notwithstanding any other provision of law  
9 regarding the confidentiality of records and when not prohibited  
10 by the federal Privacy Act of 1974, as amended, juvenile court  
11 records and any other pertinent information that may be in the  
12 possession of school districts, county attorneys, the Attorney  
13 General, law enforcement agencies, child advocacy centers, ~~state~~  
14 ~~probation~~ juvenile probation personnel, community corrections  
15 ~~personnel, state parole personnel,~~ youth detention facilities,  
16 medical personnel, treatment or placement programs, the Department  
17 of Health and Human Services, the Department of Correctional  
18 Services, the Division of Community Corrections, the State Foster  
19 Care Review Board, child abuse and neglect investigation teams,  
20 child abuse and neglect treatment teams, or other multidisciplinary  
21 teams for abuse, neglect, or delinquency concerning a child who is  
22 in the custody of the state may be shared with individuals and  
23 agencies who have been identified in a court order authorized by  
24 this section.

25 (2) In any judicial proceeding concerning a child who is  
26 currently, or who may become at the conclusion of the proceeding,  
27 a ward of the court or state or under the supervision of the

1 court, an order may be issued which identifies individuals and  
2 agencies who shall be allowed to receive otherwise confidential  
3 information concerning the child for legitimate and official  
4 purposes. The individuals and agencies who may be identified  
5 in the court order are the child's attorney or guardian ad  
6 litem, the parents' attorney, foster parents, appropriate school  
7 personnel, county attorneys, the Attorney General, authorized court  
8 personnel, law enforcement agencies, ~~state probation personnel,~~  
9 ~~state parole~~ community corrections personnel, juvenile probation  
10 personnel, youth detention facilities, medical personnel, treatment  
11 or placement programs, the Department of Health and Human  
12 Services, the Office of Juvenile Services, the Department of  
13 Correctional Services, the Division of Community Corrections,  
14 the State Foster Care Review Board, child abuse and neglect  
15 investigation teams, child abuse and neglect treatment teams, and  
16 other multidisciplinary teams for abuse, neglect, or delinquency.  
17 Unless the order otherwise states, the order shall be effective  
18 until the child leaves the custody of the state or until a new  
19 order is issued.

20 (3) All information acquired by an individual or agency  
21 pursuant to this section shall be confidential and shall not  
22 be disclosed except to other persons who have a legitimate and  
23 official interest in the information and are identified in the  
24 court order issued pursuant to this section with respect to the  
25 child in question. A person who receives such information or  
26 who cooperates in good faith with other individuals and agencies  
27 identified in the appropriate court order by providing information

1 or records about a child shall be immune from any civil or criminal  
2 liability. The provisions of this section granting immunity from  
3 liability shall not be extended to any person alleged to have  
4 committed an act of child abuse or neglect.

5 (4) Any person who publicly discloses information  
6 received pursuant to this section shall be guilty of a Class III  
7 misdemeanor.

8 Sec. 76. Section 43-3505, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 43-3505 Each county may:

11 (1) Establish a local juvenile justice advisory committee  
12 for the purpose of meeting quarterly to discuss trends and issues  
13 related to juvenile offenders and service needs. Such committee  
14 should include representation from the courts, law enforcement,  
15 community service providers, schools, detention or shelter care,  
16 county elected and administrative officials, juvenile probation  
17 officials, community corrections ~~probation~~ officials, health and  
18 human services representatives, and state officials or agency  
19 representatives. The committee should discuss state and local  
20 policy initiatives, use of detention and other regional services,  
21 commitment to state custody, and impacts of policy initiatives  
22 and trends on county juvenile justice systems. Notwithstanding any  
23 other provision of law regarding the confidentiality of records,  
24 information from the various representative agencies can be shared  
25 about juveniles under their supervision for the purposes of this  
26 subdivision. The information shared shall be in the form of  
27 statistical data which does not disclose the identity of any

1 particular individual;

2 (2) Collect and review data on an ongoing basis to  
3 understand the service needs of the juvenile offender population;  
4 and

5 (3) Compile, review, and forward county level data  
6 collected pursuant to section 43-3506.

7 Sec. 77. Section 43-3507, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 43-3507 (1) The Legislature finds that there is a need  
10 for additional secure detention and detention services, including  
11 transportation services, for juveniles in the state. The need can  
12 be met by enhancing and expanding the existing secure detention  
13 facilities and detention services as needed in the future and  
14 by constructing new juvenile detention facilities to serve the  
15 southeastern, central, and west central areas of the state.

16 (2) The Legislature further finds that in order for  
17 probation officers and, on and after January 1, 2012, court  
18 services officers to adequately perform the function of providing  
19 juvenile intake services statewide, existing probation staff  
20 resources and, on and after January 1, 2012, Office of Court  
21 Services staff resources need to be expanded and, additionally,  
22 program services that enhance a juvenile's successful reintegration  
23 into the community need to readily be available and at the disposal  
24 of juvenile probation.

25 (3) The Legislature further finds that juvenile diversion  
26 programs should be available throughout the state as a means  
27 of providing consequences without the formal involvement of the

1 courts.

2 Sec. 78. Section 47-623, Revised Statutes Supplement,  
3 2007, is amended to read:

4 47-623 (1) The council shall include the following voting  
5 members:

6 (a) The executive director of the Nebraska Commission on  
7 Law Enforcement and Criminal Justice;

8 (b) The Director of Correctional Services;

9 (c) The chairperson of the Board of Parole;

10 (d) The ~~Parole Administrator;~~ Community Corrections  
11 Administrator; and

12 (e) Nine members appointed by the Governor with the  
13 approval of a majority of the Legislature, consisting of: One  
14 representative from a list of persons nominated by the Nebraska  
15 Criminal Defense Attorneys Association; one representative from  
16 a list of persons nominated by the Nebraska County Attorneys  
17 Association; one full-time officer or employee of a law enforcement  
18 agency; one mental health and substance abuse professional; from  
19 each congressional district, one provider of community-based  
20 behavioral health services; and two at-large members.

21 (2) The council shall include the following nonvoting  
22 members:

23 (a) The State Court Administrator;

24 (b) The Until January 1, 2012, the probation  
25 administrator; and, on and after such date, the court services  
26 administrator;

27 (c) Two members of the Legislature, appointed by the

1 Executive Board of the Legislative Council;

2 (d) Two judges of the district court, appointed by the  
3 Chief Justice of the Supreme Court; and

4 (e) The chief executive officer of the Department of  
5 Health and Human Services or his or her designee.

6 (3) The terms of office for members initially appointed  
7 under subdivision (1)(e) of this section shall be three years. Upon  
8 completion of the initial terms of such members, the Governor shall  
9 appoint (a) a representative from law enforcement, a mental health  
10 and substance abuse professional, and one at-large member for  
11 terms of one year, (b) a representative of the Nebraska Criminal  
12 Defense Attorneys Association, one provider of community-based  
13 behavioral health services from the first congressional district,  
14 one provider of community-based behavioral health services from the  
15 third congressional district, and one at-large member for terms  
16 of two years, and (c) a representative of the Nebraska County  
17 Attorneys Association and a provider of community-based behavioral  
18 health services from the second congressional district for terms of  
19 three years. Succeeding appointees shall be appointed for terms of  
20 three years. An appointee to a vacancy occurring from an unexpired  
21 term shall serve out the term of his or her predecessor. Members  
22 whose terms have expired shall continue to serve until their  
23 successors have been appointed and qualified.

24 (4) The council shall by majority vote elect a  
25 chairperson from among the members of the council.

26 (5) The members of the council shall be reimbursed for  
27 their actual and necessary expenses incurred while engaged in

1 the performance of their official duties as provided in sections  
2 81-1174 to 81-1177.

3 Sec. 79. Section 47-624, Revised Statutes Cumulative  
4 Supplement, 2006, is amended to read:

5 47-624 The council shall:

6 (1) Develop standards for eligible community correctional  
7 facilities and programs in which offenders can participate, taking  
8 into consideration the following factors:

9 (a) Qualifications of staff;

10 (b) Suitability of programs;

11 (c) Offender needs;

12 (d) Probation population;

13 (e) Parole population; and

14 (f) Other applicable criminal justice data;

15 (2) Develop and implement a plan to establish statewide  
16 operation and use of a continuum of community correctional  
17 facilities and programs;

18 (3) Develop, in consultation with the ~~probation~~  
19 ~~administrator and the Parole Administrator,~~ community corrections  
20 administrator, standards for the use of community correctional  
21 facilities and programs by the ~~Nebraska Probation System and the~~  
22 ~~parole system,~~ Division of Community Corrections;

23 (4) Develop, recommend, and review sentencing guidelines  
24 for adoption by the Supreme Court as set forth in section 47-630;

25 (5) Analyze and mandate the consistent use of offender  
26 risk assessment tools;

27 (6) Develop standards for eligibility of probationers and

1 parolees in certain community correctional facilities and programs;

2 (7) Educate the courts and the Board of Parole about  
3 the availability and use of community correctional facilities and  
4 programs;

5 (8) Enter into contracts, if necessary, for carrying out  
6 the purposes of the Community Corrections Act;

7 (9) In order to ensure adequate funding for substance  
8 abuse treatment programs for probationers and parolees,  
9 consult with the ~~probation administrator~~ community corrections  
10 administrator as provided in section ~~29-2262.07~~ 18 of this act and  
11 develop or assist with the development of programs as provided in  
12 ~~subdivision (14) of section 29-2252,~~ section 7 of this act;

13 ~~(10) In order to ensure adequate funding for substance~~  
14 ~~abuse treatment programs for parolees,~~ consult with the Office  
15 of Parole Administration as provided in section ~~83-1,107.02~~ and  
16 develop ~~or assist with the development of programs as provided in~~  
17 ~~subdivision (8) of section 83-1,102,~~

18 ~~(11)~~ (10) If necessary to perform the duties of the  
19 council, hire, contract for, or otherwise obtain the services of  
20 consultants, researchers, aides, and other necessary support staff;

21 ~~(12)~~ (11) Study substance abuse treatment services in and  
22 related to the criminal justice system, recommend improvements, and  
23 evaluate the implementation of improvements;

24 ~~(13)~~ (12) Study, develop, and implement minimum standards  
25 for the development and use of community correctional facilities  
26 and programs;

27 ~~(14)~~ (13) Develop and implement a plan for statewide use



1 of community correctional facilities and programs;

2 ~~(15)~~ (14) Grant funds to entities including local  
3 governmental agencies, nonprofit organizations, and behavioral  
4 health services which will support the intent of the act; and

5 ~~(16)~~ (15) Perform such other duties as may be necessary  
6 to carry out the policy of the state established in the act.

7 Sec. 80. Section 47-627, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9 47-627 The executive director of the Nebraska Commission  
10 on Law Enforcement and Criminal Justice shall develop and maintain  
11 a uniform crime data analysis system in Nebraska which shall  
12 include, but need not be limited to, the number of offenses,  
13 arrests, charges, probation admissions, probation violations,  
14 probation discharges, admissions to and discharges from the  
15 Department of Correctional Services, parole reviews, parole  
16 hearings, releases on parole, parole violations, and parole  
17 discharges. The data shall be categorized by statutory crime. The  
18 data shall be collected from the Board of Parole, the State Court  
19 Administrator, the Department of Correctional Services, ~~the Office~~  
20 ~~of Parole Administration,~~ the Office of Probation Administration  
21 until January 1, 2012, the Division of Community Corrections, the  
22 Nebraska State Patrol, counties, local law enforcement, and any  
23 other entity associated with criminal justice. The council, the  
24 director, and the Supreme Court shall have access to such data to  
25 implement the Community Corrections Act and to develop guidelines  
26 pursuant to section 47-630.

27 Sec. 81. Section 47-628, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           47-628 (1) A sentencing judge may sentence an offender  
3 to probation conditioned upon community correctional programming  
4 pursuant to section 47-630 and the guidelines developed by the  
5 Supreme Court.

6           (2) A sentence to a community correctional program or  
7 facility shall be imposed as a condition of probation pursuant to  
8 the Nebraska Probation Administration Act. The court may modify  
9 the sentence of an offender serving a sentence in a community  
10 correctional program in the same manner as if the offender had been  
11 placed on probation.

12           (3) ~~The Office of Probation Administration~~ Division  
13 of Community Corrections shall utilize community correctional  
14 facilities and programs as appropriate with respect to probation.

15           Sec. 82. Section 47-629, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           47-629 (1) The Board of Parole may parole an offender to  
18 a community correctional facility or program pursuant to guidelines  
19 developed by the council.

20           (2) The Department of Correctional Services and the  
21 ~~Office of Parole Administration~~ Division of Community Corrections  
22 shall utilize community correctional facilities and programs as  
23 appropriate with respect to parole.

24           Sec. 83. Section 60-6,211.05, Revised Statutes Cumulative  
25 Supplement, 2006, is amended to read:

26           60-6,211.05 (1) If an order of probation is granted  
27 under section 60-6,196 or 60-6,197, as such sections existed prior

1 to July 16, 2004, or section 60-6,196 or 60-6,197 and sections  
2 60-6,197.02 and 60-6,197.03, as such sections existed on or after  
3 July 16, 2004, the court may order the defendant to install an  
4 ignition interlock device of a type approved by the Director of  
5 Motor Vehicles on each motor vehicle operated by the defendant.  
6 The device shall, without tampering or the intervention of another  
7 person, prevent the defendant from operating the motor vehicle when  
8 the defendant has an alcohol concentration greater than the levels  
9 prescribed in section 60-6,196.

10 (2) If the court orders installation of an ignition  
11 interlock device pursuant to subsection (1) of this section, the  
12 court may also order the use of a continuous alcohol monitoring  
13 device and abstention from alcohol use at all times. The device  
14 shall, without tampering or the intervention of another person,  
15 test and record the alcohol consumption level of the defendant on a  
16 periodic basis and transmit such information to ~~probation~~ community  
17 corrections authorities.

18 (3) Any order issued by the court pursuant to this  
19 section shall not take effect until the defendant is eligible  
20 to operate a motor vehicle pursuant to subsection (2) of section  
21 60-498.02.

22 (4) If the court orders an ignition interlock device or  
23 the Board of Pardons orders an ignition interlock device under  
24 section 83-1,127.02, the court or the Board of Pardons shall order  
25 the Department of Motor Vehicles to issue to the defendant a  
26 restricted Class O license as provided in section 60-4,118.06 which  
27 indicates that the defendant is only allowed to operate a motor

1 vehicle equipped with an ignition interlock device. Such court  
2 order shall remain in effect for a period of time as determined by  
3 the court not to exceed the maximum term of revocation which the  
4 court could have imposed according to the nature of the violation.  
5 Such Board of Pardons order shall remain in effect for a period  
6 of time not to exceed any period of revocation the applicant is  
7 subject to at the time the application for a license reinstatement  
8 is made.

9 (5) A person who tampers with or circumvents an ignition  
10 interlock device installed under a court order while the order is  
11 in effect or who operates a motor vehicle which is not equipped  
12 with an ignition interlock device in violation of a court order  
13 made pursuant to this section shall be guilty of a Class II  
14 misdemeanor.

15 (6) Any person restricted to operating a motor vehicle  
16 equipped with an ignition interlock device, pursuant to a Board of  
17 Pardons order, who operates upon the highways of this state a motor  
18 vehicle without such device or if the device has been disabled,  
19 bypassed, or altered in any way, shall be punished as provided in  
20 subsection (3) of section 83-1,127.02.

21 (7) If a person ordered to use a continuous alcohol  
22 monitoring device and abstain from alcohol use pursuant to a court  
23 order as provided in subsection (2) of this section violates the  
24 provisions of such court order by removing, tampering with, or  
25 otherwise bypassing the continuous alcohol monitoring device or by  
26 consuming alcohol while required to use such device, he or she  
27 shall have his or her Class O license revoked and be unable to

1 apply for license reinstatement for the duration of the revocation  
2 period imposed by the court.

3 (8) The director shall adopt and promulgate rules and  
4 regulations to approve ignition interlock devices and the means of  
5 installation of the devices.

6 Sec. 84. Section 60-6,211.09, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 60-6,211.09 ~~The Office of Probation Administration~~  
9 Division of Community Corrections shall adopt and promulgate rules  
10 and regulations to approve the use of continuous alcohol monitoring  
11 devices by individuals sentenced to probation for violating section  
12 60-6,196 or 60-6,197.

13 Sec. 85. Section 68-1732, Revised Statutes Supplement,  
14 2007, is amended to read:

15 68-1732 It is the intent of the Legislature that the  
16 Department of Health and Human Services, the State Department  
17 of Education, the Department of Labor, the Office of Probation  
18 Administration until January 1, 2012, the Division of Community  
19 Corrections, the Office of Court Services on and after January  
20 1, 2012, the Office of Juvenile Services, the Department of  
21 Correctional Services, and the Department of Economic Development  
22 will have integrated programs and policies when serving a common  
23 customer. Organizational mergers and operating agreements shall be  
24 developed within state government which bring together the state's  
25 community-based child-serving and family-serving resources in the  
26 areas of health care services, social services, mental health  
27 services, developmental disabilities services, juvenile justice,

1 and education. Such actions shall eliminate the need for the public  
2 to understand the differing roles, responsibilities, and services  
3 of the agencies enumerated in this section and their affiliates.

4 Sec. 86. Section 71-961, Revised Statutes Supplement,  
5 2007, is amended to read:

6 71-961 (1) All records kept on any subject shall remain  
7 confidential except as otherwise provided by law. Such records  
8 shall be accessible to (a) the subject, except as otherwise  
9 provided in subsection (2) of this section, (b) the subject's legal  
10 counsel, (c) the subject's guardian or conservator, if any, (d)  
11 the mental health board having jurisdiction over the subject, (e)  
12 persons authorized by an order of a judge or court, (f) persons  
13 authorized by written permission of the subject, (g) agents or  
14 employees of the Department of Health and Human Services upon  
15 delivery of a subpoena from the department in connection with  
16 a licensing or licensure investigation by the department, (h)  
17 individuals authorized to receive notice of the release of a sex  
18 offender pursuant to section 83-174, (i) the Nebraska State Patrol  
19 or the department pursuant to section 69-2409.01, or (j) the ~~Office~~  
20 ~~of Parole Administration~~ Division of Community Corrections if the  
21 subject meets the requirements for lifetime community supervision  
22 pursuant to section 83-174.03.

23 (2) Upon application by the county attorney or by the  
24 administrator of the treatment facility where the subject is in  
25 custody and upon a showing of good cause therefor, a judge of  
26 the district court of the county where the mental health board  
27 proceedings were held or of the county where the treatment facility

1 is located may order that the records not be made available to  
2 the subject if, in the judgment of the court, the availability of  
3 such records to the subject will adversely affect his or her mental  
4 illness or personality disorder and the treatment thereof.

5 (3) When a subject is absent without authorization from  
6 a treatment facility or program described in section 71-939 or  
7 71-1223 and is considered to be dangerous to others, the subject's  
8 name and description and a statement that the subject is believed  
9 to be considered dangerous to others may be disclosed in order to  
10 aid in the subject's apprehension and to warn the public of such  
11 danger.

12 Sec. 87. Section 81-1401, Revised Statutes Supplement,  
13 2007, is amended to read:

14 81-1401 For purposes of sections 81-1401 to 81-1414,  
15 unless the context otherwise requires:

16 (1) Commission means the Nebraska Commission on Law  
17 Enforcement and Criminal Justice;

18 (2) Council means the Nebraska Police Standards Advisory  
19 Council;

20 (3) Handgun means any firearm with a barrel less than  
21 sixteen inches in length or any firearm designed to be held and  
22 fired by the use of a single hand;

23 (4) Law enforcement agency means the police department  
24 or the town marshal in incorporated municipalities, the office of  
25 sheriff in unincorporated areas, and the Nebraska State Patrol;

26 (5) (a) Law enforcement officer means any person who  
27 is responsible for the prevention or detection of crime or the

1 enforcement of the penal, traffic, or highway laws of the state or  
2 any political subdivision of the state for more than one hundred  
3 hours per year and is authorized by law to make arrests and  
4 includes, but is not limited to:

5 (i) A full-time or part-time member of the Nebraska State  
6 Patrol;

7 (ii) A county sheriff;

8 (iii) A full-time or part-time employee of a county  
9 sheriff's office;

10 (iv) A full-time or part-time employee of a municipal or  
11 village police agency; or

12 (v) A full-time employee of an organized and paid  
13 fire department of any city of the metropolitan class who is  
14 an authorized arson investigator and whose duties consist of  
15 determining the cause, origin, and circumstances of fires or  
16 explosions while on duty in the course of an investigation;

17 (b) Law enforcement officer does not include employees of  
18 the Department of Correctional Services, probation officers under  
19 the Nebraska Probation System until January 1, 2012, court services  
20 officers on and after January 1, 2012, probation and parole  
21 officers, appointed by the Parole Administrator, or employees of  
22 the Department of Revenue under section 77-366; and

23 (c) A law enforcement officer shall possess a valid law  
24 enforcement officer certificate or diploma, as established by the  
25 council, in order to be vested with the authority of this section,  
26 but this subdivision does not prohibit an individual from receiving  
27 a conditional appointment as an officer pursuant to subsection (2)



1 of section 81-1414;

2 (6) Director means the director of the Nebraska Law  
3 Enforcement Training Center;

4 (7) Training academy means the training center or  
5 such other council-approved law enforcement training facility  
6 operated and maintained by a law enforcement agency which offers  
7 certification training that meets or exceeds the certification  
8 training curriculum of the training center;

9 (8) Training center means the Nebraska Law Enforcement  
10 Training Center; and

11 (9) Training school means a public or private institution  
12 of higher education, including the University of Nebraska, the  
13 Nebraska state colleges, and the community colleges of this  
14 state, that offers training in a council-approved pre-certification  
15 course.

16 Sec. 88. Section 81-1848, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18 81-1848 (1) Victims as defined in section 29-119 shall  
19 have the following rights:

20 (a) To examine information which is a matter of public  
21 record and collected by criminal justice agencies on individuals  
22 consisting of identifiable descriptions and notations of issuance  
23 of arrest warrants, arrests, detentions, indictments, charges by  
24 information, and other formal criminal charges. Such information  
25 shall include any disposition arising from such arrests, charges,  
26 sentencing, correctional supervision, and release, but shall not  
27 include intelligence or investigative information;

1           (b) To receive from the county attorney advance  
2 reasonable notice of any scheduled court proceedings and notice of  
3 any changes in that schedule;

4           (c) To be present throughout the entire trial of the  
5 defendant, unless the victim is to be called as a witness or the  
6 court finds sequestration of the victim necessary for a fair trial.  
7 If the victim is to be called as a witness, the court may order the  
8 victim to be sequestered;

9           (d) To be notified by the county attorney by any  
10 means reasonably calculated to give prompt actual notice of the  
11 following:

12           (i) The crimes for which the defendant is charged, the  
13 defendant's bond, and the time and place of any scheduled court  
14 proceedings;

15           (ii) The final disposition of the case;

16           (iii) The crimes for which the defendant was convicted;

17           (iv) The victim's right to make a written or oral impact  
18 statement to be used in the probation officer's or, on and after  
19 January 1, 2012, the court services officer's preparation of a  
20 presentence investigation report concerning the defendant;

21           (v) The address and telephone number of the probation  
22 office or, on and after January 1, 2012, the court services office  
23 which is to prepare the presentence investigation report;

24           (vi) That a presentence investigation report and any  
25 statement by the victim included in such report will be made  
26 available to the defendant unless exempted from disclosure by order  
27 of the court; and

1           (vii) The victim's right to submit a written impact  
2 statement at the sentencing proceeding or to read his or her impact  
3 statement submitted pursuant to subdivision (1)(d)(iv) of this  
4 section at the sentencing proceeding;

5           (e) To be notified by the county attorney by any means  
6 reasonably calculated to give prompt actual notice of the time and  
7 place of any subsequent judicial proceedings if the defendant was  
8 acquitted on grounds of insanity;

9           (f) To be notified as provided in section 81-1850, to  
10 testify before the Board of Parole or submit a written statement  
11 for consideration by the board, and to be notified of the decision  
12 of and any action taken by the board; and

13           (g) To submit a written statement for consideration at  
14 any conditional release proceedings, Board of Parole proceedings,  
15 pardon proceedings, or commutation proceedings. Conditional release  
16 proceeding means a proceeding convened pursuant to a Department  
17 of Correctional Services' decision to grant a furlough from  
18 incarceration for twenty-four hours or longer or a release into  
19 community-based programs, including educational release and work  
20 release.

21           (2) Victims and witnesses of crimes shall have the  
22 following rights:

23           (a) To be informed on all writs of subpoena or notices  
24 to appear that they are entitled to apply for and may receive a  
25 witness fee;

26           (b) To be notified that a court proceeding to which they  
27 have been subpoenaed will not go on as scheduled in order to save

1 the person an unnecessary trip to court;

2 (c) To receive protection from harm and threats of  
3 harm arising out of their cooperation with law enforcement and  
4 prosecution efforts and to be provided with information as to the  
5 level of protection available;

6 (d) To be informed of financial assistance and other  
7 social services available as a result of being a witness or a  
8 victim of a crime, including information on how to apply for the  
9 assistance and services;

10 (e) To be informed of the procedure to be followed in  
11 order to apply for and receive any witness fee to which they are  
12 entitled;

13 (f) To be provided, whenever possible, a secure waiting  
14 area during court proceedings that does not require them to be  
15 in close proximity to defendants and families and friends of  
16 defendants;

17 (g) To have any stolen or other personal property  
18 expeditiously returned by law enforcement agencies when no longer  
19 needed as evidence. If feasible, all such property, except weapons,  
20 currency, contraband, property subject to evidentiary analysis, and  
21 property the ownership of which is disputed, shall be returned to  
22 the person within ten days after being taken;

23 (h) To be provided with appropriate employer intercession  
24 services to insure that employers of victims and witnesses will  
25 cooperate with the criminal justice process in order to minimize  
26 an employee's loss of pay and other benefits resulting from court  
27 appearances;

1 (i) To be entitled to a speedy disposition of the case  
2 in which they are involved as a victim or witness in order to  
3 minimize the length of time they must endure the stress of their  
4 responsibilities in connection with the matter;

5 (j) To be informed by the county attorney of the final  
6 disposition of a felony case in which they were involved and to be  
7 notified pursuant to section 81-1850 whenever the defendant in such  
8 case is released from custody; and

9 (k) To have the family members of all homicide victims  
10 afforded all of the rights under subsection (2) of this section and  
11 services analogous to those provided under section 81-1847.

12 Sec. 89. Section 83-170, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 83-170 ~~As used in~~ For purposes of the Nebraska Treatment  
15 and Corrections Act, unless the context otherwise requires:

16 (1) Administrator ~~shall mean~~ means the Parole  
17 ~~Administrator;~~ community corrections administrator;

18 (2) Board ~~shall mean~~ means the Board of Parole;

19 (3) Committed offender ~~shall mean~~ means any person who,  
20 under any provision of law, is sentenced or committed to a facility  
21 operated by the department or is sentenced or committed to the  
22 department other than a person adjudged to be as described in  
23 subdivision (1), (2), (3)(b), or (4) of section 43-247 by a  
24 juvenile court;

25 (4) Department ~~shall mean~~ means the Department of  
26 Correctional Services;

27 (5) Director ~~shall mean~~ means the Director of

1 Correctional Services;

2 (6) Division means the Division of Community Corrections;

3 ~~(6)~~ (7) Facility shall mean means any prison,  
4 reformatory, training school, reception center, community guidance  
5 center, group home, or other institution operated by the  
6 department;

7 ~~(7)~~ (8) Good time shall mean means any reduction of  
8 sentence granted pursuant to sections 83-1,107 and 83-1,108;

9 ~~(8)~~ (9) Maximum term shall mean means the maximum  
10 sentence provided by law or the maximum sentence imposed by a  
11 court, whichever is shorter;

12 ~~(9)~~ (10) Minimum term shall mean means the minimum  
13 sentence provided by law or the minimum sentence imposed by a  
14 court, whichever is longer;

15 ~~(10)~~ (11) Pardon authority shall mean means the power  
16 to remit fines and forfeitures and to grant respites, reprieves,  
17 pardons, or commutations;

18 ~~(11)~~ (12) Parole term shall mean means the time from  
19 release on parole to the completion of the maximum term, reduced by  
20 good time; and

21 ~~(12)~~ (13) Person committed to the department shall mean  
22 means any person sentenced or committed to a facility within the  
23 department.

24 Sec. 90. Section 83-171, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 83-171 There is hereby created a Department of  
27 Correctional Services which shall:

1           (1) Maintain and administer facilities required for the  
2 custody, control, correctional treatment, and rehabilitation of  
3 persons committed to the department and for the safekeeping of such  
4 other persons as may be remanded to the department in accordance  
5 with law;

6           (2) ~~Supervise~~ Through the division, supervise persons  
7 ~~committed to the department on probation or parole~~ and administer  
8 probation and parole services in the facilities and in the  
9 community; and

10           (3) Develop policies and programs for the correctional  
11 treatment and rehabilitation of persons committed to the  
12 department.

13           Sec. 91. Section 83-174.03, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15           83-174.03 (1) Any individual who, on or after July 14,  
16 2006, (a) is convicted of or completes a term of incarceration for  
17 an offense requiring registration under section 29-4003 and has a  
18 previous conviction for a registerable offense, (b) is convicted  
19 of sexual assault of a child in the first degree pursuant to  
20 section 28-319.01, or (c) is convicted of or completes a term  
21 of incarceration for an aggravated offense as defined in section  
22 29-4005, shall, upon completion of his or her term of incarceration  
23 or release from civil commitment, be supervised in the community by  
24 the ~~Office of Parole Administration~~ division for the remainder of  
25 his or her life.

26           (2) Notice shall be provided to the ~~Office of Parole~~  
27 ~~Administration~~ division by an agency or political subdivision which

1 has custody of an individual required to be supervised in the  
2 community pursuant to subsection (1) of this section at least sixty  
3 days prior to the release of such individual from custody.

4 (3) Individuals required to be supervised in the  
5 community pursuant to subsection (1) of this section shall  
6 undergo a risk assessment and evaluation by the ~~Office of Parole~~  
7 ~~Administration~~ division to determine the conditions of community  
8 supervision to be imposed to best protect the public from the risk  
9 that the individual will reoffend.

10 (4) Conditions of community supervision imposed on an  
11 individual by the ~~Office of Parole Administration~~ division may  
12 include the following:

13 (a) Drug and alcohol testing if the conviction resulting  
14 in the imposition of community supervision involved the use of  
15 drugs or alcohol;

16 (b) Restrictions on employment and leisure activities  
17 necessary to minimize interaction with potential victims;

18 (c) Requirements to report regularly to the individual's  
19 community supervision officer;

20 (d) Requirements to reside at a specified location and  
21 notify the individual's community supervision officer of any change  
22 in address or employment;

23 (e) A requirement to allow the ~~Office of Parole~~  
24 ~~Administration~~ division access to medical records from the  
25 individual's current and former providers of treatment;

26 (f) A requirement that the individual submit himself or  
27 herself to available medical, psychological, psychiatric, or other



1 treatment, including, but not limited to, polygraph examinations;  
2 or

3 (g) Any other conditions designed to minimize the risk of  
4 recidivism, including, but not limited to, the use of electronic  
5 monitoring, which are not unduly restrictive.

6 Sec. 92. Section 83-174.04, Revised Statutes Cumulative  
7 Supplement, 2006, is amended to read:

8 83-174.04 An individual who violates one or more of the  
9 conditions of community supervision established for him or her  
10 pursuant to section 83-174.03 shall undergo a review by the ~~Office~~  
11 ~~of Parole Administration~~ division to evaluate the risk posed to the  
12 public by the violation in question. The office may take any of  
13 the following actions in response to a violation of conditions of  
14 community supervision:

15 (1) Revise or impose additional conditions of community  
16 supervision in order to minimize the risk to the public from the  
17 continued presence of the individual in the community;

18 (2) Forward to the Attorney General or the county  
19 attorney in the county where the individual resides a request  
20 to initiate a criminal prosecution for failure to comply with the  
21 terms of community supervision; or

22 (3) Forward to the county attorney or Attorney General a  
23 recommendation that civil commitment proceedings be instituted with  
24 respect to the individual.

25 Sec. 93. Section 83-174.05, Revised Statutes Cumulative  
26 Supplement, 2006, is amended to read:

27 83-174.05 Failure to comply with the conditions

1 of community supervision imposed by the ~~Office of Parole~~  
2 ~~Administration~~ division is a Class IV felony for the first offense  
3 and a Class III felony for any subsequent offense.

4 Sec. 94. Section 83-189, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 83-189 The Board of Parole shall consist of five  
7 full-time members to be appointed by the Governor. The members  
8 of the board shall be of good character and judicious temperament.  
9 The members of the board shall have all the powers and duties  
10 of board members commencing on the date of appointment. The  
11 appointments shall be subject to confirmation by the Legislature at  
12 its next regular session following the appointments. At least one  
13 member of the board shall be of an ethnic minority group, at least  
14 one member shall be female, and at least one member shall have a  
15 professional background in corrections.

16 One of the five members of the board shall be designated  
17 as chairperson by the Governor. In addition to the chairperson's  
18 duties as a member of the board as prescribed in ~~subsection (1) of~~  
19 section 83-192, he or she shall supervise the administration and  
20 operation of the board and shall carry out the duties prescribed in  
21 ~~subsection (2) of such section 22 of this act.~~

22 Sec. 95. Section 83-192, Revised Statutes Cumulative  
23 Supplement, 2006, is amended to read:

24 83-192 ~~(1)~~ The Board of Parole shall:

25 ~~(a)~~ (1) Determine the time of release on parole of  
26 committed offenders eligible for such release;

27 ~~(b)~~ (2) Fix the conditions of parole, revoke parole,

1 issue or authorize the issuance of warrants for the arrest of  
2 parole violators, and impose other sanctions short of revocation  
3 for violation of conditions of parole;

4 ~~(e)~~ (3) Determine the time of discharge from parole;

5 ~~(d)~~ (4) Visit and inspect any facility, state or local,  
6 for the detention of persons charged with or convicted of an  
7 offense and for the safekeeping of such other persons as may be  
8 remanded to such facility in accordance with law;

9 ~~(e)~~ (5) Within two years after July 1, 2006, implement  
10 the utilization of a validated risk and needs assessment in  
11 coordination with the Department of Correctional Services and the  
12 Office of Parole Administration. The assessment shall be prepared  
13 and completed by the department or the ~~office~~ division for use by  
14 the board in determining release on parole;

15 ~~(f)~~ (6) Review the record of every committed offender as  
16 follows:

17 ~~(i)~~ (a) If a committed offender has a parole eligibility  
18 date within five years of his or her date of incarceration, his or  
19 her record shall be reviewed annually;

20 ~~(ii)~~ (b) If a committed offender has a parole eligibility  
21 date which is more than five but not more than ten years from his  
22 or her date of incarceration, his or her record shall be reviewed  
23 during the first year of incarceration, and when he or she is  
24 within three years of his or her earliest parole eligibility date,  
25 his or her record shall be reviewed annually;

26 ~~(iii)~~ (c) If a committed offender has a parole  
27 eligibility date which is more than ten but not more than thirty

1 years from his or her date of incarceration, his or her record  
2 shall be reviewed during the first year of incarceration, every  
3 five years thereafter until he or she is within five years of his  
4 or her earliest parole eligibility date, and annually thereafter;

5 ~~(iv)~~ (d) If a committed offender has a parole eligibility  
6 date which is more than thirty years from his or her date of  
7 incarceration, his or her record shall be reviewed during his or  
8 her first, tenth, and twentieth year of incarceration, and when  
9 he or she is within five years of his or her earliest parole  
10 eligibility date, his or her record shall be reviewed annually; and

11 ~~(v)~~ (e) If a committed offender is serving a minimum life  
12 sentence, his or her record shall be reviewed during the first  
13 year of incarceration and every ten years thereafter until such  
14 time as the sentence is commuted. If such sentence is commuted, the  
15 committed offender's record shall be reviewed annually when he or  
16 she is within five years of his or her earliest parole eligibility  
17 date.

18 Such review shall include the circumstances of the  
19 offense, the presentence investigation report, the committed  
20 offender's previous social history and criminal record, his or  
21 her conduct, employment, and attitude during commitment, and the  
22 reports of such physical and mental examinations as have been made.  
23 The board shall meet with such committed offender and counsel him  
24 or her concerning his or her progress and prospects for future  
25 parole.

26 The review schedule shall be based on court-imposed  
27 sentences or statutory minimum sentences, whichever are greater.

1 Nothing in such schedule shall prohibit the board from reviewing a  
2 committed offender's case at any time;

3 ~~(g)~~ (7) Appoint and remove all employees of the board as  
4 prescribed by the State Personnel System and delegate appropriate  
5 powers and duties to them; and

6 ~~(h)~~ (8) Exercise all powers and perform all duties  
7 necessary and proper in carrying out its responsibilities of the  
8 board under the Nebraska Treatment and Corrections Act.

9 ~~(2) The chairperson of the board shall:~~

10 ~~(a) Supervise the administration and operation of the~~  
11 ~~board;~~

12 ~~(b) Serve in an advisory capacity to the director in~~  
13 ~~administering parole services within any facility and in the~~  
14 ~~community;~~

15 ~~(c) Interpret the parole program to the public with a~~  
16 ~~view toward developing a broad base of public support;~~

17 ~~(d) Conduct research for the purpose of evaluating and~~  
18 ~~improving the effectiveness of the parole system;~~

19 ~~(e) Recommend parole legislation to the Governor;~~

20 ~~(f) Adopt and promulgate rules and regulations for the~~  
21 ~~administration and operation of the board; and~~

22 ~~(g) Exercise all other powers and perform all other~~  
23 ~~duties necessary and proper in carrying out his or her~~  
24 ~~responsibilities as chairperson.~~

25 ~~(3) The provisions of this section shall not prohibit a~~  
26 ~~committed offender from requesting that the board review his or her~~  
27 ~~record, except that the board shall not be required to review a~~

1 ~~committed offender's record more than once a year.~~

2           Sec. 96. Section 83-195, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           83-195 In the performance of its duties, the Board of  
5 Parole, or any member thereof, shall have the power to issue  
6 subpoenas, to compel the attendance of witnesses and the production  
7 of books, papers, and other documents pertinent to the subject  
8 of an inquiry, and to administer oaths and take the testimony  
9 of persons under oath. Subpoenas so issued may be served by any  
10 sheriff, constable, police officer, probation and parole officer,  
11 or peace officer in the same manner as similar process in the  
12 district court. Any person who knowingly testifies falsely, submits  
13 any false affidavit or deposition, fails to appear when subpoenaed,  
14 or fails or refuses to produce such material pursuant to the  
15 subpoena shall be subject to the same orders and penalties to  
16 which a person before the district court is subject. Any district  
17 court of this state, upon application by the board, may compel  
18 the attendance of such witnesses, the production of such material,  
19 and the giving of testimony before the board by an attachment  
20 for contempt or otherwise in the same manner as production of  
21 evidence may be compelled before such court. Every person shall  
22 attend as a witness when subpoenaed anywhere within the state and  
23 shall be entitled to the same fees, if requested, as a witness  
24 in the district court and mileage as provided in section 81-1176.  
25 ~~for state employees.~~ Fees, mileage, and actual expense, if any,  
26 necessarily incurred in securing the attendance of witnesses shall  
27 be paid by the board.

1           Sec. 97. Section 83-197, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           83-197 The Board of Parole shall have the power to direct  
4 the ~~Director of Correctional Services~~ administrator to keep records  
5 concerning committed offenders which the board deems pertinent to  
6 its functions.

7           Sec. 98. Section 83-1,103.01, Revised Statutes Cumulative  
8 Supplement, 2006, is amended to read:

9           83-1,103.01 A probation and parole officer assigned by  
10 the administrator to supervise individuals subject to lifetime  
11 community supervision pursuant to section 83-174.03 shall:

12           (1) Make investigations, prior to an individual subject  
13 to community supervision being released from incarceration, in  
14 cooperation with institutional caseworkers at prisons, mental  
15 health facilities, and county jails, to determine the community  
16 supervision conditions necessary to protect the public and make  
17 reasonable advance preparation for release into the community;

18           (2) Assist individuals subject to community supervision  
19 to comply with the conditions of supervision and to make a  
20 successful adjustment in the community;

21           (3) Supervise individuals subject to community  
22 supervision by keeping informed of their conduct and condition;

23           (4) Make reports as required by the administrator to  
24 determine the effectiveness of community supervision in protecting  
25 the public or the progress of an individual subject to community  
26 supervision;

27           (5) Cooperate with social welfare agencies and treatment

1 providers to ensure that individuals subject to community  
2 supervision receive any necessary services or treatment;

3 (6) Inform the administrator when, in the opinion of the  
4 community supervision officer, an individual is in violation of  
5 the conditions of his or her community supervision, and whenever  
6 necessary exercise the power of arrest as provided in section  
7 ~~83-1,102,~~ 7 of this act;

8 (7) Conduct periodic reviews of the conditions of  
9 community supervision imposed on an individual as required by the  
10 administrator; and

11 (8) Exercise all powers and perform all duties necessary  
12 and proper in carrying out his or her responsibilities.

13 Sec. 99. Section 83-1,103.02, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 83-1,103.02 (1) Prior to the release from incarceration  
16 of an individual subject to lifetime community supervision pursuant  
17 to section 83-174.03, the ~~Office of Parole Administration~~ division  
18 shall:

19 (a) Notify the individual in writing that he or she is  
20 subject to community supervision upon completion of his or her  
21 criminal sentence;

22 (b) Inform the individual subject to community  
23 supervision of the process by which conditions of community  
24 supervision are determined and his or her right to submit relevant  
25 information to the office for consideration when establishing the  
26 conditions of supervision;

27 (c) Determine the individual's risk of recidivism if



1 released into the community, utilizing a validated risk assessment  
2 tool;

3 (d) After considering the information required in  
4 subdivision (e) of this subsection, determine the conditions of  
5 supervision which will most effectively minimize the risk of the  
6 individual committing another sex offense. The conditions shall be  
7 the least restrictive conditions available, in terms of the effect  
8 on the individual's personal freedom, which minimize the risk of  
9 recidivism and are compatible with public safety; and

10 (e) In determining the conditions of supervision to be  
11 imposed, the office shall consider the following:

12 (i) A report prepared by the institutional caseworkers  
13 relating to the individual's personality, social history, and  
14 adjustment to authority and including any recommendations which the  
15 staff of the facility may make;

16 (ii) All official reports of the individual's prior  
17 criminal record, including reports and records of earlier probation  
18 and parole experiences;

19 (iii) The presentence investigation report;

20 (iv) The reports of any physical, mental, and psychiatric  
21 examinations of the individual;

22 (v) Any relevant information which may be submitted by  
23 the individual, his or her attorney, the victim of the crime, or  
24 other persons; and

25 (vi) Such other relevant information concerning the  
26 individual as may be reasonably available.

27 (2) Upon completion of the risk assessment and the

1 determination of the conditions of community supervision and  
2 no later than thirty days prior to the completion of the  
3 individual's criminal sentence, the ~~Office of Parole Administration~~  
4 division shall issue a certificate of community supervision to the  
5 individual containing the conditions of community supervision he  
6 or she will be required to comply with upon the completion of his  
7 or her criminal sentence. The administrator shall include with the  
8 certificate written information on how to appeal the determination  
9 of the conditions of community supervision.

10           Sec. 100. Section 83-1,103.03, Revised Statutes  
11 Cumulative Supplement, 2006, is amended to read:

12           83-1,103.03 The ~~Office of Parole Administration~~ division  
13 shall review the conditions of community supervision imposed on  
14 an individual pursuant to section 83-174.03 on an annual basis  
15 and shall provide the individual the opportunity to submit written  
16 materials to the ~~office~~ division for consideration during such  
17 review.

18           If the ~~office~~ division determines, after reviewing the  
19 individual's conduct while under supervision and any other relevant  
20 facts, that one or more of the conditions of community supervision  
21 imposed upon the individual is no longer necessary to reduce the  
22 risk of the individual reoffending or is no longer the least  
23 restrictive condition compatible with public safety, the ~~office~~  
24 division shall revise the conditions of community supervision so  
25 that the individual's freedom is not unnecessarily restricted.

26           Sec. 101. Section 83-1,103.04, Revised Statutes  
27 Cumulative Supplement, 2006, is amended to read:

1           83-1,103.04 (1) Whenever a determination or revision of  
2 the conditions of community supervision is made by the ~~Office~~  
3 ~~of Parole Administration,~~ division, the individual subject to the  
4 conditions shall be entitled to an appeal. The appeal shall be  
5 heard by the district court in the county where the individual  
6 resides. The individual shall be informed of his or her right  
7 to request counsel, and if counsel is requested the court shall  
8 determine if the individual is indigent. If the court finds the  
9 individual to be indigent, it shall appoint counsel from the public  
10 defender's office to represent the individual during the appeal.

11           (2) In an appeal contesting the determination or revision  
12 of the conditions of community supervision, the burden of proof  
13 shall be on the individual subject to community supervision to  
14 show by clear and convincing evidence (a) that the conditions in  
15 question will not reduce the risk of the individual reoffending or  
16 otherwise protect the public or (b) that the condition is overly  
17 restrictive of the individual's freedom and a less restrictive  
18 condition is available which is equally or more effective in  
19 reducing the risk of the individual reoffending.

20           Sec. 102. Section 83-1,107, Revised Statutes Cumulative  
21 Supplement, 2006, is amended to read:

22           83-1,107 (1)(a) Within sixty days after initial  
23 classification and assignment of any offender committed to  
24 the department, all available information regarding such  
25 committed offender shall be reviewed and a committed offender  
26 department-approved personalized program plan document shall  
27 be drawn up. The document shall specifically describe the

1 department-approved personalized program plan and the specific  
2 goals the department expects the committed offender to achieve.  
3 The document shall also contain a realistic schedule for  
4 completion of the department-approved personalized program plan.  
5 The department-approved personalized program plan shall be fully  
6 explained to the committed offender. The department shall provide  
7 programs to allow compliance by the committed offender with the  
8 department-approved personalized program plan.

9           Programming may include, but is not limited to:

10           (i) Academic and vocational education, including teaching  
11 such classes by qualified offenders;

12           (ii) Substance abuse treatment;

13           (iii) Mental health and psychiatric treatment, including  
14 criminal personality programming;

15           (iv) Constructive, meaningful work programs; and

16           (v) Any other program deemed necessary and appropriate by  
17 the department.

18           (b) A modification in the department-approved  
19 personalized program plan may be made to account for the  
20 increased or decreased abilities of the committed offender or the  
21 availability of any program. Any modification shall be made only  
22 after notice is given to the committed offender. The department may  
23 not impose disciplinary action upon any committed offender solely  
24 because of the committed offender's failure to comply with the  
25 department-approved personalized program plan, but such failure may  
26 be considered by the board in its deliberations on whether or not  
27 to grant parole to a committed offender.

1           (2) The department shall reduce the term of a committed  
2 offender by six months for each year of the offender's term and pro  
3 rata for any part thereof which is less than a year.

4           The total reductions shall be credited from the date of  
5 sentence, which shall include any term of confinement prior to  
6 sentence and commitment as provided pursuant to section 83-1,106,  
7 and shall be deducted from the maximum term, to determine the date  
8 when discharge from the custody of the state becomes mandatory.

9           (3) While the offender is in the custody of the  
10 department, reductions of terms granted pursuant to subsection  
11 (2) of this section may be forfeited, withheld, and restored by the  
12 chief executive officer of the facility with the approval of the  
13 director after the offender has been notified regarding the charges  
14 of misconduct.

15           (4) The department shall make treatment programming  
16 available to committed offenders as provided in section 83-1,110.01  
17 and shall include continuing participation in such programming as  
18 part of each offender's parolee personalized program plan.

19           (5)(a) Within thirty days after any committed offender  
20 has been paroled, all available information regarding such  
21 parolee shall be reviewed and a parolee personalized program plan  
22 document shall be drawn up and approved by the ~~Office of Parole~~  
23 ~~Administration~~ division. The document shall specifically describe  
24 the approved personalized program plan and the specific goals the  
25 ~~office~~ division expects the parolee to achieve. The document shall  
26 also contain a realistic schedule for completion of the approved  
27 personalized program plan. The approved personalized program plan

1 shall be fully explained to the parolee. During the term of parole,  
2 the parolee shall comply with the approved personalized program  
3 plan and the ~~office~~ division shall provide programs to allow  
4 compliance by the parolee with the approved personalized program  
5 plan.

6           Programming may include, but is not limited to:

7           (i) Academic and vocational education;

8           (ii) Substance abuse treatment;

9           (iii) Mental health and psychiatric treatment, including  
10 criminal personality programming;

11           (iv) Constructive, meaningful work programs;

12           (v) Community service programs; and

13           (vi) Any other program deemed necessary and appropriate  
14 by the ~~office~~ division.

15           (b) A modification in the approved personalized program  
16 plan may be made to account for the increased or decreased  
17 abilities of the parolee or the availability of any program.

18 Any modification shall be made only after notice is given to  
19 the parolee. Intentional failure to comply with the approved  
20 personalized program plan by any parolee as scheduled for any year,  
21 or pro rata part thereof, shall cause disciplinary action to be  
22 taken by the ~~office~~ division resulting in the forfeiture of up to a  
23 maximum of three months' good time for the scheduled year.

24           (6) While the offender is in the custody of the  
25 board, reductions of terms granted pursuant to subsection (2)  
26 of this section may be forfeited, withheld, and restored by the  
27 administrator with the approval of the director after the offender

1 has been notified regarding the charges of misconduct or breach of  
2 the conditions of parole. In addition, the board may recommend such  
3 forfeitures of good time to the director.

4 (7) Good time or other reductions of sentence granted  
5 under the provisions of any law prior to July 1, 1996, may be  
6 forfeited, withheld, or restored in accordance with the terms of  
7 the Nebraska Treatment and Corrections Act.

8 Sec. 103. Section 83-1,116, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 83-1,116 (1) When a committed offender is released on  
11 parole, the board shall require as a condition of parole that  
12 the offender refrain from engaging in criminal conduct and may  
13 require the offender to submit to periodic testing for drug and  
14 alcohol use. The board may also require, either at the time  
15 of the offender's release on parole or at any time while the  
16 offender remains on parole, that the offender conform to any of the  
17 following conditions of parole:

18 (a) Meet specified family responsibilities;

19 (b) Devote himself or herself to an approved employment;

20 (c) Remain in the geographic limits fixed in the  
21 certificate of parole unless granted written permission to leave  
22 such limits;

23 (d) Report, as directed, to his or her ~~district~~ probation  
24 and parole officer;

25 (e) Reside at the place fixed in the certificate of  
26 parole and notify his or her ~~district~~ probation and parole officer  
27 of any change in address or employment;

1 (f) Submit himself or herself to available medical,  
2 psychological, psychiatric, or other treatment;

3 (g) Refrain from associating with persons known to him  
4 or her to be engaged in criminal activities or, without permission  
5 of his or her ~~district~~ probation and parole officer, with persons  
6 known to him or her to have been convicted of a crime; and

7 (h) Satisfy any other conditions specially related to  
8 the cause of ~~his or her~~ the parolee's offense and not unduly  
9 restrictive of his or her liberty or conscience.

10 (2) Before release on parole, a parolee shall be provided  
11 with a certificate of parole setting forth the conditions of the  
12 parole.

13 Sec. 104. Section 83-1,119, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 83-1,119 (1) Whenever a probation and parole officer has  
16 reasonable cause to believe that a parolee has violated or is  
17 about to violate a condition of parole but that the parolee will  
18 not attempt to leave the jurisdiction and will not place lives  
19 or property in danger, the probation and parole officer shall  
20 submit a written report to the Board of Parole which may, on the  
21 basis of such report and such further investigation as it may deem  
22 appropriate:

23 (a) Dismiss the charge of violation;

24 (b) Determine whether the parolee violated the conditions  
25 of his or her parole;

26 (c) Revoke his or her parole in accordance with the  
27 Nebraska Treatment and Corrections Act; or



1 (d) Issue a warrant for the arrest of the parolee.

2 (2) Whenever a probation and parole officer has  
3 reasonable cause to believe that a parolee has violated or is about  
4 to violate a condition of parole and that the parolee will attempt  
5 to leave the jurisdiction or will place lives or property in  
6 danger, the probation and parole officer shall arrest the parolee  
7 without a warrant and call on any peace officer to assist him or  
8 her in doing so.

9 (3) Whenever a parolee is arrested with or without a  
10 warrant, he or she shall be detained in a local jail or other  
11 detention facility. Immediately after such arrest and detention,  
12 the probation and parole officer shall notify the Board of Parole  
13 and submit a written report of the reason for such arrest. A  
14 complete investigation shall be made by the ~~parole administration~~  
15 administrator and submitted to the ~~parole board~~. Board of Parole.  
16 After prompt consideration of such written report, the board shall  
17 order the parolee's release from detention or continued confinement  
18 to await a final decision on the revocation of parole.

19 Sec. 105. Section 83-1,120, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 83-1,120 Whenever a parolee is charged with a violation  
22 of ~~his~~ parole, he or she shall be entitled to a prompt hearing  
23 on such charge by the Board of Parole, which in no event shall  
24 occur more than thirty days after receipt of the probation and  
25 parole officer's written report. At such hearing, the parolee shall  
26 be permitted to be present, to testify, to produce witnesses,  
27 to cross-examine adverse witnesses, and to introduce such other

1 evidence as may be pertinent. The parolee shall be informed of  
2 his or her right to request counsel at such hearing, and if ~~he~~  
3 the parolee thereafter makes such request, based on a timely and  
4 colorable claim (1) that he or she has not committed the alleged  
5 violation of the conditions upon which he or she is at liberty,  
6 or (2) that, even if the violation is a matter of public record  
7 or is uncontested, there are substantial reasons which justified  
8 or mitigated the violation and make revocation inappropriate and  
9 that the reasons are complex or otherwise difficult to develop  
10 or present, and upon consideration of whether or not the parolee  
11 appears to be capable of speaking effectively for himself or  
12 herself, the board in the exercise of a sound discretion may  
13 provide counsel unless retained counsel is available to the  
14 parolee. In every case when a request for counsel is refused,  
15 the grounds for refusal shall be stated in the record.

16           Sec. 106. Section 83-1,125, Revised Statutes Cumulative  
17 Supplement, 2006, is amended to read:

18           83-1,125 (1) If a warrant or detainer is placed against  
19 a committed offender by a court, the division, a parole agency  
20 of another jurisdiction, or ~~either~~ another authority of this or  
21 any other jurisdiction, the administrator shall inquire before  
22 such offender becomes eligible for parole whether the authority  
23 concerned intends to execute or withdraw the warrant or detainer  
24 when the offender is released.

25           (2) If the authority notifies the administrator that it  
26 intends to execute the warrant or detainer when the offender is  
27 released, the administrator shall advise the authority concerned of

1 the sentence under which the offender is held, the time of parole  
2 eligibility, any decision of the board relating to the offender,  
3 and the nature of the offender's adjustment during imprisonment and  
4 shall give reasonable notice to such authority of the offender's  
5 release date.

6 (3) The board may parole an offender who is eligible for  
7 release to a warrant or detainer. If an offender is paroled to  
8 such a warrant or detainer, the board may provide, as a condition  
9 of release, that if the charge or charges on which the warrant or  
10 detainer is based are dismissed, or are satisfied after conviction  
11 and sentence, prior to the expiration of the offender's parole  
12 term, the authority to whose warrant or detainer the offender is  
13 released shall return the offender to serve the remainder of the  
14 parole term or such part as the board may determine.

15 (4) If a person paroled to a warrant or detainer is  
16 thereafter sentenced and placed on probation, or released on parole  
17 in another jurisdiction, prior to the expiration of the parole  
18 term less good time in this state, the board may permit the person  
19 to serve the remainder of the parole term or such part as the  
20 board may determine concurrently with the person's new probation  
21 or parole term. Such concurrent terms may be served in either  
22 of the two jurisdictions, and supervision shall be administered  
23 in accordance with the Interstate Compact for Adult Offender  
24 Supervision.

25 Sec. 107. Section 83-1,128, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 83-1,128 In the performance of official duties, the Board

1 of Pardons or any member thereof shall have the power to issue  
2 subpoenas, to compel the attendance of witnesses and the production  
3 of books, papers, and other documents pertinent to the subject  
4 of an inquiry, and to administer oaths and take the testimony  
5 of persons under oath. Subpoenas so issued may be served by any  
6 sheriff, constable, police officer, probation and parole officer,  
7 or peace officer in the same manner as similar process in the  
8 district court. Any person who knowingly testifies falsely, submits  
9 any false affidavit or deposition, fails to appear when subpoenaed,  
10 or fails or refuses to produce such material pursuant to the  
11 subpoena shall be subject to the same orders and penalties to  
12 which a person before the district court is subject. Any district  
13 court of this state, upon application by the board, may compel  
14 the attendance of such witnesses, the production of such material,  
15 and the giving of testimony before the board by an attachment  
16 for contempt or otherwise in the same manner as production of  
17 evidence may be compelled before such court. Every person shall  
18 attend as a witness when subpoenaed anywhere within the state and  
19 shall be entitled to the same fees, if requested, as a witness  
20 in the district court and mileage as provided in section 81-1176.  
21 ~~for state employees.~~ Fees, mileage, and actual expense, if any,  
22 necessarily incurred in securing the attendance of witnesses shall  
23 be paid by the board.

24 Sec. 108. Section 83-901, Revised Statutes Supplement,  
25 2007, is amended to read:

26 83-901 The purpose of ~~sections 49-617, 68-621, 72-249,~~  
27 ~~72-1302 to 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01,~~

1 ~~83-108, 83-108.04, 83-112, 83-135, 83-139, 83-140, 83-144, 83-145,~~  
2 ~~83-147 to 83-150, 83-153 to 83-156, 83-170 to 83-173, 83-186,~~  
3 ~~83-188, 83-443,~~ the Nebraska Treatment and Corrections Act and  
4 sections 83-901 to 83-916 is to establish an agency of state  
5 government for the custody, study, care, discipline, training, and  
6 treatment of persons in the correctional and detention institutions  
7 and for the study, training, and treatment of persons under the  
8 supervision of other correctional services of the state so that  
9 they may be prepared for lawful community living. Correctional  
10 services shall be so diversified in program and personnel as to  
11 facilitate individualization of treatment.

12           Sec. 109. Section 83-932, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           83-932 The Division of Community-Centered Services shall:

15           ~~(1) Coordinate all adult parole programs and services in~~  
16 ~~the state and supervise the administration of such programs and~~  
17 ~~services;~~

18           ~~(2) (1) Cooperate with the Division of Adult Services in~~  
19 ~~the coordination of volunteer programs in the adult correctional~~  
20 ~~facilities;~~

21           ~~(3) (2) Coordinate and supervise community educational~~  
22 ~~programs to increase community awareness and understanding of the~~  
23 ~~community rehabilitative programs of the division; and~~

24           ~~(4) (3) Perform all duties necessary to carry out the~~  
25 ~~provisions of this section.~~

26           Sec. 110. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,  
27 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,

1 30, 31, 32, 33, 53, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68,  
2 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85,  
3 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101,  
4 102, 103, 104, 105, 106, 107, 108, 109, 111, and 113 of this act  
5 become operative on July 1, 2009. Sections 34, 35, 36, 37, 38, 39,  
6 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 54, 55, 56,  
7 112, and 114 of this act become operative on January 1, 2012. The  
8 other section of this act becomes operative on its effective date.

9           Sec. 111. Original sections 29-2270, 33-154, 43-250,  
10 43-253, 43-260, 43-260.05, 43-274, 43-286, 43-294, 43-2,108,  
11 43-707, 43-3505, 43-3507, 47-628, 47-629, 83-170, 83-171, 83-188,  
12 83-189, 83-195, 83-197, 83-1,116, 83-1,119, 83-1,120, 83-1,128,  
13 and 83-932, Reissue Revised Statutes of Nebraska, sections 20-150,  
14 20-151, 24-205, 24-227.01, 25-2407, 28-322, 28-929, 28-930,  
15 28-931, 28-931.01, 29-2259.01, 29-2272, 29-2935, 29-4009, 29-4019,  
16 43-271, 43-3001, 47-624, 47-627, 60-6,211.05, 60-6,211.09, 81-1848,  
17 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,103, 83-1,103.01,  
18 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01,  
19 83-1,107.02, and 83-1,125, Revised Statutes Cumulative Supplement,  
20 2006, and sections 43-2,113, 43-2411, 47-623, 68-1732, 71-961,  
21 81-1401, and 83-901, Revised Statutes Supplement, 2007, are  
22 repealed.

23           Sec. 112. Original section 29-2262.03, Reissue Revised  
24 Statutes of Nebraska, sections 29-2246, 29-2262.06, and 29-2262.07,  
25 Revised Statutes Cumulative Supplement, 2006, are repealed.

26           Sec. 113. The following sections are outright repealed:  
27 Sections 83-1,100.01, 83-1,101, and 83-1,104, Reissue Revised

1 Statutes of Nebraska, sections 71-1228, 83-933, 83-1,100, and  
2 83-1,102, Revised Statutes Cumulative Supplement, 2006, and  
3 sections 47-635, 47-636, 47-637, 47-638, and 47-639, Revised  
4 Statutes Supplement, 2007.

5           114. The following sections are outright repealed:  
6 Sections 29-449, 29-2249.04, 29-2251, 29-2253, and 29-2256, Reissue  
7 Revised Statutes of Nebraska, and sections 29-2250, 29-2252,  
8 29-2252.01, 29-2254, 29-2255, 29-2257, 29-2258, 29-2259, and  
9 29-2260.01, Revised Statutes Cumulative Supplement, 2006.