

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1130

Introduced by Synowiecki, 7; Pedersen, 39.

Read first time January 23, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to probation and parole; to amend
2 sections 29-2249, 29-2251, 29-2253, 29-2260, 29-2262.03,
3 29-2262.04, 29-2262.05, 29-2265, 29-2270, 33-154,
4 43-250, 43-253, 43-260, 43-260.05, 43-274, 43-286,
5 43-294, 43-2,108, 43-707, 43-3505, 43-3507, 47-628,
6 47-629, 83-170, 83-171, 83-188, 83-195, 83-197,
7 83-1,101, 83-1,116, 83-1,119, 83-1,120, 83-1,128, and
8 83-932, Reissue Revised Statutes of Nebraska, sections
9 20-150, 20-151, 24-205, 24-227.01, 25-2407, 28-322,
10 28-929, 28-930, 28-931, 28-931.01, 29-2246, 29-2248,
11 29-2250, 29-2252, 29-2252.01, 29-2254, 29-2257, 29-2258,
12 29-2259, 29-2259.01, 29-2259.02, 29-2260.01, 29-2262,
13 29-2262.06, 29-2262.07, 29-2263, 29-2266, 29-2272,
14 29-2935, 29-4009, 29-4019, 43-271, 43-3001, 47-624,

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1 47-627, 60-6,211.05, 60-6,211.09, 81-1848, 83-174.03,
2 83-174.04, 83-174.05, 83-1,100, 83-1,102, 83-1,103,
3 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04,
4 83-1,107, 83-1,107.01, 83-1,107.02, and 83-933, Revised
5 Statutes Cumulative Supplement, 2006, and sections
6 29-2261, 43-2,113, 43-2411, 47-623, 68-1732, 71-961,
7 81-1401, and 83-901, Revised Statutes Supplement, 2007;
8 to adopt the Office of Adult Probation and Parole
9 Services Act and the Court Services Act; to provide
10 for merger of adult probation and parole services as
11 prescribed; to harmonize provisions; to eliminate the
12 Probation and Parole Services Study Act; to provide
13 operative dates; to repeal the original sections; and to
14 outright repeal sections 29-2249.04, 29-2255, 29-2256,
15 83-1,100.01, and 83-1,104, Reissue Revised Statutes of
16 Nebraska, section 71-1228, Revised Statutes Cumulative
17 Supplement, 2006, and sections 47-635, 47-636, 47-637,
18 47-638, and 47-639, Revised Statutes Supplement, 2007.

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

1 Section 1. Sections 1 to 20 of this act shall be known
2 and may be cited as the Office of Adult Probation and Parole
3 Services Act.

4 Sec. 2. For purposes of the Office of Adult Probation and
5 Parole Services Act:

6 (1) Administrator means the probation and parole
7 administrator;

8 (2) Chief probation and parole officer means the
9 probation and parole officer in charge of a probation and parole
10 district;

11 (3) Committed offender has the definition found in
12 section 83-170;

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

15 (5) Department means the Department of Correctional
16 Services;

17 (6) Office means the Office of Adult Probation and Parole
18 Services;

19 (7) Parole means release by decision of the Board of
20 Parole from incarceration in an adult correctional facility;

21 (8) Parolee means a person on parole;

22 (9) Probation has the definition found in section
23 29-2246;

24 (10) Probation and parole officer means an employee of
25 the office who supervises probationers and parolees; and

1 (11) Probationer has the definition found in section
 2 29-2246.

3 Sec. 3. Section 83-1,100, Revised Statutes Cumulative
 4 Supplement, 2006, is amended to read:

5 ~~83-1,100~~ There is hereby created within the department
 6 the Office of Adult Probation and Parole Administration Services.
 7 The office shall consist of the ~~Parole Administrator,~~ probation and
 8 parole administrator, the field parole and probation service, and
 9 all other office staff. ~~The office shall be responsible for the~~
 10 ~~following:~~

11 On and after July 1, 2009, the office shall be
 12 responsible for supervision of adult parolees and adult
 13 probationers.

14 On July 1, 2009, all furniture, equipment, books, files,
 15 and records belonging to the Office of Probation Administration
 16 on such date which are not related to juvenile probation and to
 17 presentence investigations shall be transferred and delivered to
 18 the Office of Adult Probation and Parole Services. On July 1,
 19 2009, all furniture, equipment, books, files, and records belonging
 20 to the Office of Parole Administration on such date shall be
 21 transferred and delivered to the Office of Adult Probation and
 22 Parole Services.

23 ~~(1) The administration of parole services in the~~
 24 ~~community;~~

25 ~~(2) The maintenance of all records and files associated~~

1 with the Board of Parole;

2 (3) The daily supervision and training of staff members
3 of the office; and

4 (4) The assessment, evaluation, and supervision of
5 individuals who are subject to lifetime community supervision
6 pursuant to section 83-174.03.

7 Nothing in this section shall be construed to prohibit
8 the office from maintaining daily records and files associated with
9 the Board of Pardons.

10 Sec. 4. Section 83-1,101, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 ~~83-1,101~~ The Director of Correctional Services with the
13 consent of the Board of Parole shall, on or before July 1, 2009,
14 appoint a ~~Parole Administrator,~~ probation and parole administrator,
15 who shall be a person with appropriate experience in the field
16 of corrections, or with training in relevant disciplines at a
17 recognized university.

18 Sec. 5. Section 83-1,102, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 ~~83-1,102~~ The ~~Parole Administrator~~ administrator shall:

21 (1) Supervise and administer the ~~Office of Parole~~
22 ~~Administration,~~ office;

23 (2) Establish and maintain policies, standards, and
24 procedures for ~~the field parole service~~ adult probation and parole
25 and the community supervision of sex offenders pursuant to section

1 83-174.03;

2 (3) Divide the state into probation and parole districts
3 consistent with district court judicial districts and appoint
4 ~~district~~ chief probation and parole officers, deputy probation and
5 parole officers, if required, and such other employees as may be
6 required to carry out adequate parole supervision of all adult
7 parolees, adequate probation supervision of adult probationers as
8 ordered by district judges, prescribe their powers and duties,
9 and obtain office quarters for staff in each probation and parole
10 district as may be necessary;

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

15 (5) Provide the Board of Parole and district judges with
16 any record of a parolee or probationer which it may require;

17 (6) Make recommendations to the Board of Parole or
18 district judge in cases of violation of the conditions of parole
19 or probation, issue warrants for the arrest of parole or probation
20 violators when so instructed by the board or district judge, notify
21 the Director of Correctional Services of determinations made by the
22 board, and upon instruction of the board, issue certificates of
23 parole and of parole revocation to the facilities and certificates
24 of discharge from parole to parolees;

25 (7) Be responsible for the direct supervision of adults

1 placed on probation, parole, or community supervision pursuant to
2 section 83-174.03;

3 (8) Organize and conduct training programs for the
4 district probation and parole officers and other employees;

5 ~~(8)~~ (9) In consultation with the Community Corrections
6 Council: (a) Use ~~7~~ use the funds provided under section ~~83-1,107.02~~
7 18 of this act to augment operational or personnel costs
8 associated with the development, implementation, and evaluation of
9 enhanced parole-based programs and purchase services to provide
10 such programs aimed at enhancing adult parolee supervision in
11 the community and treatment needs of parolees. Such enhanced
12 parole-based programs include, but are not limited to, specialized
13 units of supervision, related equipment purchases and training,
14 and programs developed by or through the council that address
15 a parolee's vocational, educational, mental health, behavioral,
16 or substance abuse treatment needs; and (b) use the funds
17 provided under section 16 of this act to augment operational or
18 personnel costs associated with the development, implementation,
19 and evaluation of enhanced probation-based programs. Enhanced
20 probation-based programs include, but are not limited to,
21 specialized units of supervision, related equipment purchases and
22 training, and programs developed by or through the council that
23 address a probationer's vocational, educational, mental health,
24 behavioral, or substance abuse treatment needs;

25 (10) Establish qualifications for employment as a

1 probation and parole officer in this state;

2 (11) Establish and maintain advanced periodic inservice
3 training requirements for employees of the office;

4 (12) Collect, develop, and maintain statistical
5 information concerning parolees, parole practices, probationers,
6 probation practices, and the operation of the office;

7 (13) Conduct research for the purpose of evaluating and
8 improving the effectiveness of the department;

9 (14) Transmit the report required by section 6 of this
10 act;

11 (15) Administer the Interstate Compact for Adult Offender
12 Supervision;

13 (16) Maintain all records and files associated with the
14 Board of Parole;

15 (17) Adopt and promulgate rules and regulations for
16 administration of the office;

17 ~~(9)~~ (18) Ensure that any risk or needs assessment
18 instrument utilized by the system be periodically validated; and

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

21 Sec. 6. Section 29-2252.01, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 ~~29-2252.01~~ On December 31 and June 30 of each fiscal
24 year, the administrator shall provide a report to the budget
25 division of the Department of Administrative Services and the

1 Legislative Fiscal Analyst which shall include, but not be limited
2 to:

3 (1) The total number of felony cases supervised by the
4 office in the previous six months for both regular and intensive
5 supervision probation;

6 (2) The total number of misdemeanor cases supervised
7 by the office in the previous six months for both regular and
8 intensive supervision probation;

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

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

15 (5) The parolee caseload per probation and parole officer
16 on the last day of the reporting period.

17 ~~(5) 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 ~~(6) The total number of predisposition investigations~~
21 ~~completed by the office in the previous six months;~~

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

24 ~~(8) The total number of juvenile intake screening~~
25 ~~interviews conducted and detentions authorized by the office in~~

1 the previous six months, using the detention screening instrument
 2 described in section ~~43-260.01~~.

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

6 Sec. 7. Section 29-2254, Revised Statutes Cumulative
 7 Supplement, 2006, is amended to read:

8 ~~29-2254~~ The compact administrator appointed pursuant
 9 to the Interstate Compact for Adult Offender Supervision
 10 shall delegate to the ~~probation~~ administrator authority and
 11 responsibility for:

12 (1) Implementation and administration of the compact as
 13 it affects probationers and parolees; and

14 (2) Supervision of probationers and parolees either
 15 sentenced to probation or parole within the state and supervised in
 16 another state or placed on probation or parole in another state and
 17 supervised within this state pursuant to the compact.

18 Sec. 8. Section 83-1,103, Revised Statutes Cumulative
 19 Supplement, 2006, is amended to read:

20 ~~83-1,103~~ The field probation and parole service,
 21 consisting of ~~district~~ chief probation and parole officers and
 22 deputy probation and parole officers working under the direction of
 23 the ~~Parole Administrator or district judge,~~ administrator shall be
 24 responsible for the investigation of parolees, and supervision, and
 25 assistance of adult parolees, adult probationers, or individuals

1 subject to community supervision under section 83-174.03. The
2 field probation and parole service shall be sufficient in size to
3 assure that no ~~district~~ probation and parole officer carries a
4 ~~case load~~ caseload larger than is compatible with adequate ~~parole~~
5 investigation or supervision.

6 Sec. 9. Section 29-2257, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 ~~29-2257~~ The Nebraska Probation System is established
9 which shall consist of the probation administrator, chief probation
10 officers, probation officers, and support staff. The system shall
11 be responsible for juvenile intake services, for presentence and
12 other probation investigations, for the direct supervision of
13 persons placed on probation, and for non-probation-based programs
14 and services authorized by an interlocal agreement pursuant to
15 subdivision ~~(16)~~ of section ~~29-2252~~. The system shall be sufficient
16 in size to assure that no probation officer carries a caseload
17 larger than is compatible with adequate probation investigation
18 ~~or supervision~~. Probation and parole officers shall be compensated
19 with salaries substantially equal to other state employees who have
20 similar responsibilities.

21 This provision for salary equalization shall apply only
22 to probation and parole officers and support staff and shall
23 not apply to chief probation and parole officers, the probation
24 administrator, the chief deputy administrator, the deputy probation
25 administrator, or any other similarly established management

1 positions.

2 No person employed by the Nebraska Probation System or
3 the parole system on the operative date of this section shall incur
4 a loss of salary, benefits, including accumulated leave time, or
5 seniority, if applicable, due to the operation of the provisions of
6 this legislative bill.

7 Sec. 10. Section 29-2258, Revised Statutes Cumulative
8 Supplement, 2006, is amended to read:

9 ~~29-2258~~ A district chief probation and parole officer
10 shall:

11 ~~(1) Conduct juvenile intake interviews and investigations~~
12 ~~in accordance with section 43-253 utilizing a standardized juvenile~~
13 ~~detention screening instrument described in section 43-260.01;~~

14 ~~(2) Make presentence and other investigations, as may be~~
15 ~~required by law or directed by a court in which he or she is~~
16 ~~serving;~~

17 (1) Make investigations, prior to a committed offender's
18 release on parole, in cooperation with institutional caseworkers
19 of the Department of Correctional Services and with the Board
20 of Parole to determine the adequacy of parole plans and make
21 reasonable advance preparation for release on parole;

22 ~~(3)~~ (2) Supervise probationers and parolees in accordance
23 with the rules and regulations of the office and the directions of
24 the sentencing court, in the case of a probationer, or of the Board
25 of Parole, in the case of a parolee;

1 ~~(4)~~ (3) Advise the sentencing court or the Board of
2 Parole, as the case may be, in accordance with the Nebraska
3 Probation Administration Act and such rules and regulations of the
4 office, of violations of the conditions of probation or parole by
5 individual probationers or parolees;

6 ~~(5)~~ (4) Advise the sentencing court, in accordance with
7 the rules and regulations of the office and the direction of
8 the court, when the situation of a probationer may require a
9 modification of the conditions of probation or when a probationer's
10 adjustment is such as to warrant termination of probation;

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

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

18 (7) Whenever necessary, exercise the power of arrest as
19 provided in ~~section~~ sections 29-2266 and 83-1,119;

20 (8) Establish procedures for the direction and guidance
21 of deputy probation and parole officers under his or her
22 jurisdiction and advise such officers in regard to the most
23 effective performance of their duties;

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

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

3 (11) Make such reports as required by the administrator,
4 the judges of the probation and parole district in which he or she
5 serves, ~~or the Supreme Court,~~ or the Board of Parole;

6 (12) Keep accurate and complete accounts of all money or
7 property collected or received from probationers and parolees and
8 give receipts therefor;

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

11 (14) In counties with a population of less than
12 twenty-five thousand people, participate in pretrial diversion
13 programs established pursuant to sections 29-3601 to 29-3604
14 and juvenile pretrial diversion programs established pursuant to
15 sections ~~43-260.02 to 43-260.07~~ as requested by judges of the
16 probation and parole district in which he or she serves, except
17 that participation in such programs shall not require appointment
18 of additional personnel and shall be consistent with the probation
19 and parole officer's current caseload;

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

25 ~~(15) Participate,~~ at the direction of the probation

1 ~~administrator pursuant to an interlocal agreement which meets the~~
2 ~~requirements of section 29-2255, in non-probation-based programs~~
3 ~~and services.~~

4 (16) Perform such other duties not inconsistent with
5 the Nebraska Office of Adult Probation and Parole Services
6 Administration Act, the Nebraska Treatment and Corrections Act,
7 or the rules and regulations of the office or as a court may from
8 time to time direct; and

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

11 Sec. 11. Section 29-2259, Revised Statutes Cumulative
12 Supplement, 2006, is amended to read:

13 ~~29-2259~~ (1) The salaries, actual and necessary expenses,
14 and expenses incident to the conduct and maintenance of the office
15 shall be paid by the ~~state.~~ office. Actual and necessary expenses
16 shall be paid as provided in sections 81-1174 to 81-1177.

17 ~~(2) The salaries and actual and necessary travel expenses~~
18 ~~of the probation service shall be paid by the state. Actual and~~
19 ~~necessary expenses shall be paid as provided in sections 81-1174 to~~
20 ~~81-1177.~~

21 ~~(3) (2)~~ Except as provided in sections 29-2262 and
22 29-2262.04, the costs of drug testing and equipment incident to the
23 electronic surveillance of individuals on probation shall be paid
24 by the ~~state.~~ office.

25 ~~(4) (3)~~ The expenses incident to the conduct and

1 maintenance of the principal office within each probation and
2 parole district shall in the first instance be paid by the county
3 in which it is located, but such county shall be reimbursed for
4 such expenses by all other counties within the probation and
5 parole district to the extent and in the proportions determined
6 by the ~~Supreme Court~~ office based upon population, number of
7 investigations, and probation cases handled or upon such other
8 basis as the ~~Supreme Court~~ administrator deems fair and equitable.

9 ~~(5)~~ (4) Each county shall provide office space and
10 necessary facilities for the field probation and parole service
11 and probation and parole officers performing their official duties
12 and shall bear the costs incident to maintenance of such offices
13 other than salaries, and travel expenses, and data processing and
14 word processing hardware and software that is provided on the state
15 computer network.

16 ~~(6)~~ (5) The cost of interpreter services for deaf and
17 hard of hearing persons and for persons unable to communicate the
18 English language shall be paid by the state with money appropriated
19 to the ~~Supreme Court~~, office. Interpreter services shall include
20 auxiliary aids for deaf and hard of hearing persons as defined
21 in section 20-151 and interpreters to assist persons unable to
22 communicate the English language as defined in section 25-2402.
23 Interpreter services shall be provided under this section for the
24 purposes of conducting a presentence investigation and for ongoing
25 supervision by a probation and parole officer of such persons

1 placed on probation or parole.

2 ~~(7)~~ (6) The ~~probation~~ administrator shall prepare a
3 budget and request for appropriations for the office and shall
4 submit such request to the ~~Supreme Court and with its approval to~~
5 ~~the appropriate authority in accordance with law,~~ budget division
6 of the Department of Administrative Services as required pursuant
7 to section 81-132.

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

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

22 Sec. 13. Section 29-2259.01, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 ~~29-2259.01~~ There is hereby created the Probation and
25 Parole Cash Fund. All Seventy-five percent of the funds collected

1 pursuant to subdivisions (2)(m) and (2)(o) of section 29-2262
 2 shall be remitted to the State Treasurer for credit to the fund.
 3 Expenditures from the fund shall include, but not be limited to,
 4 supplementing any state funds necessary to support the costs of the
 5 services for which the funds were collected. On the operative date
 6 of this section, seventy-five percent of the money in the Probation
 7 Cash Fund shall be transferred to the Probation and Parole Cash
 8 Fund and twenty-five percent of the money in the Probation Cash
 9 Fund on such date shall be transferred to the Court Services Cash
 10 Fund. Any money in the fund available for investment shall be
 11 invested by the state investment officer pursuant to the Nebraska
 12 Capital Expansion Act and the Nebraska State Funds Investment Act.

13 Sec. 14. Section 29-2259.02, Revised Statutes Cumulative
 14 Supplement, 2006, is amended to read:

15 29-2259.02 The State Probation and Parole Contractual
 16 Services Cash Fund is created. On the operative date of this
 17 section, any money in the State Probation Contractual Services
 18 Cash Fund shall be transferred to the Court Services Contractual
 19 Services Cash Fund. The fund shall consist only of payments
 20 received by the state office pursuant to contractual agreements
 21 with local political subdivisions for ~~probation services provided~~
 22 ~~by the Office of Probation Administration.~~ services provided by the
 23 office. The fund shall only be used to pay for ~~probation services~~
 24 provided by the ~~Office of Probation Administration~~ office to local
 25 political subdivisions which enter into contractual agreements with

1 the ~~Office of Probation Administration~~ office. The fund shall be
2 administered by the ~~probation~~ administrator. Any money in the fund
3 available for investment shall be invested by the state investment
4 officer pursuant to the Nebraska Capital Expansion Act and the
5 Nebraska State Funds Investment Act.

6 Sec. 15. Section 29-2262.06, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

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

13 ~~(2) Participants in non-probation-based programs or~~
14 ~~services in which probation personnel or probation resources~~
15 ~~are utilized pursuant to an interlocal agreement authorized by~~
16 ~~subdivision (16) of section 29-2252 and in which all or a portion~~
17 ~~of the costs of such probation personnel or such probation~~
18 ~~resources are covered by funds provided pursuant to section~~
19 ~~29-2262.07 shall pay the one-time administrative enrollment fee~~
20 ~~described in subdivision (3)(a) of this section and the monthly~~
21 ~~probation programming fee described in subdivision (3)(c) of~~
22 ~~this section. In addition, the provisions of subsections (4),~~
23 ~~(7), and (10) of this section applicable to probationers apply~~
24 ~~to participants in non-probation-based programs or services.~~
25 Any participant in a non-probation-based program or service who

1 ~~defaults on the payment of any such fees may, at the discretion~~
2 ~~of the court, be subject to removal from such non-probation-based~~
3 ~~program or service. This subdivision does not preclude a court or~~
4 ~~other governmental entity from charging additional local fees for~~
5 ~~participation in such non-probation-based programs and services or~~
6 ~~other similar non-probation-based programs and services.~~

7 ~~(3)~~ (2) The court shall establish the administrative
8 enrollment fee and monthly probation programming fees as follows:

9 (a) Adult probationers placed on either probation
10 or intensive supervision probation and participants in
11 ~~non-probation-based programs or services~~ shall pay a one-time
12 administrative enrollment fee of thirty dollars. The fee shall be
13 paid in a lump sum upon the beginning of probation supervision.
14 On July 1, 2009, the State Treasurer shall credit all of such fee
15 to the Court Services Program Cash Fund. ~~or participation in a~~
16 ~~non-probation-based program or service.~~

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

22 (c) Adult probationers placed on intensive supervision
23 probation and participants in ~~non-probation-based programs or~~
24 ~~services~~ shall pay a monthly probation programming fee of
25 thirty-five dollars, not later than the tenth day of each month,

1 for the duration of probation. On July 1, 2009, the State Treasurer
2 shall credit all of such fee to the State Probation Program Cash
3 Fund. ~~or participation in a non-probation-based program or service.~~

4 ~~(4)~~ (3) The court shall waive payment of the monthly
5 probation programming fees in whole or in part if after a hearing
6 a determination is made that such payment would constitute an
7 undue hardship on the offender due to limited income, employment or
8 school status, or physical or mental handicap. Such waiver shall be
9 in effect only during the period of time that the probationer ~~or~~
10 ~~participant in a non-probation-based program or service~~ is unable
11 to pay his or her monthly probation programming fee.

12 ~~(5)~~ (4) If a probationer defaults in the payment of
13 monthly probation programming fees or any installment thereof, the
14 court may revoke his or her probation for nonpayment, except that
15 probation shall not be revoked nor shall the offender be imprisoned
16 for such nonpayment if the probationer is financially unable to
17 make the payment, if he or she so states to the court in writing
18 under oath, and if the court so finds after a hearing.

19 ~~(6)~~ (5) If the court determines that the default in
20 payment described in subsection ~~(5)~~ (4) of this section was not
21 attributable to a deliberate refusal to obey the order of the court
22 or to failure on the probationer's part to make a good faith effort
23 to obtain the funds required for payment, the court may enter
24 an order allowing the probationer additional time for payment,
25 reducing the amount of each installment, or revoking the fees or

1 the unpaid portion in whole or in part.

2 ~~(7)~~ (6) No probationer or participant in a
 3 non-probation-based program or service shall be required to
 4 pay more than one monthly probation programming fee per month. This
 5 subsection does not preclude local fees as provided in subsection
 6 ~~(2)~~ of this section.

7 ~~(8)~~ (7) The imposition of monthly probation programming
 8 fees in this section shall be considered separate and apart from
 9 the fees described in subdivisions (2)(m) and (o) of section
 10 29-2262.

11 ~~(9)~~ (8) Any adult probationer received for supervision
 12 pursuant to section 29-2637 or the Interstate Compact for
 13 Adult Offender Supervision shall be assessed both a one-time
 14 administrative enrollment fee and monthly probation programming
 15 fees during the period of time the probationer is actively
 16 supervised by Nebraska probation authorities.

17 ~~(10)~~ (9) The probationer or participant in a
 18 non-probation-based program or service shall pay the fees described
 19 in this section to the clerk of the court. The clerk of the court
 20 shall remit all fees so collected to the State Treasurer for credit
 21 to the Probation Program Cash Fund.

22 Sec. 16. Section 29-2262.07, Revised Statutes Cumulative
 23 Supplement, 2006, is amended to read:

24 ~~29-2262.07~~ The State Probation Program Cash Fund is
 25 created. All The allotted funds collected pursuant to section

1 ~~29-2262.06~~ 15 of this act shall be remitted to the State Treasurer
 2 for credit to the fund. The fund shall be utilized by the
 3 administrator, in consultation with the Community Corrections
 4 Council, for the purposes stated in ~~subdivision (14) of section~~
 5 ~~29-2252.~~ section 47-624. On the operative date of this section,
 6 eighty percent of the money in the Probation Program Cash Fund
 7 shall be transferred to the State Probation Program Cash Fund and
 8 twenty percent of the money in the Probation Program Cash Fund
 9 shall be transferred to the Court Services Program Cash Fund. Any
 10 money in the fund available for investment shall be invested by the
 11 state investment officer pursuant to the Nebraska Capital Expansion
 12 Act and the Nebraska State Funds Investment Act.

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

15 ~~83-1,107.01~~ (1) Unless otherwise provided by this
 16 section, whenever an adult offender is paroled, the ~~board~~ Board of
 17 Parole shall require a parolee to pay a monthly parole programming
 18 fee.

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

24 (3) The board shall waive payment of the monthly parole
 25 programming fee in whole or in part if after a hearing a

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

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

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

23 (6) If the board determines that the default in payment
24 described in subsection (5) of this section was not attributable
25 to a deliberate refusal to obey the order of the board or to

1 failure on the parolee's part to make a good faith effort to obtain
2 the funds required for payment, the board may allow the parolee
3 additional time for payment, reduce the amount of each installment,
4 or revoke the fees or the unpaid portion in whole or in part.

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

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

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

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

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

21 Sec. 18. Section 83-1,107.02, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 ~~83-1,107.02~~ The Parole Program Cash Fund is created. All
24 funds collected pursuant to section ~~83-1,107.01~~ 17 of this act
25 shall be remitted to the State Treasurer for credit to the fund.

1 The fund shall be utilized by the ~~Office of Parole Administration,~~
2 office, in consultation with the Community Corrections Council, for
3 the purposes stated in ~~subdivision (8) of section 83-1,102.~~ section
4 47-624. Any money in the fund available for investment shall be
5 invested by the state investment officer pursuant to the Nebraska
6 Capital Expansion Act and the Nebraska State Funds Investment Act.

7 Sec. 19. Section 83-188, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

19 Sec. 20. (1) The Probation and Parole Advisory Board is
20 created. The Chief Justice of the Supreme Court or his or her
21 designee shall be the chairperson of the board. The board shall
22 have the following members:

23 (a) One county court judge, appointed by the Chief
24 Justice;

25 (b) One district court judge, appointed by the Chief

1 Justice;

2 (c) The Director of Correctional Services;

3 (d) The court services administrator; and

4 (e) The probation and parole administrator.

5 (2) The advisory board shall meet at least twice each
6 year and may meet more often on the call of the Chief Justice. The
7 advisory board shall monitor the operation, professionalism, and
8 success of the Office of Adult Probation and Parole Services and
9 its employees and ensure open lines of communication between the
10 Department of Correctional Services and the judiciary.

11 (3) All decisions regarding the budget and allocation
12 of resources of the office shall remain with the Director of
13 Correctional Services.

14 Sec. 21. Section 20-150, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 20-150 (1) The Legislature hereby finds and declares that
17 it is the policy of the State of Nebraska to secure the rights
18 of deaf and hard of hearing persons who cannot readily understand
19 or communicate in spoken language and who consequently cannot
20 equally participate in or benefit from proceedings, programs,
21 and activities of state agencies and law enforcement personnel
22 unless interpreters are available to assist them. State agencies
23 and law enforcement personnel shall appoint licensed interpreters
24 as provided in sections 20-150 to 20-159, except that courts,
25 court services, and probation and parole officials shall appoint

1 interpreters as provided in sections 20-150 to 20-159 and 25-2401
2 to 25-2407 and public school districts and educational units shall
3 appoint qualified educational interpreters.

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

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

1 Sec. 22. Section 20-151, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 20-151 For purposes of sections 20-150 to 20-159, unless
4 the context otherwise requires:

5 (1) Appointing authority means the state agency or law
6 enforcement personnel required to provide a licensed interpreter
7 pursuant to sections 20-150 to 20-159;

8 (2) Auxiliary aid includes, but is not limited to, sign
9 language interpreters, oral interpreters, tactile interpreters,
10 other interpreters, notetakers, transcription services, written
11 materials, assistive listening devices, assisted listening systems,
12 videotext displays, and other visual delivery systems;

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

20 (4) Intermediary interpreter means any person, including
21 any deaf or hard of hearing person, who is able to assist in
22 providing an accurate interpretation between spoken English and
23 sign language or between variants of sign language in order to
24 facilitate communication between a deaf or hard of hearing person
25 and an interpreter;

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

7 (6) Oral interpreter means a person who interprets
8 language through facial expression, body language, and mouthing;

9 (7) State agency means any state entity which receives
10 appropriations from the Legislature and includes the Legislature,
11 legislative committees, executive agencies, courts, court services,
12 and probation and parole officials but does not include political
13 subdivisions; and

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

17 Sec. 23. Section 24-205, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 24-205 The Supreme Court Education Fund is created. The
20 State Court Administrator shall administer the fund. The fund shall
21 consist of money remitted pursuant to section 33-154. The fund
22 shall only be used to aid in supporting the mandatory training and
23 education program for judges and employees of the Supreme Court,
24 Court of Appeals, district courts, separate juvenile courts, and
25 county courts, ~~and Nebraska Probation System~~ as enacted by rule

1 of the Supreme Court. On the operative date of this section, any
 2 money in the Supreme Court Education Fund earmarked for probation
 3 training and education for FY2009-10 shall be transferred to the
 4 Office of Adult Probation and Parole Services Education Fund.

5 Any money in the ~~fund~~ Supreme Court Education Fund available
 6 for investment shall be invested by the state investment officer
 7 pursuant to the Nebraska Capital Expansion Act and the Nebraska
 8 State Funds Investment Act.

9 Sec. 24. Section 24-227.01, Revised Statutes Cumulative
 10 Supplement, 2006, is amended to read:

11 24-227.01 The Supreme Court Automation Cash Fund is
 12 created. The State Court Administrator shall administer the fund.
 13 The fund shall only be used to support automation expenses of the
 14 Supreme Court, Court of Appeals, district courts, separate juvenile
 15 courts, and county courts, ~~and Nebraska Probation System~~ from the
 16 computer automation budget program. Any money in the ~~fund~~ Supreme
 17 Court Automation Cash Fund available for investment shall be
 18 invested by the state investment officer pursuant to the Nebraska
 19 Capital Expansion Act and the Nebraska State Funds Investment Act.

20 Sec. 25. Section 25-2407, Revised Statutes Cumulative
 21 Supplement, 2006, is amended to read:

22 25-2407 Any person who serves as an interpreter for
 23 persons unable to communicate the English language in court
 24 proceedings or probation or parole services as provided in
 25 subsection ~~(6)~~ (5) of section ~~29-2259~~ 11 of this act or juvenile

1 probation services as provided in subsection (6) of section 42
2 of this act shall meet the standards adopted by the Supreme
3 Court. Such standards shall require that interpreters demonstrate
4 the ability to interpret effectively, accurately, and impartially,
5 both receptively and expressively, using any necessary special
6 vocabulary. A person appointed to interpret for deaf and hard
7 of hearing persons shall be a licensed interpreter as defined in
8 section 20-151 or, if a licensed interpreter is unavailable, an
9 interpreter licensed under the laws of another state.

10 Sec. 26. Section 28-322, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 28-322 For purposes of sections 28-322 to 28-322.03:

13 (1) Inmate or parolee means any individual confined in
14 a facility operated by the Department of Correctional Services or
15 a city or county correctional or jail facility or under parole
16 supervision; and

17 (2) Person means (a) an individual employed by the
18 Department of Correctional Services or by the Office of Adult
19 Probation and Parole Administration, Services, including any
20 individual working in central administration of the department, any
21 individual working under contract with the department or office,
22 any individual who performs official duties within any facility
23 operated by the department or a city or county correctional
24 or jail facility, and any individual, other than an inmate's
25 spouse, to whom the department or office has authorized or

1 delegated control over an inmate or an inmate's activities,
2 (b) an individual employed by a city or county correctional
3 or jail facility, including any individual working in central
4 administration of the city or county correctional or jail facility,
5 any individual working under contract with the city or county
6 correctional or jail facility, and any individual, other than an
7 inmate's spouse, to whom the city or county correctional or jail
8 facility has authorized or delegated control over an inmate or
9 an inmate's activities, and (c) an individual employed by the
10 Office of Probation Administration Court Services who performs
11 official duties within any facility operated by the Department of
12 Correctional Services or a city or county correctional or jail
13 facility.

14 Sec. 27. Section 28-929, Revised Statutes Cumulative
15 Supplement, 2006, is amended to read:

16 28-929 (1) A person commits the offense of assault on an
17 officer in the first degree if he or she intentionally or knowingly
18 causes serious bodily injury to a peace officer, a court services
19 officer, a probation and parole officer, or an employee of the
20 Department of Correctional Services or the Office of Court Services
21 while such officer or employee is engaged in the performance of his
22 or her official duties.

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

25 Sec. 28. Section 28-930, Revised Statutes Cumulative

1 Supplement, 2006, is amended to read:

2 28-930 (1) A person commits the offense of assault on an
3 officer in the second degree if he or she:

4 (a) Intentionally or knowingly causes bodily injury with
5 a dangerous instrument to a peace officer, a court services
6 officer, a probation and parole officer, or an employee of the
7 Department of Correctional Services or the Office of Court Services
8 while such officer or employee is engaged in the performance of his
9 or her official duties; or

10 (b) Recklessly causes bodily injury with a dangerous
11 instrument to a peace officer, a court services officer, a
12 probation and parole officer, or an employee of the Department
13 of Correctional Services or the Office of Court Services while such
14 officer or employee is engaged in the performance of his or her
15 official duties.

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

18 Sec. 29. Section 28-931, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 28-931 (1) A person commits the offense of assault
21 on an officer in the third degree if he or she intentionally,
22 knowingly, or recklessly causes bodily injury to a peace officer,
23 a court services officer, a probation and parole officer, or an
24 employee of the Department of Correctional Services or the Office
25 of Court Services while such officer or employee is engaged in the

1 performance of his or her official duties.

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

4 Sec. 30. Section 28-931.01, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 28-931.01 (1) A person commits the offense of assault
7 on an officer using a motor vehicle if he or she intentionally
8 and knowingly causes bodily injury to a peace officer, a court
9 services officer, a probation and parole officer, or an employee
10 of the Department of Correctional Services or the Office of Court
11 Services (a) by using a motor vehicle to run over or to strike such
12 officer or employee or (b) by using a motor vehicle to collide with
13 such officer's or employee's motor vehicle, while such officer or
14 employee is engaged in the performance of his or her duties.

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

17 Sec. 31. Sections 31 to 47 of this act shall be known and
18 may be cited as the Court Services Act.

19 Sec. 32. For purposes of the Court Services Act:

20 (1) Administrator means the court services administrator;

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

23 (3) Court services officer includes a chief court
24 services officer, deputy court services officer, juvenile
25 court officer, juvenile intake officer, presentence officer, or

1 problem-solving court officer, who shall carry out duties assigned
 2 by the administrator under the act;

3 (4) Juvenile probation means a juvenile adjudicated
 4 delinquent or in need of special supervision is released by a
 5 court subject to conditions imposed by the court and subject to
 6 supervision;

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

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

10 Sec. 33. Section 29-2249, Reissue Revised Statutes of
 11 Nebraska, is amended to read:

12 ~~29-2249~~ The Office of Probation Administration Court
 13 Services is hereby created within the judicial branch of government
 14 and directly responsible to the Supreme Court. The office shall
 15 consist of the ~~probation~~ administrator, ~~the Nebraska Probation~~
 16 ~~System,~~ court services officers, and such other employees as may
 17 be necessary to carry out the functions of the ~~Nebraska Probation~~
 18 ~~System.~~ office.

19 Sec. 34. Section 29-2250, Revised Statutes Cumulative
 20 Supplement, 2006, is amended to read:

21 ~~29-2250~~ The office shall:

22 ~~(1) Supervise and administer the system;~~

23 (1) Be responsible for juvenile intake services, for
 24 adult presentence investigations, for juvenile predisposition
 25 investigations, for the direct supervision of juveniles placed on

1 probation, and for adult and juvenile non-probation-based programs
 2 and services authorized by an interlocal agreement pursuant to
 3 subdivision (16) of section 36 of this act;

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

7 ~~(2)~~ (3) Establish probation policies and standards for
 8 the system, office, with the concurrence of the Supreme Court; and

9 ~~(3)~~ (4) Supervise offenders probationers placed on
 10 probation in another state who are within the state pursuant to the
 11 Interstate Compact for Adult Offender Supervision, on Juveniles.

12 Sec. 35. Section 29-2251, Reissue Revised Statutes of
 13 Nebraska, is amended to read:

14 ~~29-2251~~ The Supreme Court shall appoint a probation court
 15 services administrator who shall be a person with appropriate
 16 experience in the field of probation or with and training in
 17 relevant disciplines at a recognized college or university and who
 18 shall serve at the pleasure of the Supreme Court.

19 Sec. 36. Section 29-2252, Revised Statutes Cumulative
 20 Supplement, 2006, is amended to read:

21 ~~29-2252~~ The administrator shall:

22 (1) Supervise and administer the office;

23 (2) Establish and maintain policies, standards, and
 24 procedures for the court services system, with the concurrence
 25 of the Supreme Court;

1 (3) Prescribe and furnish such forms for records and
2 reports ~~for the system~~ as shall be deemed necessary for uniformity,
3 efficiency, and statistical accuracy;

4 (4) Establish minimum qualifications for employment by
5 the office; ~~as a probation officer in this state and establish~~
6 ~~and maintain such additional qualifications as he or she deems~~
7 ~~appropriate for appointment to the system. Qualifications for~~
8 ~~probation officers shall be established in accordance with~~
9 ~~subsection (4) of section 29-2253. An ex-offender released from a~~
10 ~~penal complex or a county jail may be appointed to a position of~~
11 ~~deputy probation or parole officer. Such ex-offender shall maintain~~
12 ~~a record free of arrests, except for minor traffic violations, for~~
13 ~~one year immediately preceding his or her appointment;~~

14 (5) Establish and maintain advanced periodic inservice
15 training requirements; ~~for the system;~~

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

19 (7) Organize and conduct training programs for ~~probation~~
20 ~~officers;~~ employees of the office;

21 (8) Collect, develop, and maintain statistical
22 information concerning ~~probationers, probation practices,~~ the court
23 services system and the operation of the ~~system;~~ office;

24 (9) Interpret the juvenile probation program to the
25 public with a view toward developing a broad base of public

1 support;

2 (10) Conduct research for the purpose of evaluating and
3 improving the effectiveness of the ~~system,~~ office;

4 (11) Adopt and promulgate such rules and regulations as
5 may be necessary or proper for the operation of the office; ~~ex~~
6 ~~system;~~

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

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

17 (14) ~~In consultation with the Community Corrections~~
18 ~~Council,~~ Use the funds provided under ~~section 29-2262.07~~
19 sections 16 and 17 of this act to augment operational or
20 personnel costs associated with the development, implementation,
21 and evaluation of ~~enhanced probation-based~~ court services programs
22 and non-probation-based programs and services in which ~~probation~~
23 court services personnel or probation resources are utilized
24 pursuant to an interlocal agreement authorized by subdivision (16)
25 of this section and to purchase services to provide such programs

1 aimed at ~~enhancing adult probationer or non-probation-based~~ program
2 participant supervision in the community and treatment needs of
3 ~~probationers and non-probation-based~~ program participants. ~~Enhanced~~
4 ~~probation-based~~ Court services programs include, but are not
5 limited to, specialized units of supervision, related equipment
6 purchases and training, and programs developed by or through
7 the council that address a probationer's vocational, educational,
8 mental health, behavioral, or substance abuse treatment needs;

9 (15) Ensure that any risk or needs assessment instrument
10 utilized by the ~~system~~ office be periodically validated;

11 (16) Have the authority to enter into interlocal
12 agreements in which probation resources or probation personnel may
13 be utilized in conjunction with or as part of non-probation-based
14 programs and services. Any such interlocal agreement shall comply
15 with section ~~29-2255;~~ 39 of this act; and

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

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

21 Sec. 37. On December 31 and June 30 of each fiscal year,
22 the administrator shall provide a report to the Supreme Court and
23 the Legislative Fiscal Analyst which shall include, but not be
24 limited to:

25 (1) The total number of juvenile cases supervised by the

1 office in the previous six months for both regular and intensive
2 supervision probation;

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

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

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

11 Sec. 38. Section 29-2253, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 ~~29-2253~~ (1) The administrator, with the concurrence of
14 the Supreme Court, shall divide the state into probation districts
15 and may from time to time alter the boundaries of such districts
16 in order to maintain the most economical, efficient, and effective
17 utilization of the system. create and provide court services in
18 judicial districts based on district court judicial districts as
19 they existed on the operative date of this section.

20 (2) The administrator shall appoint ~~temporary and~~
21 ~~permanent probation court services~~ officers and employees for each
22 ~~probation judicial district created under this section~~ as may be
23 required to provide adequate probation services.

24 (3) The administrator shall appoint a chief ~~probation~~
25 court services officer with the concurrence of the majority of

1 all judges within a ~~probation~~ judicial district created under this
2 section.

3 (4) The administrator shall, with the concurrence of ~~all~~
4 the majority of the separate juvenile court judges within each
5 separate juvenile court, (a) appoint for each separate juvenile
6 court a chief juvenile ~~probation~~ court officer, any deputy juvenile
7 ~~probation~~ court officers required, and such other employees as may
8 be required to provide adequate juvenile probation services for
9 such court and (b) set the salaries of such officers and employees.
10 The chief juvenile court officer and deputy juvenile ~~probation~~
11 court officers shall be selected with reference to experience
12 and understanding of problems of family life and child welfare,
13 juvenile delinquency, community organizations, and training in the
14 recognition and treatment of behavior disorders.

15 (5) The administrator may direct a ~~probation~~ juvenile
16 court officer of one ~~probation~~ judicial district created under this
17 section to temporarily act as ~~probation~~ juvenile court officer for
18 a court in another ~~probation~~ judicial district created under this
19 section, and such ~~probation~~ juvenile court officer while so serving
20 shall have all the powers and responsibilities as if he or she
21 were serving in the ~~probation~~ judicial district created under this
22 section to which he or she was originally appointed.

23 (6) The administrator, with the concurrence of the
24 Supreme Court, shall designate the location of the principal office
25 of the system within each ~~probation~~ judicial district created under

1 this section.

2 Sec. 39. Any interlocal agreement authorized by
3 subdivision (16) of section 36 of this act shall require the
4 political subdivision which is party to the agreement to provide
5 sufficient resources to cover all costs associated with the
6 participation of court services personnel or use of court services
7 resources other than costs covered by funds provided pursuant to
8 section 16 of this act.

9 Sec. 40. Nothing in the Court Services Act shall be
10 construed to prohibit any court from utilizing volunteers from the
11 community for juvenile court supervision or non-probation-based
12 program participant supervision if the volunteer program is
13 supervised by a full-time court services officer who meets the
14 minimum qualifications established by the office.

15 Sec. 41. A chief court services officer shall:

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

19 (2) Make presentence and predisposition investigations as
20 may be required by law or directed by a court in which he or she
21 is serving;

22 (3) Supervise juvenile probationers in accordance with
23 the rules and regulations of the office and the directions of the
24 court;

25 (4) Advise the court, in accordance with the Court

1 Services Act and rules and regulations of the office, of violations
2 of the conditions of probation by individual probationers;

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

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

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

12 (8) Establish procedures for the direction and guidance
13 of deputy juvenile court officers under his or her jurisdiction and
14 advise such officers in regard to the most effective performance of
15 their duties;

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

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

20 (11) Make such reports as required by the administrator,
21 the judges of the judicial district created under section 38 of
22 this act in which he or she serves, or the Supreme Court;

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

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

3 (14) In counties with a population of less than
4 twenty-five thousand people, participate in juvenile pretrial
5 diversion programs established pursuant to sections 43-260.02 to
6 43-260.07 as requested by judges of the judicial district created
7 under section 38 of this act in which he or she serves, except
8 that participation in such programs shall not require appointment
9 of additional personnel and shall be consistent with the juvenile
10 court officer's current caseload;

11 (15) Participate, at the direction of the administrator
12 pursuant to an interlocal agreement which meets the requirements
13 of section 39 of this act, in non-probation-based programs and
14 services;

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

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

20 Sec. 42. (1) The salaries, actual and necessary expenses,
21 and expenses incident to the conduct and maintenance of the office
22 shall be paid by the state with funds appropriated to the Supreme
23 Court. Actual and necessary expenses shall be paid as provided in
24 sections 81-1174 to 81-1177.

25 (2) The salaries and actual and necessary travel expenses

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

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

9 (4) The expenses incident to the conduct and maintenance
10 of the principal office within each judicial district created under
11 section 38 of this act shall in the first instance be paid by the
12 county in which it is located, but such county shall be reimbursed
13 for such expenses by all other counties within such judicial
14 district to the extent and in the proportions determined by the
15 Supreme Court based upon population, number of investigations, and
16 cases handled or upon such other basis as the Supreme Court deems
17 fair and equitable.

18 (5) Each county shall provide office space and necessary
19 facilities for court officers performing their official duties and
20 shall bear the costs incident to maintenance of such offices other
21 than salaries and travel expenses.

22 (6) The cost of interpreter services for deaf and hard of
23 hearing persons and for persons unable to communicate the English
24 language shall be paid by the state with money appropriated to
25 the Supreme Court. Interpreter services shall include auxiliary

1 aids for deaf and hard of hearing persons as defined in section
2 20-151 and interpreters to assist persons unable to communicate
3 the English language as defined in section 25-2402. Interpreter
4 services shall be provided under this section for the purposes of
5 conducting a presentence investigation and for ongoing supervision
6 by a juvenile court officer of juvenile probationers.

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

11 Sec. 43. The Court Services Cash Fund is created.
12 Twenty-five percent of the funds collected pursuant to subdivisions
13 (2)(m) and (2)(o) of section 29-2262 shall be remitted to the
14 State Treasurer for credit to the fund. Expenditures from the fund
15 shall include, but not be limited to, supplementing any state funds
16 necessary to support the costs of the services for which the funds
17 were collected. Any money in the fund available for investment
18 shall be invested by the state investment officer pursuant to
19 the Nebraska Capital Expansion Act and the Nebraska State Funds
20 Investment Act.

21 Sec. 44. The Court Services Contractual Services Cash
22 Fund is created. The fund shall consist only of payments received
23 by the state pursuant to contractual agreements with political
24 subdivisions for court services provided by the office. The fund
25 shall only be used to pay for court services provided by the

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

7 Sec. 45. The Court Services Program Cash Fund is created.
8 The fund shall consist of fees remitted pursuant to section 15 of
9 this act for credit to the fund. Any money in the fund available
10 for investment shall be invested by the state investment officer
11 pursuant to the Nebraska Capital Expansion Act and the Nebraska
12 State Funds Investment At.

13 Sec. 46. Whenever a person is adjudicated to be as
14 described in subdivision (1), (2), (3)(b), or (4) of section
15 43-247, his or her disposition shall be governed by the Nebraska
16 Juvenile Code.

17 Sec. 47. Section 29-2260.01, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 ~~29-2260.01~~ It is the intent of the Legislature to
20 ensure that a consistent and objective method of juvenile intake
21 occur throughout the state for juveniles held in temporary
22 custody by a law enforcement officer, in accordance with section
23 43-250, to avoid either inappropriate or unnecessary detention of
24 juveniles which may result in inordinately high detention rates,
25 overcrowding of local detention facilities, excessive detention

1 costs for counties, and adverse consequences for the juvenile,
 2 the juvenile's family, or the community. Juvenile intake services
 3 shall be administered by ~~probation~~ court services officers acting
 4 as juvenile ~~probation~~ intake officers and shall be available to
 5 all juvenile courts in the state, both county courts sitting
 6 as juvenile courts and separate juvenile courts. Such ~~probation~~
 7 court services officers shall be appointed by the ~~probation~~
 8 administrator and designated within respective ~~probation~~ judicial
 9 districts created under section 38 of this act based upon the need
 10 for such services as the ~~probation~~ administrator determines. In
 11 order to adequately provide juvenile intake services statewide and
 12 in accordance with the Juvenile Detention and Probation Services
 13 Implementation Team Interim Report and Recommendations filed with
 14 the Legislature December 15, 2000, it is the intent of the
 15 Legislature to appropriate funds to the system to provide seven
 16 additional ~~probation~~ court services officers to act in the capacity
 17 of juvenile ~~probation~~ intake officers.

18 Sec. 48. Section 29-2246, Revised Statutes Cumulative
 19 Supplement, 2006, is amended to read:

20 29-2246 For purposes of the Nebraska Probation
 21 Administration Act and ~~sections 43-2,123.01 and 83-1,102~~ ~~to~~
 22 ~~83-1,104,~~ section 43-2,123.01, unless the context otherwise
 23 requires:

24 (1) Association means the Nebraska District Court Judges
 25 Association;

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

3 (3) ~~Office means the Office of Probation Administration,~~
4 Juvenile probation has the definition found in section 32 of this
5 act;

6 (4) Probation means a sentence under which a person found
7 guilty of a crime upon verdict or plea or adjudicated delinquent or
8 in need of special supervision is released by a court subject to
9 conditions imposed by the court and subject to supervision;

10 (5) Probationer means a person sentenced to an adult or a
11 juvenile placed on probation;

12 (6) Probation and parole officer means an employee of
13 the system who supervises probationers and conducts presentence,
14 predisposition, or other investigations as may be required by law
15 or directed by a court in which he or she is serving or performs
16 such other duties as authorized pursuant to section 29-2258, except
17 unpaid volunteers from the community, has the definition found in
18 section 2 of this act;

19 (7) Juvenile probation Court services officer means
20 any probation officer who supervises probationers of a separate
21 juvenile court, has the definition found in section 32 of this act;

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

1 ~~(9)~~ (8) Chief probation and parole officer means the
2 probation officer in charge of a probation district, has the
3 definition found in section 2 of this act; and

4 ~~(10) System means the Nebraska Probation System;~~

5 ~~(11) Administrator means the probation administrator; and~~

6 ~~(12)~~ (9) Non-probation-based program or service means
7 a program or service established within the district, county,
8 or juvenile courts and provided to individuals not sentenced to
9 probation who have been charged with or convicted of a crime
10 for the purpose of diverting the individual from incarceration
11 or to provide treatment for issues related to the individual's
12 criminogenic needs. Non-probation-based programs or services
13 include, but are not limited to, drug court programs established
14 pursuant to section 24-1302 and the treatment of problems relating
15 to substance abuse, mental health, sex offenses, or domestic
16 violence. Participants in non-probation-based programs or services
17 in which court services personnel or resources are utilized
18 pursuant to an interlocal agreement authorized under subdivision
19 (16) of section 36 of this act and in which all or a portion of the
20 costs of such personnel or resources are covered by funds provided
21 from the Court Services Program Cash Fund shall be subject to the
22 fees and other provisions of section 15 of this act which are
23 applicable to adult probationers.

24 Sec. 49. Section 29-2248, Revised Statutes Cumulative
25 Supplement, 2006, is amended to read:

1 29-2248 The association shall:

2 (1) Encourage development and implementation of uniform
3 criteria for sentencing criminals;

4 (2) Participate in planning and presenting institutes and
5 seminars for all judges in this state who sentence criminals or
6 juveniles to discuss problems related to sentencing criminals or
7 juveniles;

8 (3) Participate in planning and presenting orientation
9 programs for new judges, such programs to include discussions of
10 sentencing alternatives, procedures, and purposes;

11 (4) Visit from time to time correctional facilities of
12 this state;

13 (5) Encourage creation and development of community
14 resources of value to ~~the probation system;~~ probation and court
15 services;

16 (6) Conduct such other programs of whatever nature of
17 interest to its members;

18 (7) Exercise all powers and perform all duties necessary
19 and proper to carry out its responsibilities; and

20 (8) Participate in planning and presenting institutes and
21 seminars for all county employees who work in the judicial branch
22 of government.

23 Sec. 50. Section 29-2260, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 29-2260 ~~(1) Whenever a person is adjudicated to be as~~

1 described in subdivision ~~(1)~~, ~~(2)~~, ~~(3)(b)~~, or ~~(4)~~ of section
 2 43-247, his or her disposition shall be governed by the Nebraska
 3 Juvenile Code.

4 ~~(2)~~ (1) Whenever a court considers sentence for an
 5 offender convicted of either a misdemeanor or a felony for which
 6 mandatory or mandatory minimum imprisonment is not specifically
 7 required, the court may withhold sentence of imprisonment unless,
 8 having regard to the nature and circumstances of the crime and the
 9 history, character, and condition of the offender, the court finds
 10 that imprisonment of the offender is necessary for protection of
 11 the public because:

12 (a) The risk is substantial that during the period of
 13 probation the offender will engage in additional criminal conduct;

14 (b) The offender is in need of correctional treatment
 15 that can be provided most effectively by commitment to a
 16 correctional facility; or

17 (c) A lesser sentence will depreciate the seriousness of
 18 the offender's crime or promote disrespect for law.

19 ~~(3)~~ (2) The following grounds, while not controlling the
 20 discretion of the court, shall be accorded weight in favor of
 21 withholding sentence of imprisonment:

22 (a) The crime neither caused nor threatened serious harm;

23 (b) The offender did not contemplate that his or her
 24 crime would cause or threaten serious harm;

25 (c) The offender acted under strong provocation;

1 (d) Substantial grounds were present tending to excuse or
2 justify the crime, though failing to establish a defense;

3 (e) The victim of the crime induced or facilitated
4 commission of the crime;

5 (f) The offender has compensated or will compensate the
6 victim of his or her crime for the damage or injury the victim
7 sustained;

8 (g) The offender has no history of prior delinquency or
9 criminal activity and has led a law-abiding life for a substantial
10 period of time before the commission of the crime;

11 (h) The crime was the result of circumstances unlikely to
12 recur;

13 (i) The character and attitudes of the offender indicate
14 that he or she is unlikely to commit another crime;

15 (j) The offender is likely to respond affirmatively to
16 probationary treatment; and

17 (k) Imprisonment of the offender would entail excessive
18 hardship to his or her dependents.

19 ~~(4)~~ (3) When an offender who has been convicted of a
20 crime is not sentenced to imprisonment, the court may sentence him
21 or her to probation.

22 Sec. 51. Section 29-2261, Revised Statutes Supplement,
23 2007, is amended to read:

24 29-2261 (1) Unless it is impractical to do so, when an
25 offender has been convicted of a felony other than murder in the

1 first degree, the court shall not impose sentence without first
2 ordering a presentence investigation of the offender and according
3 due consideration to a written report of such investigation. When
4 an offender has been convicted of murder in the first degree and
5 (a) a jury renders a verdict finding the existence of one or more
6 aggravating circumstances as provided in section 29-2520 or (b) (i)
7 the information contains a notice of aggravation as provided in
8 section 29-1603 and (ii) the offender waives his or her right to
9 a jury determination of the alleged aggravating circumstances, the
10 court shall not commence the sentencing determination proceeding as
11 provided in section 29-2521 without first ordering a presentence
12 investigation of the offender and according due consideration to a
13 written report of such investigation.

14 (2) A court may order a presentence investigation in any
15 case, except in cases in which an offender has been convicted
16 of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V
17 misdemeanor, a traffic infraction, or any corresponding city or
18 village ordinance.

19 (3) The presentence investigation and report shall
20 include, when available, an analysis of the circumstances attending
21 the commission of the crime, the offender's history of delinquency
22 or criminality, physical and mental condition, family situation and
23 background, economic status, education, occupation, and personal
24 habits, and any other matters that the probation officer deems
25 relevant or the court directs to be included. All local and state

1 police agencies and Department of Correctional Services adult
2 correctional facilities shall furnish to the ~~probation officer~~
3 court services officer copies of such criminal records, in any such
4 case referred to the ~~probation officer~~ court services officer by
5 the court of proper jurisdiction, as the ~~probation officer~~ court
6 services officer shall require without cost to the court or the
7 ~~probation officer~~ court services officer.

8 Such investigation shall also include:

9 (a) Any written statements submitted to the county
10 attorney by a victim; and

11 (b) Any written statements submitted to the ~~probation~~
12 ~~officer~~ court services officer by a victim.

13 (4) If there are no written statements submitted to the
14 ~~probation officer~~, court services officer, he or she shall certify
15 to the court that:

16 (a) He or she has attempted to contact the victim; and

17 (b) If he or she has contacted the victim, such officer
18 offered to accept the written statements of the victim or to reduce
19 such victim's oral statements to writing.

20 For purposes of subsections (3) and (4) of this section,
21 ~~the term~~ victim shall be as defined has the definition found in
22 section 29-119.

23 (5) Before imposing sentence, the court may order the
24 offender to submit to psychiatric observation and examination for
25 a period of not exceeding sixty days or such longer period as the

1 court determines to be necessary for that purpose. The offender
2 may be remanded for this purpose to any available clinic or mental
3 hospital, or the court may appoint a qualified psychiatrist to make
4 the examination. The report of the examination shall be submitted
5 to the court.

6 (6) Any presentence report or psychiatric examination
7 shall be privileged and shall not be disclosed directly or
8 indirectly to anyone other than a judge, ~~probation officers~~
9 court services officer to whom an offender's file is duly
10 transferred, the ~~probation~~ administrator or his or her designee,
11 or others entitled by law to receive such information, including
12 personnel and mental health professionals for the Nebraska State
13 Patrol specifically assigned to sex offender registration and
14 community notification for the sole purpose of using such report
15 or examination for assessing risk and for community notification of
16 registered sex offenders. For purposes of this subsection, mental
17 health professional means (a) a practicing physician licensed
18 to practice medicine in this state under the Uniform Licensing
19 Law or the Medicine and Surgery Practice Act, (b) a practicing
20 psychologist licensed to engage in the practice of psychology in
21 this state as provided in the Uniform Licensing Law or section
22 38-3111, or (c) a practicing mental health professional licensed or
23 certified in this state as provided in the Uniform Licensing Law or
24 the Mental Health Practice Act. The court may permit inspection of
25 the report or examination of parts thereof by the offender or his

1 or her attorney, or other person having a proper interest therein,
2 whenever the court finds it is in the best interest of a particular
3 offender. The court may allow fair opportunity for an offender to
4 provide additional information for the court's consideration.

5 (7) If an offender is sentenced to imprisonment, a copy
6 of the report of any presentence investigation or psychiatric
7 examination shall be transmitted immediately to the Department of
8 Correctional Services by the chief court services officer. Upon
9 request, the Board of Parole or the Office of Adult Probation and
10 Parole ~~Administration~~ Services may receive a copy of the report
11 from the department.

12 (8) Notwithstanding subsection (6) of this section, the
13 Nebraska Commission on Law Enforcement and Criminal Justice under
14 the direction and supervision of the Chief Justice of the Supreme
15 Court shall have access to presentence investigations and reports
16 for the sole purpose of carrying out the study required under
17 subdivision (7) of section 81-1425. The commission shall treat such
18 information as confidential, and nothing identifying any individual
19 shall be released by the commission.

20 (9) Notwithstanding subsection (6) of this section, the
21 Supreme Court or an agent of the Supreme Court acting under the
22 direction and supervision of the Chief Justice shall have access to
23 psychiatric examinations and presentence investigations and reports
24 for research purposes. The Supreme Court and its agent shall
25 treat such information as confidential and nothing identifying any

1 individual shall be released.

2 Sec. 52. Section 29-2262, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 29-2262 (1) When a court sentences an offender to
5 probation, it shall attach such reasonable conditions as it deems
6 necessary or likely to insure that the offender will lead a
7 law-abiding life. No offender shall be sentenced to probation if
8 he or she is deemed to be a habitual criminal pursuant to section
9 29-2221.

10 (2) The court may, as a condition of a sentence of
11 probation, require the offender:

12 (a) To refrain from unlawful conduct;

13 (b) To be confined periodically in the county jail or to
14 return to custody after specified hours but not to exceed (i) for
15 misdemeanors, the lesser of ninety days or the maximum jail term
16 provided by law for the offense and (ii) for felonies, one hundred
17 eighty days;

18 (c) To meet his or her family responsibilities;

19 (d) To devote himself or herself to a specific employment
20 or occupation;

21 (e) To undergo medical or psychiatric treatment and to
22 enter and remain in a specified institution for such purpose;

23 (f) To pursue a prescribed secular course of study or
24 vocational training;

25 (g) To attend or reside in a facility established for the

1 instruction, recreation, or residence of persons on probation;

2 (h) To refrain from frequenting unlawful or disreputable
3 places or consorting with disreputable persons;

4 (i) To possess no firearm or other dangerous weapon if
5 convicted of a felony, or if convicted of any other offense, to
6 possess no firearm or other dangerous weapon unless granted written
7 permission by the court;

8 (j) To remain within the jurisdiction of the court and to
9 notify the court, the court services officer, or the probation and
10 parole officer of any change in his or her address or his or her
11 employment and to agree to waive extradition if found in another
12 jurisdiction;

13 (k) To report as directed to the court, the court
14 services officer, or a probation and parole officer and to permit
15 the officer to visit ~~his or her~~ the offender's home;

16 (l) To pay a fine in one or more payments as ordered;

17 (m) To pay for tests to determine the presence of drugs
18 or alcohol, psychological evaluations, offender assessment screens,
19 and rehabilitative services required in the identification,
20 evaluation, and treatment of offenders if such offender has the
21 financial ability to pay for such services;

22 (n) To perform community service as outlined in sections
23 29-2277 to 29-2279 under the direction of his or her court services
24 officer or probation and parole officer;

25 (o) To be monitored by an electronic surveillance device

1 or system and to pay the cost of such device or system if the
2 offender has the financial ability;

3 (p) To participate in a community correctional facility
4 or program as provided in the Community Corrections Act;

5 (q) To successfully complete an incarceration work camp
6 program as determined by the Department of Correctional Services;

7 (r) To satisfy any other conditions reasonably related to
8 the rehabilitation of the offender;

9 (s) To make restitution as described in sections 29-2280
10 and 29-2281; or

11 (t) To pay for all costs imposed by the court, including
12 court costs and the fees imposed pursuant to section ~~29-2262.06~~, 15
13 of this act.

14 (3) In all cases in which the offender is guilty
15 of violating section 28-416, a condition of probation shall be
16 mandatory treatment and counseling as provided by such section.

17 (4) In all cases in which the offender is guilty of
18 a crime covered by the DNA Identification Information Act, a
19 condition of probation shall be the collecting of a DNA sample
20 pursuant to the act prior to release on probation.

21 Sec. 53. Section 29-2262.03, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 29-2262.03 (1) Whenever the court considers the sentence
24 for an offender convicted of any crime for which a term of
25 imprisonment of six months or more is possible and mandatory

1 minimum imprisonment is not specifically required, the court may
2 withhold the sentence of imprisonment and sentence the offender to
3 intensive supervision probation. The decision whether to sentence
4 an offender to intensive supervision probation shall be guided by
5 the criteria for withholding a sentence of imprisonment as set
6 forth in subsection (2) of this section and subsections (1) and (2)
7 ~~and (3)~~ of section 29-2260.

8 (2) Intensive supervision probation shall be governed
9 by the laws governing probation except as required by specific
10 provisions of this section and sections ~~29-2252.01, 29-2262.02,~~
11 ~~29-2262.04,~~ and 29-2262.02 to 29-2262.05 and section 6 of this act.

12 Sec. 54. Section 29-2262.04, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 29-2262.04 Selected offenders in intensive supervision
15 probation programs shall receive the highest level of supervision
16 that is provided to probationers. Such programs may include,
17 but shall not be limited to, highly restricted activities, daily
18 contact between the offender and the court services officer or the
19 probation and parole officer, monitored curfew, home visitation,
20 employment visitation and monitoring, drug and alcohol screening,
21 treatment referrals and monitoring, and restitution and community
22 service. Selected offenders monitored by an electronic device or
23 system shall be required to pay the cost of such a device or system
24 if the offender has the financial ability. It is the intent of
25 the Legislature that such programs shall minimize any risk to the

1 public.

2 Sec. 55. Section 29-2262.05, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-2262.05 The ~~Supreme Court~~ Office of Adult Probation
5 and Parole Services and the Office of Court Services shall
6 establish and enforce the standards and criteria for the
7 administration of the intensive supervision probation programs.

8 Sec. 56. Section 29-2263, Revised Statutes Cumulative
9 Supplement, 2006, is amended to read:

10 29-2263 (1) When a court has sentenced an adult offender
11 to probation, the court shall specify the term of such probation
12 which shall be not more than five years upon conviction of a felony
13 or second offense misdemeanor and two years upon conviction of a
14 first offense misdemeanor. The court, on application of a court
15 services officer or a probation and parole officer, on application
16 ~~of the~~ an adult offender, or on its own motion, may discharge an
17 adult offender or a juvenile at any time.

18 (2) During the term of probation, the court on
19 application of a court services officer or a probation and parole
20 officer, on application ~~of the~~ offender, or on its own motion,
21 may modify or eliminate any of the conditions imposed on the
22 adult offender or the juvenile or add further conditions authorized
23 by section 29-2262. This subsection does not preclude a court
24 services officer or a probation and parole officer from imposing
25 administrative sanctions with the offender's full knowledge and

1 consent as authorized by subsection (2) of section 29-2266.

2 (3) Upon completion of the term of probation, or the
3 earlier discharge of the adult offender, ~~the offender~~ or the
4 juvenile, he or she shall be relieved of any obligations imposed by
5 the order of the court and shall have satisfied the sentence for
6 his or her crime.

7 (4) Whenever a probationer disappears or leaves the
8 jurisdiction of the court without permission, the time during which
9 he or she keeps his or her whereabouts hidden or remains away from
10 the jurisdiction of the court shall be added to the original term
11 of probation.

12 Sec. 57. Section 29-2265, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 29-2265 (1) Whenever an offender is placed on probation
15 and will reside in a location outside the jurisdiction of the
16 sentencing court, the sentencing court may:

17 (a) Retain jurisdiction over the probationer and the
18 subject matter of the action; or

19 (b) Transfer jurisdiction over the probationer and the
20 subject matter of the action to an appropriate court in the
21 judicial district in which the probationer will reside.

22 (2) When a court determines to transfer jurisdiction
23 under subdivision (1)(b) of this section, it shall:

24 (a) Obtain the concurrence of the court to which transfer
25 is to be made;

1 (b) File a certified transcript of the action out of
2 which the probationer's conviction arose with the clerk of the
3 court to which jurisdiction is transferred; and

4 (c) Furnish the chief probation and parole officer ~~of~~
5 or chief court services officer serving the district in which
6 the probationer will reside with a copy of any presentence or
7 predisposition investigation.

8 (3) Upon the filing of the transcript in accordance with
9 subdivision (2)(b) of this section, the court making the transfer
10 shall have no further jurisdiction of the subject matter of the
11 action or over the probationer. The court to which jurisdiction
12 is transferred shall immediately enter an order placing the
13 transferred probationer on probation under such conditions as
14 it may deem appropriate in accordance with the Nebraska Probation
15 Administration Act.

16 (4) When a court retains jurisdiction under subdivision
17 (1)(a) of this section and the probationer will reside in a
18 different judicial district created under section 38 of this act or
19 probation and parole district from that of the sentencing court,
20 the court may notify the chief court services officer or chief
21 probation and parole officer in the judicial district created
22 under such section or probation and parole district in which the
23 probationer will reside to supervise such probationer under the
24 terms of the probation order and in accordance with the Nebraska
25 Probation Administration Act.

1 Sec. 58. Section 29-2266, Revised Statutes Cumulative
2 Supplement, 2006, is amended to read:

3 29-2266 (1) For purposes of this section:

4 (a) Administrative sanction means additional probation
5 requirements imposed upon a probationer by his or her court
6 services officer or probation and parole officer, with the
7 full knowledge and consent of the probationer, designed to hold
8 the probationer accountable for substance abuse or noncriminal
9 violations of conditions of probation, including:

10 (i) Counseling or reprimand by his or her court services
11 officer or probation and parole officer;

12 (ii) Increased supervision contact requirements;

13 (iii) Increased substance abuse testing;

14 (iv) Referral for substance abuse or mental health
15 evaluation or other specialized assessment, counseling, or
16 treatment;

17 (v) Imposition of a designated curfew for a period not to
18 exceed thirty days;

19 (vi) Community service for a specified number of hours
20 pursuant to sections 29-2277 to 29-2279;

21 (vii) Travel restrictions to stay within his or her
22 county of residence or employment unless otherwise permitted by the
23 supervising court services officer or probation and parole officer;
24 and

25 (viii) Restructuring court-imposed financial obligations

1 to mitigate their effect on the probationer;

2 (b) Noncriminal violation means a probationer's
3 activities or behaviors which create the opportunity for
4 re-offending or diminish the effectiveness of probation supervision
5 resulting in a violation of an original condition of probation,
6 including:

7 (i) Moving traffic violations;

8 (ii) Failure to report to his or her court services
9 officer or probation and parole officer;

10 (iii) Leaving the jurisdiction of the court or leaving
11 the state without the permission of the court or his or her court
12 services officer or probation and parole officer;

13 (iv) Failure to work regularly or attend training or
14 school;

15 (v) Failure to notify his or her court services officer
16 or probation and parole officer of change of address or employment;

17 (vi) Frequenting places where controlled substances are
18 illegally sold, used, distributed, or administered;

19 (vii) Failure to perform community service as directed;

20 and

21 (viii) Failure to pay fines, court costs, restitution, or
22 any fees imposed pursuant to section ~~29-2262.06~~ 15 of this act as
23 directed; and

24 (c) Substance abuse violation means a probationer's
25 activities or behaviors associated with the use of chemical

1 substances or related treatment services resulting in a violation
2 of an original condition of probation, including:

3 (i) Positive breath test for the consumption of alcohol
4 if the offender is required to refrain from alcohol consumption;

5 (ii) Positive urinalysis for the illegal use of drugs;

6 (iii) Failure to report for alcohol testing or drug
7 testing; and

8 (iv) Failure to appear for or complete substance abuse
9 or mental health treatment evaluations or inpatient or outpatient
10 treatment.

11 (2) Whenever a court services officer or probation and
12 parole officer has reasonable cause to believe that a probationer
13 has committed or is about to commit a substance abuse violation or
14 noncriminal violation while on probation, but that the probationer
15 will not attempt to leave the jurisdiction and will not place lives
16 or property in danger, the court services officer or probation and
17 parole officer shall either:

18 (a) Impose one or more administrative sanctions with
19 the approval of his or her chief court services officer or
20 chief probation and parole officer or such chief's designee. The
21 decision to impose administrative sanctions in lieu of formal
22 revocation proceedings rests with the court services officer or
23 probation and parole officer and his or her chief ~~probation~~
24 court services officer or chief probation and parole officer or
25 such chief's designee and shall be based upon the probationer's

1 risk level, the severity of the violation, and the probationer's
2 response to the violation. If administrative sanctions are to be
3 imposed, the probationer shall acknowledge in writing the nature
4 of the violation and agree upon the administrative sanction. The
5 probationer has the right to decline to acknowledge the violation;
6 and if he or she declines to acknowledge the violation, the court
7 services officer or probation and parole officer shall take action
8 pursuant to subdivision (2)(b) of this section. A copy of the
9 report shall be submitted to the county attorney of the county
10 where probation was imposed; or

11 (b) Submit a written report to the sentencing court,
12 with a copy to the county attorney of the county where probation
13 was imposed, outlining the nature of the probation violation and
14 request that formal revocation proceedings be instituted against
15 the probationer.

16 (3) Whenever a court services officer or probation and
17 parole officer has reasonable cause to believe that a probationer
18 other than a status offender as defined in section 43-245 has
19 violated or is about to violate a condition of probation other than
20 a substance abuse violation or noncriminal violation and that the
21 probationer will not attempt to leave the jurisdiction and will not
22 place lives or property in danger, the court services officer or
23 probation and parole officer shall submit a written report to the
24 sentencing court, with a copy to the county attorney of the county
25 where probation was imposed, outlining the nature of the probation

1 violation.

2 (4) Whenever a court services officer or probation and
3 parole officer has a reasonable cause to believe that a probationer
4 has violated or is about to violate a condition of his or her
5 probation and that the probationer will attempt to leave the
6 jurisdiction or will place lives or property in danger, the court
7 services officer or probation and parole officer shall arrest the
8 probationer without a warrant and may call on any peace officer for
9 assistance. Whenever a probationer is arrested, with or without a
10 warrant, he or she shall be detained in a jail or other detention
11 facility.

12 (5) Immediately after arrest and detention pursuant to
13 subsection (4) of this section, the court services officer or
14 probation and parole officer shall notify the county attorney of
15 the county where probation was imposed and submit a written report
16 of the reason for such arrest and of any violation of probation.
17 After prompt consideration of such written report, the county
18 attorney shall:

- 19 (a) Order the probationer's release from confinement; or
20 (b) File with the sentencing court a motion or
21 information to revoke the probation.

22 (6) Whenever a county attorney receives a report from
23 a court services officer or probation and parole officer that
24 a probationer has violated a condition of probation, the county
25 attorney may file a motion or information to revoke probation.

1 (7) The probation and parole administrator and the
2 court services administrator shall adopt and promulgate rules
3 and regulations to carry out this section.

4 Sec. 59. Section 29-2270, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 29-2270 Any individual who is less than nineteen years of
7 age and who is subject to the supervision of a ~~juvenile probation~~
8 court services officer as defined in section 29-2246 of this act
9 ~~or an adult~~ a probation and parole officer as defined in such
10 section pursuant to an order of the district court, county court,
11 or juvenile court shall, as a condition of probation, be required
12 to:

13 (1) Attend school to obtain vocational training or to
14 achieve an appropriate educational level as prescribed by the court
15 services officer or probation and parole officer after consultation
16 with the school the individual attends or pursuant to section
17 29-2272. If the individual fails to attend school regularly,
18 maintain appropriate school behavior, or make satisfactory progress
19 as determined by the court services officer or probation and parole
20 officer after consultation with the school and the individual does
21 not meet the requirements of subdivision (2) of this section,
22 the district court, county court, or juvenile court shall take
23 appropriate action to enforce, modify, or revoke its order granting
24 probation; or

25 (2) Attend an on-the-job training program or secure and

1 maintain employment. If the individual fails to attend the program
2 or maintain employment and does not meet the requirements of
3 subdivision (1) of this section, the district court, county court,
4 or juvenile court shall take appropriate action to enforce, modify,
5 or revoke its order granting probation.

6 Sec. 60. Section 29-2272, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 29-2272 (1) If the individual chooses to meet the
9 requirements of section 29-2270 by attending a public school and
10 the individual has previously been expelled from school, prior to
11 the readmission of the individual to the school, school officials
12 shall meet with the individual's ~~probation~~ court services officer
13 or probation and parole officer, as such terms are defined in
14 section 29-2246, and assist in developing conditions of probation
15 that will provide specific guidelines for behavior and consequences
16 for misbehavior at school as well as educational objectives that
17 must be achieved. The district court, county court, or juvenile
18 court shall review the conditions of probation for the individual
19 and may continue the expulsion or return the individual to school
20 under the agreed conditions.

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

23 (3) The individual shall be screened by the school to
24 which he or she is admitted for possible disabilities and, if the
25 screening so indicates, be referred for evaluation for possible

1 placement in a special education program.

2 Sec. 61. Section 29-2935, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 29-2935 For purposes of evaluating the treatment process,
5 the Office of Adult Probation and Parole Administration, Services,
6 the Department of Correctional Services, the Board of Parole, and
7 the designated aftercare treatment programs shall allow appropriate
8 access to data and information as requested by the Department of
9 Health and Human Services.

10 Sec. 62. Section 29-4009, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 29-4009 Information obtained under the Sex Offender
13 Registration Act shall be confidential, except that:

14 (1) Information shall be disclosed to law enforcement
15 agencies for law enforcement purposes;

16 (2) Information on persons subject to section 83-174.03
17 shall be disclosed to the Office of Adult Probation and Parole
18 ~~Administration~~, Services;

19 (3) Information concerning a defendant who is registered
20 and reports to be employed with, carrying on a vocation at,
21 or attending a postsecondary educational institution, shall be
22 disclosed to the law enforcement agency having responsibility for
23 the campus where the institution is located. This notification
24 shall go to the affected campus police, if any, and other law
25 enforcement agency having jurisdiction in the area in which the

1 institution is located;

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

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

8 (6) Information concerning the address or whereabouts of
9 the person required to register may be disclosed to the victim or
10 victims of such person; and

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

17 The release of information authorized by this section
18 shall conform with the rules and regulations adopted and
19 promulgated by the Nebraska State Patrol pursuant to section
20 29-4013.

21 Sec. 63. Section 29-4019, Revised Statutes Cumulative
22 Supplement, 2006, is amended to read:

23 29-4019 (1) When sentencing a person convicted of an
24 offense which requires lifetime community supervision upon release
25 pursuant to section 83-174.03, the sentencing court shall:

1 (a) Provide written notice to the defendant that he or
2 she shall be subject to lifetime community supervision by the
3 Office of Adult Probation and Parole Administration Services upon
4 release from incarceration or civil commitment. The written notice
5 shall inform the defendant (i) that he or she shall be subject
6 to lifetime community supervision by the office upon release and
7 that the office shall conduct a risk assessment and evaluation
8 to determine the conditions of community supervision which will
9 minimize, in the least restrictive manner that is compatible with
10 public safety, the risk of the defendant committing additional
11 offenses, (ii) that a violation of any of the conditions of
12 community supervision imposed by the office may result in the
13 revision of existing conditions, the addition of new conditions,
14 a recommendation that civil commitment proceedings should be
15 instituted, or criminal prosecution, and (iii) of his or her
16 right to challenge the determination of the conditions of community
17 supervision by the office and the right to a periodic review of the
18 conditions of community supervision pursuant to section 83-174.03
19 to determine if the conditions are still necessary to protect the
20 public;

21 (b) Require the defendant to read and sign a form stating
22 that the duty of the defendant to comply with the conditions
23 of community supervision and his or her rights to challenge the
24 conditions of community supervision imposed by the office has been
25 explained; and

1 (c) Retain a copy of the written notification signed by
2 the defendant.

3 (2) Prior to the release of a person serving a sentence
4 for an offense requiring lifetime community supervision by the
5 Office of Adult Probation and Parole Administration Services
6 pursuant to section 83-174.03, the Department of Correctional
7 Services, the Department of Health and Human Services, or a city or
8 county correctional or jail facility shall:

9 (a) Provide written notice to the person that he or
10 she shall be subject to lifetime community supervision by the
11 office upon release from incarceration. The written notice shall
12 inform the person (i) that he or she shall be subject to lifetime
13 community supervision by the office upon release and that the
14 office shall conduct a risk assessment and evaluation of the
15 defendant to determine the conditions of community supervision
16 which will minimize, in the least restrictive manner that is
17 compatible with public safety, the risk of the person committing
18 additional offenses, (ii) that a violation of any of the conditions
19 of community supervision imposed by the office may result in the
20 revision of existing conditions, the addition of new conditions,
21 a recommendation that civil commitment proceedings should be
22 instituted, or criminal prosecution, and (iii) of his or her
23 right to challenge the determination of the conditions of community
24 supervision by the office and the right to a periodic review of the
25 conditions of community supervision pursuant to section 83-174.03

1 to determine if the conditions are still necessary to protect the
2 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 right to challenge the
6 conditions of community supervision imposed by the office has been
7 explained; and

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

10 Sec. 64. Section 33-154, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 33-154 In addition to all other court costs assessed
13 according to law, a training fee of one dollar shall be taxed as
14 costs for each case filed in each county court and district court,
15 including appeals to such courts, and for each appeal and original
16 action filed in the Court of Appeals and the Supreme Court. The
17 fees shall be remitted to the State Treasurer on forms prescribed
18 by the State Treasurer within ten days after the end of each month.
19 ~~The~~ Until July 1, 2009, the State Treasurer shall credit the fees
20 to the Supreme Court Education Fund. On and after July 1, 2009,
21 the State Treasurer shall credit ninety cents of such fee to the
22 Supreme Court Education Fund and ten cents of such fee to the
23 Office of Adult Probation and Parole Services Education Fund.

24 Sec. 65. Section 43-250, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 43-250 A peace officer who takes a juvenile into
2 temporary custody under section 43-248 shall immediately take
3 reasonable measures to notify the juvenile's parent, guardian,
4 custodian, or relative and shall proceed as follows:

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

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

22 (3) While retaining temporary custody, the peace officer
23 shall communicate all relevant available information regarding such
24 juvenile to the ~~probation~~ juvenile court officer of the Office of
25 Court Services and shall deliver the juvenile, if necessary, to

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

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

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

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

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

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

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

24 (f) A status offender or nonoffender taken into temporary
25 custody shall not be held in a secure area of a jail or other

1 facility intended or used for the detention of adults. A status
2 offender accused of violating a valid court order may be securely
3 detained in a juvenile detention facility longer than twenty-four
4 hours if he or she is afforded a detention hearing before a
5 court within twenty-four hours, excluding nonjudicial days, and if,
6 prior to a dispositional commitment to secure placement, a public
7 agency, other than a court or law enforcement agency, is afforded
8 an opportunity to review the juvenile's behavior and possible
9 alternatives to secure placement and has submitted a written report
10 to the court; and

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

16 (4) When a juvenile is taken into temporary custody
17 pursuant to subdivision (3) of section 43-248, the peace officer
18 shall deliver the custody of such juvenile to the Department of
19 Health and Human Services which shall make a temporary placement of
20 the juvenile in the least restrictive environment consistent with
21 the best interests of the juvenile as determined by the department.
22 The department shall supervise such placement and, if necessary,
23 consent to any necessary emergency medical, psychological, or
24 psychiatric treatment for such juvenile. The department shall have
25 no other authority with regard to such temporary custody until or

1 unless there is an order by the court placing the juvenile in the
2 custody of the department. If the peace officer delivers temporary
3 custody of the juvenile pursuant to this subdivision, the peace
4 officer shall make a full written report to the county attorney
5 within twenty-four hours of taking such juvenile into temporary
6 custody. If a court order of temporary custody is not issued
7 within forty-eight hours of taking the juvenile into custody,
8 the temporary custody by the department shall terminate and the
9 juvenile shall be returned to the custody of his or her parent,
10 guardian, custodian, or relative; or

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

1 forwarded to the county attorney. The peace officer shall notify
2 the juvenile's parents, guardian, custodian, or relative of the
3 juvenile's placement.

4 In determining the appropriate temporary placement of a
5 juvenile under this section, the peace officer shall select the
6 placement which is least restrictive of the juvenile's freedom so
7 long as such placement is compatible with the best interests of the
8 juvenile and the safety of the community.

9 Sec. 66. Section 43-253, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-253 (1) Upon delivery to the ~~probation~~ juvenile court
12 officer of the Office of Court Services of a juvenile who has
13 been taken into temporary custody under sections 43-248 and 43-250,
14 the ~~probation~~ juvenile court officer shall immediately investigate
15 the situation of the juvenile and the nature and circumstances of
16 the events surrounding his or her being taken into custody. Such
17 investigation may be by informal means when appropriate.

18 (2) The ~~probation~~ juvenile court officer's decision to
19 release the juvenile from custody or place the juvenile in secure
20 or nonsecure detention shall be based upon the results of the
21 standardized juvenile detention screening instrument described in
22 section 43-260.01.

23 (3) No juvenile who has been taken into temporary custody
24 under subdivision (3) of section 43-250 shall be detained in
25 any secure detention facility for longer than twenty-four hours,

1 excluding nonjudicial days, after having been taken into custody
2 unless such juvenile has appeared personally before a court of
3 competent jurisdiction for a hearing to determine if continued
4 detention is necessary. If continued secure detention is ordered,
5 such detention shall be in a juvenile detention facility, except
6 that a juvenile charged with a felony as an adult in county or
7 district court may be held in an adult jail as set forth in
8 subdivision (3)(e) of section 43-250.

9 (4) When the ~~probation~~ juvenile court officer deems it
10 to be in the best interests of the juvenile, ~~the probation officer~~
11 he or she shall immediately release such juvenile to the custody
12 of his or her parent. If the juvenile has both a custodial and a
13 noncustodial parent and the ~~probation~~ juvenile court officer deems
14 that release of the juvenile to the custodial parent is not in the
15 best interests of the juvenile, ~~the probation officer~~ he or she
16 shall, if it is deemed to be in the best interests of the juvenile,
17 attempt to contact the noncustodial parent, if any, of the juvenile
18 and to release the juvenile to such noncustodial parent. If such
19 release is not possible or not deemed to be in the best interests
20 of the juvenile, the ~~probation~~ juvenile court officer may release
21 the juvenile to the custody of a legal guardian, a responsible
22 relative, or another responsible person.

23 (5) The court may admit such juvenile to bail by bond in
24 such amount and on such conditions and security as the court, in
25 its sole discretion, shall determine, or the court may proceed as

1 provided in section 43-254. In no case shall the court or ~~probation~~
2 the juvenile court officer release such juvenile if it appears that
3 further detention or placement of such juvenile is a matter of
4 immediate and urgent necessity for the protection of such juvenile
5 or the person or property of another or if it appears that such
6 juvenile is likely to flee the jurisdiction of the court.

7 Sec. 67. Section 43-260, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 43-260 The Office of ~~Probation Administration Court~~
10 Services shall prepare and distribute to ~~probation juvenile court~~
11 officers of the office a standardized juvenile detention screening
12 instrument. The types of risk factors to be included as well
13 as the format of this standardized juvenile detention screening
14 instrument shall be determined by the office. The standardized
15 juvenile detention screening instrument shall be used as an
16 assessment tool statewide by ~~probation~~ officers under section
17 43-260.01 in order to determine if detention of the juvenile is
18 necessary and, if so, whether secure or nonsecure detention is
19 indicated. ~~Probation Juvenile court~~ officers trained to administer
20 the juvenile detention screening instrument shall act as juvenile
21 intake ~~probation~~ officers. Only duly trained juvenile probation
22 officers shall be authorized to administer the juvenile detention
23 screening instrument.

24 Sec. 68. Section 43-260.05, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 43-260.05 A juvenile pretrial diversion program may:

2 (1) Provide screening services to the court and county
3 attorney or city attorney to help identify likely candidates for
4 the program;

5 (2) Establish goals for diverted juvenile offenders and
6 monitor performance of the goals;

7 (3) Perform chemical dependency assessments of diverted
8 juvenile offenders when indicated, make appropriate referrals for
9 treatment, and monitor treatment and aftercare;

10 (4) Provide individual, group, and family counseling
11 services;

12 (5) Oversee the payment of victim restitution by diverted
13 juvenile offenders;

14 (6) Assist diverted juvenile offenders in identifying and
15 contacting appropriate community resources;

16 (7) Provide educational services to diverted juvenile
17 offenders to enable them to earn a high school diploma or general
18 education development diploma; and

19 (8) Provide accurate information on how diverted juvenile
20 offenders perform in the program to the juvenile courts, county
21 attorneys, city attorneys, defense attorneys, and ~~probation~~
22 juvenile court officers of the Office of Court Services.

23 Sec. 69. Section 43-271, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 43-271 (1)(a) A juvenile taken into custody pursuant to

1 sections 43-248, 43-250, and 43-253 shall be brought before the
2 court for adjudication as soon as possible after the petition is
3 filed. On the return of the summons or other process, or mailing
4 of the notice in lieu of summons, or as soon thereafter as legally
5 may be, the court shall proceed to hear and dispose of the case as
6 provided in section 43-279.

7 (b) The hearing as to a juvenile in custody of the
8 ~~probation~~ juvenile court officer of the Office of Court Services
9 or the court shall be held as soon as possible but, in all cases,
10 within a six-month period after the petition is filed, and as to
11 a juvenile not in such custody as soon as practicable but, in all
12 cases, within a six-month period after the petition is filed. The
13 computation of the six-month period provided for in this section
14 shall be made as provided in section 29-1207, as applicable.

15 (2) Any juvenile taken into custody pursuant to sections
16 43-248, 43-250, and 43-253 may request a detention review hearing.
17 The detention review hearing shall be conducted within forty-eight
18 hours after the request.

19 Sec. 70. Section 43-274, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-274 (1) The county attorney, having knowledge of a
22 juvenile in his or her county who appears to be a juvenile
23 described in subdivision (1), (2), (3), or (4) of section 43-247,
24 may file with the clerk of the court having jurisdiction in
25 the matter a petition in writing specifying which subdivision of

1 section 43-247 is alleged, setting forth the facts verified by
 2 affidavit, and requesting the court to determine whether support
 3 will be ordered pursuant to section 43-290. Allegations under
 4 subdivisions (1), (2), and (4) of section 43-247 shall be made
 5 with the same specificity as a criminal complaint. It shall be
 6 sufficient if the affidavit is based upon information and belief.
 7 Such petition and all subsequent proceedings shall be entitled In
 8 the Interest of, a Juvenile Under Eighteen Years of
 9 Age, inserting the juvenile's name in the blank.

10 (2) In all cases involving violation of a city or village
 11 ordinance, the city attorney or village prosecutor may file a
 12 petition in juvenile court. If such a petition is filed, for
 13 purposes of such proceeding, references in the Nebraska Juvenile
 14 Code to county attorney shall be construed to include a city
 15 attorney or village prosecutor.

16 (3) The county attorney or city attorney may offer
 17 pretrial diversion to the juvenile in accordance with a juvenile
 18 pretrial diversion program established pursuant to sections
 19 43-260.02 to 43-260.07.

20 (4)(a) If a juvenile appears to be a juvenile described
 21 in subdivision (1), (2), (3)(b), or (4) of section 43-247 because
 22 of a nonviolent act or acts, the county attorney may offer
 23 mediation to the juvenile and the victim of the juvenile's act. If
 24 both the juvenile and the victim agree to mediation, the juvenile,
 25 his or her parent, guardian, or custodian, and the victim shall

1 sign a mediation consent form and select a mediator or approved
2 center from the roster made available pursuant to section 25-2908.
3 The county attorney shall refer the juvenile and the victim to
4 such mediator or approved center. The mediation sessions shall
5 occur within thirty days after the date the mediation referral is
6 made unless an extension is approved by the county attorney. The
7 juvenile or his or her parent, guardian, or custodian shall pay
8 the mediation fees. The fee shall be determined by the mediator in
9 private practice or by the approved center. A juvenile shall not be
10 denied services at an approved center because of an inability to
11 pay.

12 (b) Terms of the agreement shall specify monitoring,
13 completion, and reporting requirements. The county attorney, the
14 court, or the ~~probation office~~ Office of Court Services shall
15 be notified by the designated monitor if the juvenile does not
16 complete the agreement within the agreement's specified time.

17 (c) Terms of the agreement may include one or more of the
18 following:

19 (i) Participation by the juvenile in certain community
20 service programs;

21 (ii) Payment of restitution by the juvenile to the
22 victim;

23 (iii) Reconciliation between the juvenile and the victim;

24 and

25 (iv) Any other areas of agreement.

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

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

17 (f) If the juvenile meets the terms of an approved
18 mediation agreement, the county attorney shall not file a criminal
19 charge or juvenile court petition against the juvenile for the acts
20 for which the juvenile was referred to mediation.

21 Sec. 71. Section 43-286, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-286 (1) When any juvenile is adjudicated to be a
24 juvenile described in subdivision (1), (2), or (4) of section
25 43-247:

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

8 (i) Place the juvenile on probation subject to the
9 supervision of a ~~probation~~ juvenile court officer of the Office of
10 Court Services;

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

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

20 Under subdivision (1)(a) of this section, upon a
21 determination by the court that there are no parental, private, or
22 other public funds available for the care, custody, and maintenance
23 of a juvenile, the court may order a reasonable sum for the care,
24 custody, and maintenance of the juvenile to be paid out of a
25 fund which shall be appropriated annually by the county where the

1 petition is filed until a suitable provision may be made for the
2 juvenile without such payment; or

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

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

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

1 section 25-2908.

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

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

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

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

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

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

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

23 (v) If the juvenile is found by the court to have
24 violated the terms of his or her probation, the court may modify
25 the terms and conditions of the probation order, extend the period

1 of probation, or enter any order of disposition that could have
2 been made at the time the original order of probation was entered;
3 and

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

7 Sec. 72. Section 43-294, Reissue Revised Statutes of
8 Nebraska, is amended to read:

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

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

16 Sec. 73. Section 43-2,108, Reissue Revised Statutes of
17 Nebraska, is amended to read:

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

1 (2) Except as provided in subsection (3) of this section,
2 the medical, psychological, psychiatric, and social welfare reports
3 and the records of juvenile probation officers as they relate to
4 individual proceedings in the juvenile court shall not be open
5 to inspection, without order of the court. Such records shall be
6 made available to a district court of this state or the District
7 Court of the United States on the order of a judge thereof for the
8 confidential use of such judge or his or her ~~probation~~ juvenile
9 court officer of the Office of Court Services as to matters pending
10 before such court but shall not be made available to parties or
11 their counsel, ~~and~~ and such district court records shall be made
12 available to a county court or separate juvenile court upon request
13 of the county judge or separate juvenile judge for the confidential
14 use of such judge and his ~~or her~~ ~~probation~~ juvenile court officer
15 as to matters pending before such court, but shall not be made
16 available by such judge to the parties or their counsel.

17 (3) As used in this subsection, confidential record
18 information shall mean all docket records, other than the
19 pleadings, orders, decrees, and judgments; case files and records;
20 reports and records of ~~probation~~ juvenile court officers; and
21 information supplied to the court of jurisdiction in such cases
22 by any individual or any public or private institution, agency,
23 facility, or clinic, which is compiled by, produced by, and in the
24 possession of any court. In all cases under subdivision (3)(a)
25 of section 43-247, access to all confidential record information

1 in such cases shall be granted only as follows: (a) The court
2 of jurisdiction may, subject to applicable federal and state
3 regulations, disseminate such confidential record information to
4 any individual, or public or private agency, institution, facility,
5 or clinic which is providing services directly to the juvenile and
6 such juvenile's parents or guardian and his or her immediate family
7 who are the subject of such record information; (b) the court of
8 jurisdiction may disseminate such confidential record information,
9 with the consent of persons who are subjects of such information,
10 or by order of such court after showing of good cause, to any
11 law enforcement agency upon such agency's specific request for
12 such agency's exclusive use in the investigation of any protective
13 service case or investigation of allegations under subdivision
14 (3)(a) of section 43-247, regarding the juvenile or such juvenile's
15 immediate family, who are the subject of such investigation; and
16 (c) the court of jurisdiction may disseminate such confidential
17 record information to any court, which has jurisdiction of the
18 juvenile who is the subject of such information upon such court's
19 request.

20 (4) Nothing in subsection (3) of this section shall be
21 construed to restrict the dissemination of confidential record
22 information between any individual or public or private agency,
23 institute, facility, or clinic, except any such confidential record
24 information disseminated by the court of jurisdiction pursuant to
25 this section shall be for the exclusive and private use of those to

1 whom it was released and shall not be disseminated further without
2 order of such court.

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

10 (b) Upon application by the county attorney or by the
11 director of the facility where the juvenile is placed and upon
12 a showing of good cause therefor, a judge of the juvenile court
13 having jurisdiction over the juvenile or of the county where the
14 facility is located may order that the records shall not be made
15 available to the juvenile if, in the judgment of the court, the
16 availability of such records to the juvenile will adversely affect
17 the juvenile's mental state and the treatment thereof.

18 Sec. 74. Section 43-2,113, Revised Statutes Supplement,
19 2007, is amended to read:

20 43-2,113 (1) In counties where a separate juvenile court
21 is established, the county board of the county shall provide
22 suitable rooms and offices for the accommodation of the judge
23 of the separate juvenile court and the officers and employees
24 appointed by such judge or by the probation court services
25 administrator. ~~pursuant to subsection (4) of section 29-2253.~~

1 Such separate juvenile court and the judge, officers, and employees
2 of such court shall have the same and exclusive jurisdiction,
3 powers, and duties that are prescribed in the Nebraska Juvenile
4 Code, concurrent jurisdiction under section 83-223, and such other
5 jurisdiction, powers, and duties as specifically provided by law.

6 (2) A juvenile court created in a separate juvenile court
7 judicial district or a county court sitting as a juvenile court in
8 all other counties shall have and exercise jurisdiction within such
9 juvenile court judicial district or county court judicial district
10 with the county court and district court in all matters arising
11 under Chapter 42, article 3, when the care, support, custody,
12 or control of minor children under the age of eighteen years
13 is involved. Such cases shall be filed in the county court and
14 district court and may, with the consent of the juvenile judge, be
15 transferred to the docket of the separate juvenile court or county
16 court.

17 (3) All orders issued by a separate juvenile court or a
18 county court which provide for child support or spousal support as
19 defined in section 42-347 shall be governed by sections 42-347 to
20 42-381 and 43-290 relating to such support. Certified copies of
21 such orders shall be filed by the clerk of the separate juvenile
22 or county court with the clerk of the district court who shall
23 maintain a record as provided in subsection (4) of section 42-364.
24 There shall be no fee charged for the filing of such certified
25 copies.

1 Sec. 75. Section 43-707, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-707 The Department of Health and Human Services shall
4 have the power and it shall be its duty:

5 (1) To promote the enforcement of laws for the protection
6 and welfare of children born out of wedlock, mentally and
7 physically handicapped children, and dependent, neglected, and
8 delinquent children, except laws the administration of which is
9 expressly vested in some other state department or division, and
10 to take the initiative in all matters involving such children when
11 adequate provision therefor has not already been made;

12 (2) To visit and inspect public and private institutions,
13 agencies, societies, or persons caring for, receiving, placing out,
14 or handling children;

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

18 (4) To exercise general supervision over the
19 administration and enforcement of all laws governing the
20 placing out and adoption of children;

21 (5) To advise with judges and ~~probation~~ juvenile court
22 officers of courts of domestic relations and juvenile courts of the
23 several counties, with a view to encouraging, standardizing, and
24 coordinating the work of such courts and officers throughout the
25 state; and

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

7 Sec. 76. Section 43-2411, Revised Statutes Supplement,
8 2007, is amended to read:

9 43-2411 (1) The Nebraska Coalition for Juvenile Justice
10 is created. As provided in the federal act, there shall be no less
11 than fifteen nor more than thirty-three members of the coalition.
12 The coalition members shall be appointed by the Governor and shall
13 include:

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

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

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

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

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

22 (f) The ~~probation~~ court services administrator of the
23 ~~Office of Probation Administration~~ or his or her designee;

24 (g) One county commissioner or supervisor;

25 (h) One police chief;

- 1 (i) One sheriff;
- 2 (j) One separate juvenile court judge;
- 3 (k) One county court judge;
- 4 (l) One representative of mental health professionals who
5 works directly with juveniles;
- 6 (m) Three representatives, one from each congressional
7 district, from community-based, private nonprofit organizations who
8 work with juvenile offenders and their families;
- 9 (n) One volunteer who works with juvenile offenders or
10 potential juvenile offenders;
- 11 (o) One person who works with an alternative to
12 incarceration program for juveniles;
- 13 (p) The director or his or her designee from a youth
14 rehabilitation and treatment center;
- 15 (q) The director or his or her designee from a secure
16 youth confinement facility;
- 17 (r) The director or his or her designee from a staff
18 secure youth confinement facility;
- 19 (s) At least five members who are under twenty-four years
20 of age when appointed;
- 21 (t) One person who works directly with juveniles who have
22 learning or emotional difficulties or are abused or neglected;
- 23 (u) One member of the Nebraska Commission on Law
24 Enforcement and Criminal Justice;
- 25 (v) One county attorney; and

1 (w) One public defender.

2 (2) The terms of members appointed pursuant to
3 subdivisions (1)(g) through (1)(w) of this section shall be three
4 years, except that the terms of the initial members of the
5 coalition shall be staggered so that one-third of the members
6 are appointed for terms of one year, one-third for terms of two
7 years, and one-third for terms of three years, as determined by
8 the Governor. A majority of the coalition members, including the
9 chairperson, shall not be full-time employees of federal, state,
10 or local government. At least one-fifth of the coalition members
11 shall be under the age of twenty-four at the time of appointment.
12 Any vacancy on the coalition shall be filled by appointment
13 by the Governor. The coalition shall select a chairperson, a
14 vice-chairperson, and such other officers as it deems necessary.

15 (3) Members of the coalition shall be reimbursed for
16 their actual and necessary expenses pursuant to sections 81-1174 to
17 81-1177.

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

22 Sec. 77. Section 43-3001, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 43-3001 (1) Notwithstanding any other provision of law
25 regarding the confidentiality of records and when not prohibited

1 by the federal Privacy Act of 1974, as amended, juvenile court
2 records and any other pertinent information that may be in the
3 possession of school districts, county attorneys, the Attorney
4 General, law enforcement agencies, child advocacy centers, ~~state~~
5 juvenile probation personnel, probation and parole personnel, state
6 ~~parole personnel,~~ youth detention facilities, medical personnel,
7 treatment or placement programs, the Department of Health and Human
8 Services, the Department of Correctional Services, the State Foster
9 Care Review Board, child abuse and neglect investigation teams,
10 child abuse and neglect treatment teams, or other multidisciplinary
11 teams for abuse, neglect, or delinquency concerning a child who
12 is in the custody of the state may be shared with individuals and
13 agencies who have been identified in a court order authorized by
14 this section.

15 (2) In any judicial proceeding concerning a child who is
16 currently, or who may become at the conclusion of the proceeding,
17 a ward of the court or state or under the supervision of the
18 court, an order may be issued which identifies individuals and
19 agencies who shall be allowed to receive otherwise confidential
20 information concerning the child for legitimate and official
21 purposes. The individuals and agencies who may be identified
22 in the court order are the child's attorney or guardian ad
23 litem, the parents' attorney, foster parents, appropriate school
24 personnel, county attorneys, the Attorney General, authorized court
25 personnel, law enforcement agencies, ~~state probation personnel,~~

1 ~~state and parole personnel, juvenile probation personnel, youth~~
2 ~~detention facilities, medical personnel, treatment or placement~~
3 ~~programs, the Department of Health and Human Services, the Office~~
4 ~~of Juvenile Services, the Department of Correctional Services,~~
5 ~~the State Foster Care Review Board, child abuse and neglect~~
6 ~~investigation teams, child abuse and neglect treatment teams, and~~
7 ~~other multidisciplinary teams for abuse, neglect, or delinquency.~~
8 Unless the order otherwise states, the order shall be effective
9 until the child leaves the custody of the state or until a new
10 order is issued.

11 (3) All information acquired by an individual or agency
12 pursuant to this section shall be confidential and shall not
13 be disclosed except to other persons who have a legitimate and
14 official interest in the information and are identified in the
15 court order issued pursuant to this section with respect to the
16 child in question. A person who receives such information or
17 who cooperates in good faith with other individuals and agencies
18 identified in the appropriate court order by providing information
19 or records about a child shall be immune from any civil or criminal
20 liability. The provisions of this section granting immunity from
21 liability shall not be extended to any person alleged to have
22 committed an act of child abuse or neglect.

23 (4) Any person who publicly discloses information
24 received pursuant to this section shall be guilty of a Class III
25 misdemeanor.

1 Sec. 78. Section 43-3505, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-3505 Each county may:

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

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

25 (3) Compile, review, and forward county level data

1 collected pursuant to section 43-3506.

2 Sec. 79. Section 43-3507, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-3507 (1) The Legislature finds that there is a need
5 for additional secure detention and detention services, including
6 transportation services, for juveniles in the state. The need can
7 be met by enhancing and expanding the existing secure detention
8 facilities and detention services as needed in the future and
9 by constructing new juvenile detention facilities to serve the
10 southeastern, central, and west central areas of the state.

11 (2) The Legislature further finds that in order for
12 ~~probation officers~~ court services officers as defined in section
13 32 of this act to adequately perform the function of providing
14 juvenile intake services statewide, existing ~~probation~~ staff
15 resources of the Office of Court Services need to be expanded and,
16 additionally, program services that enhance a juvenile's successful
17 reintegration into the community need to readily be available and
18 at the disposal of juvenile probation.

19 (3) The Legislature further finds that juvenile diversion
20 programs should be available throughout the state as a means
21 of providing consequences without the formal involvement of the
22 courts.

23 Sec. 80. Section 47-623, Revised Statutes Supplement,
24 2007, is amended to read:

25 47-623 (1) The council shall include the following voting

1 members:

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

4 (b) The Director of Correctional Services;

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

6 (d) ~~The Parole Administrator;~~ probation and parole
7 administrator; and

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

17 (2) The council shall include the following nonvoting
18 members:

19 (a) The State Court Administrator;

20 (b) ~~The probation administrator;~~ The court services
21 administrator;

22 ~~(e)~~ (b) Two members of the Legislature, appointed by the
23 Executive Board of the Legislative Council;

24 ~~(d)~~ (c) Two judges of the district court, appointed by
25 the Chief Justice of the Supreme Court; and

1 ~~(e)~~ (d) The chief executive officer of the Department of
2 Health and Human Services or his or her designee.

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

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

23 (5) The members of the council shall be reimbursed for
24 their actual and necessary expenses incurred while engaged in
25 the performance of their official duties as provided in sections

1 81-1174 to 81-1177.

2 Sec. 81. Section 47-624, Revised Statutes Cumulative
3 Supplement, 2006, is amended to read:

4 47-624 The council shall:

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

8 (a) Qualifications of staff;

9 (b) Suitability of programs;

10 (c) Offender needs;

11 (d) Probation population;

12 (e) Parole population; and

13 (f) Other applicable criminal justice data;

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

17 (3) Develop, in consultation with the probation and
18 parole administrator, ~~and the Parole Administrator,~~ standards for
19 the use of community correctional facilities and programs by the
20 ~~Nebraska Probation System and the parole system;~~ Office of Adult
21 Probation and Parole Services;

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

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

1 (6) Develop standards for eligibility of probationers and
2 parolees in certain community correctional facilities and programs;

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

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

8 (9) In order to ensure adequate funding for substance
9 abuse treatment programs for probationers and parolees, consult
10 with the probation and parole administrator as provided in
11 section ~~29-2262.07~~ 17 of this act and develop or assist with
12 the development of programs as provided in ~~subdivision (14) of~~
13 ~~section 29-2252,~~ section 5 of this act;

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

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

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

25 ~~(13)~~ (12) Study, develop, and implement minimum standards

1 for the development and use of community correctional facilities
2 and programs;

3 ~~(14)~~ (13) Develop and implement a plan for statewide use
4 of community correctional facilities and programs;

5 ~~(15)~~ (14) Grant funds to entities including local
6 governmental agencies, nonprofit organizations, and behavioral
7 health services which will support the intent of the act; and

8 ~~(16)~~ (15) Perform such other duties as may be necessary
9 to carry out the policy of the state established in the act.

10 Sec. 82. Section 47-627, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 47-627 The executive director of the Nebraska Commission
13 on Law Enforcement and Criminal Justice shall develop and maintain
14 a uniform crime data analysis system in Nebraska which shall
15 include, but need not be limited to, the number of offenses,
16 arrests, charges, probation admissions, probation violations,
17 probation discharges, admissions to and discharges from the
18 Department of Correctional Services, parole reviews, parole
19 hearings, releases on parole, parole violations, and parole
20 discharges. The data shall be categorized by statutory crime.
21 The data shall be collected from the Board of Parole, the State
22 Court Administrator, the Department of Correctional Services, the
23 Office of Adult Probation and Parole Services, ~~Administration~~, the
24 ~~Office of Probation Administration~~, the Nebraska State Patrol,
25 counties, local law enforcement, and any other entity associated

1 with criminal justice. The council, the director, and the Supreme
2 Court shall have access to such data to implement the Community
3 Corrections Act and to develop guidelines pursuant to section
4 47-630.

5 Sec. 83. Section 47-628, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 47-628 (1) A sentencing judge may sentence an offender
8 to probation conditioned upon community correctional programming
9 pursuant to section 47-630 and the guidelines developed by the
10 Supreme Court.

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

17 (3) The Office of Adult Probation Administration and
18 Parole Services shall utilize community correctional facilities and
19 programs as appropriate with respect to probation.

20 Sec. 84. Section 47-629, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 47-629 (1) The Board of Parole may parole an offender to
23 a community correctional facility or program pursuant to guidelines
24 developed by the council.

25 (2) The Department of Correctional Services and the

1 Office of Adult Probation and Parole Administration Services
2 shall utilize community correctional facilities and programs as
3 appropriate with respect to parole.

4 Sec. 85. Section 60-6,211.05, Revised Statutes Cumulative
5 Supplement, 2006, is amended to read:

6 60-6,211.05 (1) If an order of probation is granted
7 under section 60-6,196 or 60-6,197, as such sections existed prior
8 to July 16, 2004, or section 60-6,196 or 60-6,197 and sections
9 60-6,197.02 and 60-6,197.03, as such sections existed on or after
10 July 16, 2004, the court may order the defendant to install an
11 ignition interlock device of a type approved by the Director of
12 Motor Vehicles on each motor vehicle operated by the defendant.
13 The device shall, without tampering or the intervention of another
14 person, prevent the defendant from operating the motor vehicle when
15 the defendant has an alcohol concentration greater than the levels
16 prescribed in section 60-6,196.

17 (2) If the court orders installation of an ignition
18 interlock device pursuant to subsection (1) of this section, the
19 court may also order the use of a continuous alcohol monitoring
20 device and abstention from alcohol use at all times. The device
21 shall, without tampering or the intervention of another person,
22 test and record the alcohol consumption level of the defendant on
23 a periodic basis and transmit such information to probation and
24 parole authorities.

25 (3) Any order issued by the court pursuant to this

1 section shall not take effect until the defendant is eligible
2 to operate a motor vehicle pursuant to subsection (2) of section
3 60-498.02.

4 (4) If the court orders an ignition interlock device or
5 the Board of Pardons orders an ignition interlock device under
6 section 83-1,127.02, the court or the Board of Pardons shall order
7 the Department of Motor Vehicles to issue to the defendant a
8 restricted Class O license as provided in section 60-4,118.06 which
9 indicates that the defendant is only allowed to operate a motor
10 vehicle equipped with an ignition interlock device. Such court
11 order shall remain in effect for a period of time as determined by
12 the court not to exceed the maximum term of revocation which the
13 court could have imposed according to the nature of the violation.
14 Such Board of Pardons order shall remain in effect for a period
15 of time not to exceed any period of revocation the applicant is
16 subject to at the time the application for a license reinstatement
17 is made.

18 (5) A person who tampers with or circumvents an ignition
19 interlock device installed under a court order while the order is
20 in effect or who operates a motor vehicle which is not equipped
21 with an ignition interlock device in violation of a court order
22 made pursuant to this section shall be guilty of a Class II
23 misdemeanor.

24 (6) Any person restricted to operating a motor vehicle
25 equipped with an ignition interlock device, pursuant to a Board of

1 Pardons order, who operates upon the highways of this state a motor
2 vehicle without such device or if the device has been disabled,
3 bypassed, or altered in any way, shall be punished as provided in
4 subsection (3) of section 83-1,127.02.

5 (7) If a person ordered to use a continuous alcohol
6 monitoring device and abstain from alcohol use pursuant to a court
7 order as provided in subsection (2) of this section violates the
8 provisions of such court order by removing, tampering with, or
9 otherwise bypassing the continuous alcohol monitoring device or by
10 consuming alcohol while required to use such device, he or she
11 shall have his or her Class O license revoked and be unable to
12 apply for license reinstatement for the duration of the revocation
13 period imposed by the court.

14 (8) The director shall adopt and promulgate rules and
15 regulations to approve ignition interlock devices and the means of
16 installation of the devices.

17 Sec. 86. Section 60-6,211.09, Revised Statutes Cumulative
18 Supplement, 2006, is amended to read:

19 60-6,211.09 The Office of Adult Probation and Parole
20 Services Administration shall adopt and promulgate rules and
21 regulations to approve the use of continuous alcohol monitoring
22 devices by individuals sentenced to probation for violating section
23 60-6,196 or 60-6,197.

24 Sec. 87. Section 68-1732, Revised Statutes Supplement,
25 2007, is amended to read:

1 68-1732 It is the intent of the Legislature that the
2 Department of Health and Human Services, the State Department
3 of Education, the Department of Labor, the Office of Adult
4 Probation Administration, and Parole Services, the Office of Court
5 Services, the Office of Juvenile Services, the Department of
6 Correctional Services, and the Department of Economic Development
7 will have integrated programs and policies when serving a common
8 customer. Organizational mergers and operating agreements shall be
9 developed within state government which bring together the state's
10 community-based child-serving and family-serving resources in the
11 areas of health care services, social services, mental health
12 services, developmental disabilities services, juvenile justice,
13 and education. Such actions shall eliminate the need for the public
14 to understand the differing roles, responsibilities, and services
15 of the agencies enumerated in this section and their affiliates.

16 Sec. 88. Section 71-961, Revised Statutes Supplement,
17 2007, is amended to read:

18 71-961 (1) All records kept on any subject shall remain
19 confidential except as otherwise provided by law. Such records
20 shall be accessible to (a) the subject, except as otherwise
21 provided in subsection (2) of this section, (b) the subject's legal
22 counsel, (c) the subject's guardian or conservator, if any, (d)
23 the mental health board having jurisdiction over the subject, (e)
24 persons authorized by an order of a judge or court, (f) persons
25 authorized by written permission of the subject, (g) agents or

1 employees of the Department of Health and Human Services upon
2 delivery of a subpoena from the department in connection with
3 a licensing or licensure investigation by the department, (h)
4 individuals authorized to receive notice of the release of a sex
5 offender pursuant to section 83-174, (i) the Nebraska State Patrol
6 or the department pursuant to section 69-2409.01, or (j) the Office
7 of ~~Parole Administration~~ Adult Probation and Parole Services if the
8 subject meets the requirements for lifetime community supervision
9 pursuant to section 83-174.03.

10 (2) Upon application by the county attorney or by the
11 administrator of the treatment facility where the subject is in
12 custody and upon a showing of good cause therefor, a judge of
13 the district court of the county where the mental health board
14 proceedings were held or of the county where the treatment facility
15 is located may order that the records not be made available to
16 the subject if, in the judgment of the court, the availability of
17 such records to the subject will adversely affect his or her mental
18 illness or personality disorder and the treatment thereof.

19 (3) When a subject is absent without authorization from
20 a treatment facility or program described in section 71-939 or
21 71-1223 and is considered to be dangerous to others, the subject's
22 name and description and a statement that the subject is believed
23 to be considered dangerous to others may be disclosed in order to
24 aid in the subject's apprehension and to warn the public of such
25 danger.

1 Sec. 89. Section 81-1401, Revised Statutes Supplement,
2 2007, is amended to read:

3 81-1401 For purposes of sections 81-1401 to 81-1414,
4 unless the context otherwise requires:

5 (1) Commission means the Nebraska Commission on Law
6 Enforcement and Criminal Justice;

7 (2) Council means the Nebraska Police Standards Advisory
8 Council;

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

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

15 (5) (a) Law enforcement officer means any person who
16 is responsible for the prevention or detection of crime or the
17 enforcement of the penal, traffic, or highway laws of the state or
18 any political subdivision of the state for more than one hundred
19 hours per year and is authorized by law to make arrests and
20 includes, but is not limited to:

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

23 (ii) A county sheriff;

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

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

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

8 (b) Law enforcement officer does not include employees of
9 the Department of Correctional Services, ~~probation officers under~~
10 ~~the Nebraska Probation System,~~ and parole officers, court services
11 officers as defined in section 32 of this act, appointed by the
12 ~~Parole Administrator,~~ or employees of the Department of Revenue
13 under section 77-366; and

14 (c) A law enforcement officer shall possess a valid law
15 enforcement officer certificate or diploma, as established by the
16 council, in order to be vested with the authority of this section,
17 but this subdivision does not prohibit an individual from receiving
18 a conditional appointment as an officer pursuant to subsection (2)
19 of section 81-1414;

20 (6) Director means the director of the Nebraska Law
21 Enforcement Training Center;

22 (7) Training academy means the training center or
23 such other council-approved law enforcement training facility
24 operated and maintained by a law enforcement agency which offers
25 certification training that meets or exceeds the certification

1 training curriculum of the training center;

2 (8) Training center means the Nebraska Law Enforcement
3 Training Center; and

4 (9) Training school means a public or private institution
5 of higher education, including the University of Nebraska, the
6 Nebraska state colleges, and the community colleges of this
7 state, that offers training in a council-approved pre-certification
8 course.

9 Sec. 90. Section 81-1848, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 81-1848 (1) Victims as defined in section 29-119 shall
12 have the following rights:

13 (a) To examine information which is a matter of public
14 record and collected by criminal justice agencies on individuals
15 consisting of identifiable descriptions and notations of issuance
16 of arrest warrants, arrests, detentions, indictments, charges by
17 information, and other formal criminal charges. Such information
18 shall include any disposition arising from such arrests, charges,
19 sentencing, correctional supervision, and release, but shall not
20 include intelligence or investigative information;

21 (b) To receive from the county attorney advance
22 reasonable notice of any scheduled court proceedings and notice of
23 any changes in that schedule;

24 (c) To be present throughout the entire trial of the
25 defendant, unless the victim is to be called as a witness or the

1 court finds sequestration of the victim necessary for a fair trial.
2 If the victim is to be called as a witness, the court may order the
3 victim to be sequestered;

4 (d) To be notified by the county attorney by any
5 means reasonably calculated to give prompt actual notice of the
6 following:

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

10 (ii) The final disposition of the case;

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

12 (iv) The victim's right to make a written or oral impact
13 statement to be used in the ~~probation~~ court services officer's
14 preparation of a presentence investigation report concerning the
15 defendant;

16 (v) The address and telephone number of the ~~probation~~
17 court services office which is to prepare the presentence
18 investigation report;

19 (vi) That a presentence investigation report and any
20 statement by the victim included in such report will be made
21 available to the defendant unless exempted from disclosure by order
22 of the court; and

23 (vii) The victim's right to submit a written impact
24 statement at the sentencing proceeding or to read his or her impact
25 statement submitted pursuant to subdivision (1)(d)(iv) of this

1 section at the sentencing proceeding;

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

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

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

18 (2) Victims and witnesses of crimes shall have the
19 following rights:

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

23 (b) To be notified that a court proceeding to which they
24 have been subpoenaed will not go on as scheduled in order to save
25 the person an unnecessary trip to court;

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

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

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

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

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

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

1 appearances;

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

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

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

13 Sec. 91. Section 83-170, Reissue Revised Statutes of
14 Nebraska, is amended to read:

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

17 (1) Administrator ~~shall mean~~ means the Parole
18 ~~Administrator, probation and parole administrator;~~

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

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

1 (4) Department ~~shall mean~~ means the Department of
2 Correctional Services;

3 (5) Director ~~shall mean~~ means the Director of
4 Correctional Services;

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

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

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

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

16 (10) Office means the Office of Adult Probation and
17 Parole Services;

18 ~~(10)~~ (11) Pardon authority ~~shall mean~~ means the power
19 to remit fines and forfeitures and to grant respites, reprieves,
20 pardons, or commutations;

21 ~~(11)~~ (12) Parole term ~~shall mean~~ means the time from
22 release on parole to the completion of the maximum term, reduced by
23 good time; and

24 ~~(12)~~ (13) Person committed to the department ~~shall mean~~
25 means any person sentenced or committed to a facility within the

1 department.

2 Sec. 92. Section 83-171, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 83-171 There is hereby created a Department of
5 Correctional Services which shall:

6 (1) Maintain and administer facilities required for the
7 custody, control, correctional treatment, and rehabilitation of
8 persons committed to the department and for the safekeeping of such
9 other persons as may be remanded to the department in accordance
10 with law;

11 (2) ~~Supervise~~ Through the office, supervise persons
12 ~~committed to the department on probation or parole~~ and administer
13 probation and parole services in the facilities and in the
14 community; and

15 (3) Develop policies and programs for the correctional
16 treatment and rehabilitation of persons committed to the
17 department.

18 Sec. 93. Section 83-174.03, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 83-174.03 (1) Any individual who, on or after July 14,
21 2006, (a) is convicted of or completes a term of incarceration for
22 an offense requiring registration under section 29-4003 and has a
23 previous conviction for a registerable offense, (b) is convicted
24 of sexual assault of a child in the first degree pursuant to
25 section 28-319.01, or (c) is convicted of or completes a term

1 of incarceration for an aggravated offense as defined in section
2 29-4005, shall, upon completion of his or her term of incarceration
3 or release from civil commitment, be supervised in the community
4 by the Office of Adult Probation and Parole Administration Services
5 for the remainder of his or her life.

6 (2) Notice shall be provided to the ~~Office of Parole~~
7 ~~Administration~~ office by an agency or political subdivision which
8 has custody of an individual required to be supervised in the
9 community pursuant to subsection (1) of this section at least sixty
10 days prior to the release of such individual from custody.

11 (3) Individuals required to be supervised in the
12 community pursuant to subsection (1) of this section shall
13 undergo a risk assessment and evaluation by the ~~Office of Parole~~
14 ~~Administration~~ office to determine the conditions of community
15 supervision to be imposed to best protect the public from the risk
16 that the individual will reoffend.

17 (4) Conditions of community supervision imposed on an
18 individual by the ~~Office of Parole Administration~~ office may
19 include the following:

20 (a) Drug and alcohol testing if the conviction resulting
21 in the imposition of community supervision involved the use of
22 drugs or alcohol;

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

25 (c) Requirements to report regularly to the individual's

1 community supervision officer;

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

5 (e) A requirement to allow the ~~Office of Parole~~
6 ~~Administration~~ office access to medical records from the
7 individual's current and former providers of treatment;

8 (f) A requirement that the individual submit himself or
9 herself to available medical, psychological, psychiatric, or other
10 treatment, including, but not limited to, polygraph examinations;
11 or

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

15 Sec. 94. Section 83-174.04, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 83-174.04 An individual who violates one or more of the
18 conditions of community supervision established for him or her
19 pursuant to section 83-174.03 shall undergo a review by the ~~Office~~
20 ~~of Parole Administration~~ office to evaluate the risk posed to the
21 public by the violation in question. The office may take any of
22 the following actions in response to a violation of conditions of
23 community supervision:

24 (1) Revise or impose additional conditions of community
25 supervision in order to minimize the risk to the public from the

1 continued presence of the individual in the community;

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

6 (3) Forward to the county attorney or Attorney General a
7 recommendation that civil commitment proceedings be instituted with
8 respect to the individual.

9 Sec. 95. Section 83-174.05, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 83-174.05 Failure to comply with the conditions
12 of community supervision imposed by the ~~Office of Parole~~
13 ~~Administration~~ office is a Class IV felony for the first offense
14 and a Class III felony for any subsequent offense.

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

17 83-195 In the performance of its duties, the Board of
18 Parole, or any member thereof, shall have the power to issue
19 subpoenas, to compel the attendance of witnesses and the production
20 of books, papers, and other documents pertinent to the subject
21 of an inquiry, and to administer oaths and take the testimony
22 of persons under oath. Subpoenas so issued may be served by any
23 sheriff, constable, police officer, probation and parole officer,
24 or peace officer in the same manner as similar process in the
25 district court. Any person who knowingly testifies falsely, submits

1 any false affidavit or deposition, fails to appear when subpoenaed,
2 or fails or refuses to produce such material pursuant to the
3 subpoena shall be subject to the same orders and penalties to
4 which a person before the district court is subject. Any district
5 court of this state, upon application by the board, may compel
6 the attendance of such witnesses, the production of such material,
7 and the giving of testimony before the board by an attachment
8 for contempt or otherwise in the same manner as production of
9 evidence may be compelled before such court. Every person shall
10 attend as a witness when subpoenaed anywhere within the state and
11 shall be entitled to the same fees, if requested, as a witness
12 in the district court and mileage as provided in section 81-1176.
13 ~~for state employees.~~ Fees, mileage, and actual expense, if any,
14 necessarily incurred in securing the attendance of witnesses shall
15 be paid by the board.

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

18 83-197 The Board of Parole shall have the power to direct
19 the ~~Director of Correctional Services~~ administrator to keep records
20 concerning committed offenders which the board deems pertinent to
21 its functions.

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

24 83-1,103.01 A probation and parole officer assigned by
25 the administrator to supervise individuals subject to lifetime

1 community supervision pursuant to section 83-174.03 shall:

2 (1) Make investigations, prior to an individual subject
3 to community supervision being released from incarceration, in
4 cooperation with institutional caseworkers at prisons, mental
5 health facilities, and county jails, to determine the community
6 supervision conditions necessary to protect the public and make
7 reasonable advance preparation for release into the community;

8 (2) Assist individuals subject to community supervision
9 to comply with the conditions of supervision and to make a
10 successful adjustment in the community;

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

13 (4) Make reports as required by the administrator to
14 determine the effectiveness of community supervision in protecting
15 the public or the progress of an individual subject to community
16 supervision;

17 (5) Cooperate with social welfare agencies and treatment
18 providers to ensure that individuals subject to community
19 supervision receive any necessary services or treatment;

20 (6) Inform the administrator when, in the opinion of the
21 community supervision officer, an individual is in violation of
22 the conditions of his or her community supervision, and whenever
23 necessary exercise the power of arrest as provided in section
24 ~~83-1,102,~~ 5 of this act;

25 (7) Conduct periodic reviews of the conditions of

1 community supervision imposed on an individual as required by the
2 administrator; and

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

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

7 83-1,103.02 (1) Prior to the release from incarceration
8 of an individual subject to lifetime community supervision pursuant
9 to section 83-174.03, the ~~Office of Parole Administration~~ office
10 shall:

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

14 (b) Inform the individual subject to community
15 supervision of the process by which conditions of community
16 supervision are determined and his or her right to submit relevant
17 information to the office for consideration when establishing the
18 conditions of supervision;

19 (c) Determine the individual's risk of recidivism if
20 released into the community, utilizing a validated risk assessment
21 tool;

22 (d) After considering the information required in
23 subdivision (e) of this subsection, determine the conditions of
24 supervision which will most effectively minimize the risk of the
25 individual committing another sex offense. The conditions shall be

1 the least restrictive conditions available, in terms of the effect
2 on the individual's personal freedom, which minimize the risk of
3 recidivism and are compatible with public safety; and

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

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

10 (ii) All official reports of the individual's prior
11 criminal record, including reports and records of earlier probation
12 and parole experiences;

13 (iii) The presentence investigation report;

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

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

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

21 (2) Upon completion of the risk assessment and the
22 determination of the conditions of community supervision and no
23 later than thirty days prior to the completion of the individual's
24 criminal sentence, the ~~Office of Parole Administration~~ office shall
25 issue a certificate of community supervision to the individual

1 containing the conditions of community supervision he or she
2 will be required to comply with upon the completion of his or
3 her criminal sentence. The administrator shall include with the
4 certificate written information on how to appeal the determination
5 of the conditions of community supervision.

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

8 83-1,103.03 ~~The Office of Parole Administration~~ office
9 shall review the conditions of community supervision imposed on
10 an individual pursuant to section 83-174.03 on an annual basis
11 and shall provide the individual the opportunity to submit written
12 materials to the office for consideration during such review.

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

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

23 83-1,103.04 (1) Whenever a determination or revision of
24 the conditions of community supervision is made by the ~~Office~~
25 ~~of Parole Administration,~~ office, the individual subject to the

1 conditions shall be entitled to an appeal. The appeal shall be
2 heard by the district court in the county where the individual
3 resides. The individual shall be informed of his or her right
4 to request counsel, and if counsel is requested the court shall
5 determine if the individual is indigent. If the court finds the
6 individual to be indigent, it shall appoint counsel from the public
7 defender's office to represent the individual during the appeal.

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

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

19 83-1,107 (1)(a) Within sixty days after initial
20 classification and assignment of any offender committed to
21 the department, all available information regarding such
22 committed offender shall be reviewed and a committed offender
23 department-approved personalized program plan document shall
24 be drawn up. The document shall specifically describe the
25 department-approved personalized program plan and the specific

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

8 Programming may include, but is not limited to:

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

11 (ii) Substance abuse treatment;

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

14 (iv) Constructive, meaningful work programs; and

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

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

1 to grant parole to a committed offender.

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

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

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

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

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

1 the office expects the parolee to achieve. The document shall
2 also contain a realistic schedule for completion of the approved
3 personalized program plan. The approved personalized program plan
4 shall be fully explained to the parolee. During the term of parole,
5 the parolee shall comply with the approved personalized program
6 plan and the office shall provide programs to allow compliance by
7 the parolee with the approved personalized program plan.

8 Programming may include, but is not limited to:

- 9 (i) Academic and vocational education;
10 (ii) Substance abuse treatment;
11 (iii) Mental health and psychiatric treatment, including
12 criminal personality programming;
13 (iv) Constructive, meaningful work programs;
14 (v) Community service programs; and
15 (vi) Any other program deemed necessary and appropriate
16 by the office.

17 (b) A modification in the approved personalized program
18 plan may be made to account for the increased or decreased
19 abilities of the parolee or the availability of any program.
20 Any modification shall be made only after notice is given to
21 the parolee. Intentional failure to comply with the approved
22 personalized program plan by any parolee as scheduled for any year,
23 or pro rata part thereof, shall cause disciplinary action to be
24 taken by the office resulting in the forfeiture of up to a maximum
25 of three months' good time for the scheduled year.

1 (6) While the offender is in the custody of the
2 board, reductions of terms granted pursuant to subsection (2)
3 of this section may be forfeited, withheld, and restored by the
4 administrator with the approval of the director after the offender
5 has been notified regarding the charges of misconduct or breach of
6 the conditions of parole. In addition, the board may recommend such
7 forfeitures of good time to the director.

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

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

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

22 (a) Meet specified family responsibilities;

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

24 (c) Remain in the geographic limits fixed in the
25 certificate of parole unless granted written permission to leave

1 such limits;

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

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

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

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

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

16 (2) Before release on parole, a parolee shall be provided
17 with a certificate of parole setting forth the conditions of the
18 parole.

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

21 83-1,119 (1) Whenever a probation and parole officer has
22 reasonable cause to believe that a parolee has violated or is
23 about to violate a condition of parole but that the parolee will
24 not attempt to leave the jurisdiction and will not place lives
25 or property in danger, the probation and parole officer shall

1 submit a written report to the Board of Parole which may, on the
2 basis of such report and such further investigation as it may deem
3 appropriate:

4 (a) Dismiss the charge of violation;

5 (b) Determine whether the parolee violated the conditions
6 of his or her parole;

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

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

10 (2) Whenever a probation and parole officer has
11 reasonable cause to believe that a parolee has violated or is about
12 to violate a condition of parole and that the parolee will attempt
13 to leave the jurisdiction or will place lives or property in
14 danger, the probation and parole officer shall arrest the parolee
15 without a warrant and call on any peace officer to assist him or
16 her in doing so.

17 (3) Whenever a parolee is arrested with or without a
18 warrant, he or she shall be detained in a local jail or other
19 detention facility. Immediately after such arrest and detention,
20 the probation and parole officer shall notify the Board of Parole
21 and submit a written report of the reason for such arrest. A
22 complete investigation shall be made by the ~~parole administration~~
23 administrator and submitted to the ~~parole board~~. Board of Parole.
24 After prompt consideration of such written report, the board shall
25 order the parolee's release from detention or continued confinement

1 to await a final decision on the revocation of parole.

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

4 83-1,120 Whenever a parolee is charged with a violation
5 of ~~his~~ parole, he or she shall be entitled to a prompt hearing
6 on such charge by the Board of Parole, which in no event shall
7 occur more than thirty days after receipt of the probation and
8 parole officer's written report. At such hearing, the parolee shall
9 be permitted to be present, to testify, to produce witnesses,
10 to cross-examine adverse witnesses, and to introduce such other
11 evidence as may be pertinent. The parolee shall be informed of
12 his or her right to request counsel at such hearing, and if he
13 the parolee thereafter makes such request, based on a timely and
14 colorable claim (1) that he or she has not committed the alleged
15 violation of the conditions upon which he or she is at liberty,
16 or (2) that, even if the violation is a matter of public record
17 or is uncontested, there are substantial reasons which justified
18 or mitigated the violation and make revocation inappropriate and
19 that the reasons are complex or otherwise difficult to develop
20 or present, and upon consideration of whether or not the parolee
21 appears to be capable of speaking effectively for himself or
22 herself, the board in the exercise of a sound discretion may
23 provide counsel unless retained counsel is available to the
24 parolee. In every case when a request for counsel is refused,
25 the grounds for refusal shall be stated in the record.

1 Sec. 106. Section 83-1,128, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 83-1,128 In the performance of official duties, the Board
4 of Pardons or any member thereof shall have the power to issue
5 subpoenas, to compel the attendance of witnesses and the production
6 of books, papers, and other documents pertinent to the subject
7 of an inquiry, and to administer oaths and take the testimony
8 of persons under oath. Subpoenas so issued may be served by any
9 sheriff, constable, police officer, probation and parole officer,
10 or peace officer in the same manner as similar process in the
11 district court. Any person who knowingly testifies falsely, submits
12 any false affidavit or deposition, fails to appear when subpoenaed,
13 or fails or refuses to produce such material pursuant to the
14 subpoena shall be subject to the same orders and penalties to
15 which a person before the district court is subject. Any district
16 court of this state, upon application by the board, may compel
17 the attendance of such witnesses, the production of such material,
18 and the giving of testimony before the board by an attachment
19 for contempt or otherwise in the same manner as production of
20 evidence may be compelled before such court. Every person shall
21 attend as a witness when subpoenaed anywhere within the state and
22 shall be entitled to the same fees, if requested, as a witness
23 in the district court and mileage as provided in section 81-1176.
24 ~~for state employees.~~ Fees, mileage, and actual expense, if any,
25 necessarily incurred in securing the attendance of witnesses shall

1 be paid by the board.

2 Sec. 107. Section 83-901, Revised Statutes Supplement,
3 2007, is amended to read:

4 83-901 The purpose of ~~sections 49-617, 68-621, 72-249,~~
5 ~~72-1302 to 72-1304, 81-101, 81-102, 81-1021, 83-101.08, 83-107.01,~~
6 ~~83-108, 83-108.04, 83-112, 83-135, 83-139, 83-140, 83-144, 83-145,~~
7 ~~83-147 to 83-150, 83-153 to 83-156, 83-170 to 83-173, 83-186,~~
8 ~~83-188, 83-443,~~ the Nebraska Treatment and Corrections Act and
9 sections 83-901 to 83-916 is to establish an agency of state
10 government for the custody, study, care, discipline, training, and
11 treatment of persons in the correctional and detention institutions
12 and for the study, training, and treatment of persons under the
13 supervision of other correctional services of the state so that
14 they may be prepared for lawful community living. Correctional
15 services shall be so diversified in program and personnel as to
16 facilitate individualization of treatment.

17 Sec. 108. Section 83-932, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 83-932 The Division of Community-Centered Services shall:

20 ~~(1) Coordinate all adult parole programs and services in~~
21 ~~the state and supervise the administration of such programs and~~
22 ~~services;~~

23 ~~(2)~~ (1) Cooperate with the Division of Adult Services in
24 the coordination of volunteer programs in the adult correctional
25 facilities;

1 ~~(3)~~ (2) Coordinate and supervise community educational
2 programs to increase community awareness and understanding of the
3 community rehabilitative programs of the division; and

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

6 Sec. 109. Section 83-933, Revised Statutes Cumulative
7 Supplement, 2006, is amended to read:

8 83-933 The Office of Adult Probation and Parole
9 Administration Services shall be within the Division of
10 Community-Centered Department of Correctional Services. Subject
11 to the supervision of the assistant director of the division,
12 the Parole Administrator The probation and parole administrator
13 shall be charged with the administration of probation and parole
14 services in the community pursuant to ~~the provisions of section~~
15 ~~83-1,102,~~ 5 of this act, implementation and administration of
16 the Interstate Compact for Adult Offender Supervision, ~~as it~~
17 ~~affects parolees,~~ community supervision of sex offenders pursuant
18 to section 83-174.03, and supervision of adult probationers on
19 probation in Nebraska and parolees either paroled in Nebraska
20 and supervised in another state or paroled in another state and
21 supervised in Nebraska, pursuant to the compact.

22 Sec. 110. Sections 4 and 112 of this act become operative
23 on their effective date. The other sections of this act become
24 operative on July 1, 2009.

25 Sec. 111. Original sections 29-2249, 29-2251, 29-2253,

1 29-2260, 29-2262.03, 29-2262.04, 29-2262.05, 29-2265, 29-2270,
2 33-154, 43-250, 43-253, 43-260, 43-260.05, 43-274, 43-286, 43-294,
3 43-2,108, 43-707, 43-3505, 43-3507, 47-628, 47-629, 83-170, 83-171,
4 83-188, 83-195, 83-197, 83-1,116, 83-1,119, 83-1,120, 83-1,128,
5 and 83-932, Reissue Revised Statutes of Nebraska, sections 20-150,
6 20-151, 24-205, 24-227.01, 25-2407, 28-322, 28-929, 28-930,
7 28-931, 28-931.01, 29-2246, 29-2248, 29-2250, 29-2252, 29-2252.01,
8 29-2254, 29-2257, 29-2258, 29-2259, 29-2259.01, 29-2259.02,
9 29-2260.01, 29-2262, 29-2262.06, 29-2262.07, 29-2263, 29-2266,
10 29-2272, 29-2935, 29-4009, 29-4019, 43-271, 43-3001, 47-624,
11 47-627, 60-6,211.05, 60-6,211.09, 81-1848, 83-174.03, 83-174.04,
12 83-174.05, 83-1,100, 83-1,102, 83-1,103, 83-1,103.01, 83-1,103.02,
13 83-1,103.03, 83-1,103.04, 83-1,107, 83-1,107.01, 83-1,107.02, and
14 83-933, Revised Statutes Cumulative Supplement, 2006, and sections
15 29-2261, 43-2,113, 43-2411, 47-623, 68-1732, 71-961, 81-1401, and
16 83-901, Revised Statutes Supplement, 2007, are repealed.

17 Sec. 112. Original section 83-1,101, Reissue Revised
18 Statutes of Nebraska, is repealed.

19 Sec. 113. The following sections are outright repealed:
20 Sections 29-2249.04, 29-2255, 29-2256, 83-1,100.01, and 83-1,104,
21 Reissue Revised Statutes of Nebraska, section 71-1228, Revised
22 Statutes Cumulative Supplement, 2006, and sections 47-635, 47-636,
23 47-637, 47-638, and 47-639, Revised Statutes Supplement, 2007.