

ONE HUNDRED FIRST LEGISLATURE - SECOND SESSION - 2010
COMMITTEE STATEMENT
LB510

Hearing Date: Thursday March 26, 2009
Committee On: Judiciary
Introducer: Pirsch
One Liner: Require the deposit and distribution of certain surcharges and inmate wages for the benefit of victims of crime

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	7	Senators Ashford, Christensen, Coash, Lathrop, McGill, Lautenbaugh, Rogert
Nay:	1	Senator Council
Absent:		
Present Not Voting:		

Proponents:

Sen. Pete Pirsch
Jaimee Napp
Anthony Cato Jr.
Robert Schmill

Representing:

Introducer
Identity Theft Action Council of NE
self
Matt's Dream Foundation

Opponents:

Robert Creager

Representing:

NCDA (Nebraska Criminal Defense Attorneys Assoc.)

Neutral:

Janice Walker

Representing:

Supreme Court

Summary of purpose and/or changes:

LB 510 would add a \$1 surcharge to any fine or penalty prescribed by law for a violation of a state or local criminal or traffic penalty for the creation of the Nebraska Crime Victim Fund. The Nebraska Crime Victim Fund would be administered by the Nebraska Commission on Law Enforcement and Criminal Justice for the purpose of distributing these funds, first to the Victim Information and Notification Everyday Network and that any funds remaining be distributed to comprehensive crime victim assistance programs or nonprofit organizations that provide such victim assistance programs.

LB 510 would also amend 83-183 of the statutes to provide that the Director of Corrections may authorize the chief executive officer to deposit "up to" five percent of the funds of a person committed to the Department into the Victim's Compensation Fund.

Explanation of amendments:

AM 2095 would make the following changes to LB 510:

Section 1:

- Would assess a \$1 fee on each misdemeanor and felony conviction in district and county court and each affirmation on appeal;
- Provides that no county shall be liable for the assessment imposed pursuant to this section;
- Would require that the State Treasurer shall credit funds remitted pursuant to subsection 1 of this section and section 83-184 (Work Release Inmate Wages) to the Dept. of Correctional Services Facility Cash Fund and the Supreme Court Automation Cash Fund to reimburse those entities for implementing this act;
- Provides that the amount generated by the \$1 assessment shall be divided 75% to the Victims Compensation Fund and 25% to the Reentry Cash Fund after reimbursing the implementation costs to the Supreme Court and the Dept. of Corrections.

Section 2:

- Provides that in every case of conviction of a person for a felony or misdemeanor it shall be the courts duty to render judgment for cost of prosecution including the assessment called for in section 1 of this act.

Section 3:

- Provides that in cases of appeal of a conviction of a person for a felony or misdemeanor that is affirmed, the court shall remit the assessment as provided under section 1 of this act.

Section 4:

- Provides that the Victims Compensation Fund used to pay out awards granted under the Nebraska crime Victims Reparations Act shall consist of funds to include Work Release Inmate wages as provided for under 83-184 and the funds generated from the assessment provided under section 1 of this act. This section would also allow contributions from public or private sources as well.

Section 5:

- Provides that the Director of Corrections shall authorize the chief executive officer to withhold up to five percent of a work release inmates' wages and direct that the funds shall be remitted to the State Treasurer as provided in subsection 2 of section 1, which divides the funds 75% to the Victims Compensation Fund and 25% to the Reentry Cash Fund after reimbursing the implementation costs to the State Treasurer and the Dept. of Corrections.

Section 6:

- Reentry Fund is created. The fund shall be administered by the Department of Corrections. The State Treasurer shall credit the funds as provided under 83-184(Work Release Inmate Wages) and Section 1 of this act (\$1 assessment). The funds shall be used by the department for tuition, fees, and other costs associated with reentry and reintegration programs offered to offenders that are placed in the incarceration work camp.

Brad Ashford, Chairperson