

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB463**

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**Hearing Date:** Thursday February 24, 2011  
**Committee On:** Judiciary  
**Introducer:** Ashford  
**One Liner:** Change juvenile penalty, records, service plan, probation sanctions, and truancy provisions

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

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**Vote Results:**

<b>Aye:</b>	7	Senators Ashford, Coash, Council, Harr, Larson, Lautenbaugh, McGill
<b>Nay:</b>		
<b>Absent:</b>	1	Senator Lathrop
<b>Present Not Voting:</b>		

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**Proponents:**  
SEN. BRAD ASHFORD  
JOHN TUELL

JOHN CAVANAUGH  
KEVIN RILEY  
WARREN WHITTED  
MICHAEL BEHM  
DON KLEINE  
LORRAINE CHANG

AMY RICHARDSON  
JERRY HOFFMAN  
KATIE ZULKOSKI

**Opponents:**  
AUTUMN COOK  
BETH MEYER  
STEPHANIE MORGAN  
CHRISTY HALL  
CRYSTAL YOUNG

**Neutral:**  
ROGER BREED  
MATTHEW RAY

**Representing:**  
INTRODUCER  
TUELL & ASSOCIATES, GEORGETOWN  
UNIVERSITY CTR FOR JUVENILE JUSTICE REFORM  
BUILDING BRIGHT FUTURES  
GRETNA PUBLIC SCHOOLS  
NE STATE BAR ASSOCIATION  
NE CRIME COMMISSION  
DOUGLAS COUNTY ATTORNEY  
LEARNING COMMUNITY OF DOUGLAS & SARPY  
COUNTIES  
LUTHERAN FAMILY SERVICES  
NSEA  
MILLARD PUBLIC SCHOOLS

**Representing:**  
SELF  
SELF  
MILLARD PARENT SOCIETY  
MILLARD PARENT SOCIETY  
SELF

**Representing:**  
NE DEPARTMENT OF EDUCATION  
OMAHA PUBLIC SCHOOLS

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**Summary of purpose and/or changes:**

Legislative Bill 463 was introduced at the request of the Governor and would provide the following:

\* At least 50% of the learning community coordinating council operating fund (\$882,275 total) would be used for truancy intervention programs that incorporate evidence-based practices pursuant to a plan developed by the superintendents of

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member districts. The programs must be approved by a majority of the council members and two-thirds of the superintendents of the districts within the learning community. The funds would be used this way until the annual rate of truancy (absent more than 10 days), as calculated at the end of the each school year by the State Department of Education, in learning community school districts is reduced by 50% from the rate calculated for the 2010-11 school year.

\* The goals and objectives of the learning community would include the reduction of excessive absenteeism for purposes of the annual evaluation conducted to measure the progress toward such goals and objectives.

\* The written policy on excessive absenteeism must include a provision indicating how the district and the county attorney will handle cases in which excessive absences are due to documented serious illnesses.

\* When a child is absent more than 10 days or is suspended, there would be an exchange of information between the school district, Probation, DHHS and its contract providers and the crime commission about the child's involvement with the juvenile justice and/or child welfare systems, if any.

#### Technical Corrections to LB 800 from 2010

\* The administrative sanctions provisions would move from the criminal procedure chapter to the juvenile code.

\* Language would be added to the end of § 28-416 to limit the sending of abstracts of the conviction or adjudication to the Department of Motor Vehicles to cases in which the conviction or adjudication resulted in a license or permit being impounded or in the prohibition on obtaining a license or permit.

#### Substantive Change to LB 800 from 2010

\* An exception would be created for law enforcement agencies to have access to sealed juvenile records for purposes of considering applicants for employment.

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#### **Explanation of amendments:**

Committee Amendment AM 745 would include changes to LB 463 and an amended version of LB 79.

LB 463 would be amended by AM 475 to add a cross reference to the administrative sanctions provisions to § 43-286. The amendment would authorize the Learning Community Coordinating Council to establish and administer pilot projects related to truancy initiatives. The amendment would strike the original provisions requiring information sharing and the creation of a truancy intervention plan by the superintendents of the learning community school districts. The amendment would require the superintendents of the learning community school districts to participate in a pilot project to share information regarding at-risk youth pursuant to a memorandum of understanding to be agreed upon before August 1, 2011 by the districts, Probation, HHS and the Crime Commission. The definition of at-risk youth would include children involved with Probation, those involved with HHS, those involved with the juvenile justice system and those who have been absent from school for more than ten days for reasons other than documented illness that make attendance impossible or impracticable. For purposes facilitating the exchange of information for the pilot project through the Nebraska Criminal Justice Information System (NCJIS), \$150,000 would be appropriated to the Crime Commission in fiscal year 2011-12 and \$30,000 in fiscal year 2012-13 and each following year. The aid appropriation for the learning community would be decreased by the amounts necessary to appropriate the money for NCJIS.

The amended version of Legislative Bill 79 would add provisions to the Court Appointed Special Advocate Act to provide a grant program for Court Appointed Special Advocates (CASAs). The bill includes legislative intent language indicating the importance of CASA volunteers. The CASA cash fund would be created under the control of the Supreme Court and administered by the State Court Administrator. The Supreme Court would award grants to CASA programs that apply and meet the qualifications, including: being a nonprofit organization, operating statewide and having an affiliation agreement with local programs. To fund the grants, \$100,000 would be transferred from the Commission on Public Advocacy Operations Cash Fund to the CASA cash fund in 2011 and \$200,000 in 2012. The Supreme Court would award the grants according to the following provisions: up to \$10,000 to administer the grant process; 80% of remaining amount, but no more than \$400,000 for grants to recruit and train new CASA volunteers; 10% of remaining amount, but no more than \$50,000 to create innovative programming to implement the Act; and 10% of remaining amount, but no

more than \$50,000 to expand CASA programs into counties that have no or limited programs. Any program awarded a grant would have to report on its activities to the Supreme Court, the Legislature and the Governor each year.

The amendment would add an emergency clause to the bill.

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Brad Ashford, Chairperson