

AMENDMENTS TO LB 99

Introduced by Pirsch

1 1. Insert the following new sections:

2 Section 1. Section 81-1822, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 81-1822 No compensation shall be awarded from the
5 Victim's Compensation Fund:

6 (1) If the victim aided or abetted the offender in the
7 commission of the unlawful act;

8 (2) If the offender will receive economic benefit or
9 unjust enrichment from the compensation;

10 (3) If the victim violated a criminal law of the state,
11 which violation caused or contributed to his or her injuries or
12 death; or

13 (4) If the victim is injured as a result of the operation
14 of a motor vehicle, boat, or airplane (a) unless the vehicle was
15 used in a deliberate attempt to injure or kill the victim, (b)
16 unless the operator is charged with a violation of section 60-6,196
17 or 60-6,197 or a city or village ordinance enacted in conformance
18 with either of such sections, or (c) unless any chemical test of
19 the operator's breath or blood indicates an alcohol concentration
20 equal to or in excess of the limits prescribed in section 60-6,196.

21 + or

22 ~~(5) If the victim incurs an economic loss which does~~
23 ~~not exceed ten percent of his or her net financial resources. For~~

1 ~~purposes of this subdivision, a victim's net financial resources~~
2 ~~shall not include the present value of future earnings and shall~~
3 ~~be determined by the committee by deducting from the victim's total~~
4 ~~financial resources;~~

5 ~~(a) One year's earnings;~~

6 ~~(b) The victim's equity in his or her home, not exceeding~~
7 ~~thirty thousand dollars;~~

8 ~~(c) One motor vehicle; and~~

9 ~~(d) Any other property which would be exempt from~~
10 ~~execution under section 25-1552 or 40-101.~~

11 Nothing in this section shall limit payments to a victim
12 by an offender which are made as full or partial restitution of the
13 victim's actual pecuniary loss.

14 Sec. 2. Section 81-1833, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 81-1833 (1) The committee shall prepare and submit to
17 the commission a biennial report of its activities under the
18 Nebraska Crime Victim's Reparations Act, , including the name of
19 each applicant, a brief description of the facts in each case, and
20 the amount of compensation awarded, except that if the applicant
21 was the victim of a sexual assault the victim's name shall not
22 be included in the report, but shall be available to the Governor
23 or a member of the Legislature upon request to the committee.

24 Such report shall be submitted to the Governor and Clerk of the
25 Legislature. The report submitted to the Clerk of the Legislature
26 shall be submitted electronically. as part of the commission's
27 report submitted pursuant to section 81-1423.

1 (2) The committee shall act as the oversight committee
2 for the Community Trust and shall annually report its activities
3 and findings as the oversight committee to the commission, the
4 Governor, and the Clerk of the Legislature. The report submitted to
5 the Clerk of the Legislature shall be submitted electronically. If
6 any questionable or improper actions or inactions on the part of
7 the Community Trust are observed, the committee shall immediately
8 notify the Attorney General who shall investigate the matter.

9 Sec. 3. Original sections 81-1822 and 81-1833, Revised
10 Statutes Cumulative Supplement, 2012, are repealed.

11 Sec. 4. The following section is outright repealed:
12 Section 81-1834, Revised Statutes Cumulative Supplement, 2012.

13 2. Renumber the remaining sections and correct internal
14 references and the repealer accordingly.