

AMENDMENTS TO LB 561

Introduced by Judiciary

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 28-726, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 28-726 Except as provided in this section and sections
6 28-722 and 81-3126, no person, official, or agency shall have
7 access to information in the tracking system of child protection
8 cases maintained pursuant to section 28-715 or in records in the
9 central register of child protection cases maintained pursuant to
10 section 28-718 unless in furtherance of purposes directly connected
11 with the administration of the Child Protection Act. Such persons,
12 officials, and agencies having access to such information shall
13 include, but not be limited to:

14 (1) A law enforcement agency investigating a report of
15 known or suspected child abuse or neglect;

16 (2) A county attorney in preparation of a child abuse or
17 neglect petition or termination of parental rights petition;

18 (3) A physician who has before him or her a child whom he
19 or she reasonably suspects may be abused or neglected;

20 (4) An agency having the legal responsibility or
21 authorization to care for, treat, or supervise an abused or
22 neglected child or a parent, a guardian, or other person
23 responsible for the abused or neglected child's welfare who is the

1 subject of the report of child abuse or neglect;

2 (5) Any person engaged in bona fide research or auditing.

3 No information identifying the subjects of the report of child
4 abuse or neglect shall be made available to the researcher or
5 auditor;

6 (6) The Foster Care Review Office and the designated
7 local foster care review board when the information relates to a
8 child in a foster care placement as defined in section 43-1301.
9 The information provided to the office and local board shall not
10 include the name or identity of any person making a report of
11 suspected child abuse or neglect;

12 (7) The designated protection and advocacy system
13 authorized pursuant to the Developmental Disabilities Assistance
14 and Bill of Rights Act of 2000, 42 U.S.C. 15001, as the act
15 existed on January 1, 2005, and the Protection and Advocacy for
16 Mentally Ill Individuals Act, 42 U.S.C. 10801, as the act existed
17 on September 1, 2001, acting upon a complaint received from or
18 on behalf of a person with developmental disabilities or mental
19 illness;

20 (8) The person or persons having custody of the abused or
21 neglected child in situations of alleged out-of-home child abuse or
22 neglect; ~~and~~

23 (9) For purposes of licensing providers of child care
24 programs, the Department of Health and Human Services; ~~and-~~

25 (10) A probation officer administering juvenile intake
26 services pursuant to section 29-2260.01, conducting court-ordered
27 predispositional investigations prior to adjudication, or

1 supervising a juvenile upon disposition.

2 Sec. 2. Section 29-2204, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 29-2204 (1) Except when a term of life imprisonment is
5 required by law, in imposing an indeterminate sentence upon an
6 offender the court shall:

7 (a)(i) Until July 1, 1998, fix the minimum and maximum
8 limits of the sentence to be served within the limits provided by
9 law, except that when a maximum limit of life is imposed by the
10 court for a Class IB felony, the minimum limit may be any term of
11 years not less than the statutory mandatory minimum; and

12 (ii) Beginning July 1, 1998:

13 (A) Fix the minimum and maximum limits of the sentence
14 to be served within the limits provided by law for any class of
15 felony other than a Class IV felony, except that when a maximum
16 limit of life is imposed by the court for a Class IB felony, the
17 minimum limit may be any term of years not less than the statutory
18 mandatory minimum. If the criminal offense is a Class IV felony,
19 the court shall fix the minimum and maximum limits of the sentence,
20 but the minimum limit fixed by the court shall not be less than
21 the minimum provided by law nor more than one-third of the maximum
22 term and the maximum limit shall not be greater than the maximum
23 provided by law; or

24 (B) Impose a definite term of years, in which event the
25 maximum term of the sentence shall be the term imposed by the court
26 and the minimum term shall be the minimum sentence provided by law;

27 (b) Advise the offender on the record the time the

1 offender will serve on his or her minimum term before attaining
2 parole eligibility assuming that no good time for which the
3 offender will be eligible is lost; and

4 (c) Advise the offender on the record the time the
5 offender will serve on his or her maximum term before attaining
6 mandatory release assuming that no good time for which the offender
7 will be eligible is lost.

8 If any discrepancy exists between the statement of
9 the minimum limit of the sentence and the statement of parole
10 eligibility or between the statement of the maximum limit of the
11 sentence and the statement of mandatory release, the statements
12 of the minimum limit and the maximum limit shall control the
13 calculation of the offender's term. If the court imposes more
14 than one sentence upon an offender or imposes a sentence upon
15 an offender who is at that time serving another sentence, the
16 court shall state whether the sentences are to be concurrent or
17 consecutive.

18 (2) (a) When the court is of the opinion that imprisonment
19 may be appropriate but desires more detailed information as a
20 basis for determining the sentence to be imposed than has been
21 provided by the presentence report required by section 29-2261, the
22 court shall commit an offender to the Department of Correctional
23 Services for a period not exceeding ninety days. The department
24 shall conduct a complete study of the offender during that time,
25 inquiring into such matters as his or her previous delinquency or
26 criminal experience, social background, capabilities, and mental,
27 emotional, and physical health and the rehabilitative resources

1 or programs which may be available to suit his or her needs. By
2 the expiration of the period of commitment or by the expiration
3 of such additional time as the court shall grant, not exceeding
4 a further period of ninety days, the offender shall be returned
5 to the court for sentencing and the court shall be provided
6 with a written report of the results of the study, including
7 whatever recommendations the department believes will be helpful to
8 a proper resolution of the case. After receiving the report and the
9 recommendations, the court shall proceed to sentence the offender
10 in accordance with subsection (1) of this section. The term of the
11 sentence shall run from the date of original commitment under this
12 subsection.

13 (b) In order to encourage the use of this procedure
14 in appropriate cases, all costs incurred during the period the
15 defendant is held in a state institution under this subsection
16 shall be a responsibility of the state and the county shall
17 be liable only for the cost of delivering the defendant to the
18 institution and the cost of returning him or her to the appropriate
19 court for sentencing or such other disposition as the court may
20 then deem appropriate.

21 (3) Except when a term of life is required by law,
22 whenever the defendant was under eighteen years of age at the time
23 he or she committed the crime for which he or she was convicted,
24 the court may, in its discretion, instead of imposing the penalty
25 provided for the crime, make such disposition of the defendant
26 as the court deems proper under the Nebraska Juvenile Code. ~~Prior~~
27 ~~to making a disposition which commits the juvenile to the Office~~

1 of Juvenile Services, the court shall order the juvenile to be
2 evaluated by the office if the juvenile has not had an evaluation
3 within the past twelve months.

4 Sec. 3. Section 29-2258, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 29-2258 A district probation officer shall:

7 (1) Conduct juvenile intake interviews and investigations
8 in accordance with sections 43-253 and 43-260.01;

9 (2) Make presentence and other investigations, as may be
10 required by law or directed by a court in which he or she is
11 serving;

12 (3) Supervise probationers in accordance with the rules
13 and regulations of the office and the directions of the sentencing
14 court;

15 (4) Advise the sentencing court, in accordance with
16 the Nebraska Probation Administration Act and such rules and
17 regulations of the office, of violations of the conditions of
18 probation by individual probationers;

19 (5) Advise the sentencing court, in accordance with the
20 rules and regulations of the office and the direction of the court,
21 when the situation of a probationer may require a modification of
22 the conditions of probation or when a probationer's adjustment is
23 such as to warrant termination of probation;

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

26 (7) Whenever necessary, exercise the power of arrest or
27 temporary custody as provided in section 29-2266 or 43-286.01;

1 (8) Establish procedures for the direction and guidance
2 of deputy probation officers under his or her jurisdiction and
3 advise such officers in regard to the most effective performance of
4 their duties;

5 (9) Supervise and evaluate deputy probation officers
6 under his or her jurisdiction;

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

9 (11) Make such reports as required by the administrator,
10 the judges of the probation district in which he or she serves, or
11 the Supreme Court;

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

15 (13) Cooperate fully with and render all reasonable
16 assistance to other probation officers;

17 (14) In counties with a population of less than
18 twenty-five thousand people, participate in pretrial diversion
19 programs established pursuant to sections 29-3601 to 29-3604
20 and juvenile pretrial diversion programs established pursuant to
21 sections 43-260.02 to 43-260.07 as requested by judges of the
22 probation district in which he or she serves or as requested by
23 a county attorney and approved by the judges of the probation
24 district in which he or she serves, except that participation in
25 such programs shall not require appointment of additional personnel
26 and shall be consistent with the probation officer's current
27 caseload;

1 (15) Participate, at the direction of the probation
2 administrator pursuant to an interlocal agreement which meets the
3 requirements of section 29-2255, in non-probation-based programs
4 and services;

5 (16) Perform such other duties not inconsistent with the
6 Nebraska Probation Administration Act or the rules and regulations
7 of the office as a court may from time to time direct; and

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

10 Sec. 4. Section 43-251.01, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 43-251.01 All placements and commitments of juveniles for
13 evaluations or as temporary or final dispositions are subject to
14 the following:

15 (1) No juvenile shall be confined in an adult
16 correctional facility as a disposition of the court;

17 (2) A juvenile who is found to be a juvenile as described
18 in subdivision (3) of section 43-247 shall not be placed in an
19 adult correctional facility, the secure youth confinement facility
20 operated by the Department of Correctional Services, or a youth
21 rehabilitation and treatment center or committed to the Office of
22 Juvenile Services;

23 (3) A juvenile who is found to be a juvenile as described
24 in subdivision (1), (2), or (4) of section 43-247 shall not be
25 assigned or transferred to an adult correctional facility or the
26 secure youth confinement facility operated by the Department of
27 Correctional Services; ~~and~~

1 (4) A juvenile under the age of fourteen years shall not
2 be placed with or committed to a youth rehabilitation and treatment
3 center; and except as provided in section 43-286.

4 (5) A juvenile shall not be detained in secure detention
5 or placed at a youth rehabilitation and treatment center unless
6 detention or placement of such juvenile is a matter of immediate
7 and urgent necessity for the protection of such juvenile or the
8 person or property of another or if it appears that such juvenile
9 is likely to flee the jurisdiction of the court.

10 Sec. 5. Section 43-260.04, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 43-260.04 A juvenile pretrial diversion program shall:

13 (1) Be an option available for the county attorney or
14 city attorney based upon his or her determination under this
15 subdivision. The county attorney or city attorney may use the
16 following information:

- 17 (a) The juvenile's age;
- 18 (b) The nature of the offense and role of the juvenile in
19 the offense;
- 20 (c) The number and nature of previous offenses involving
21 the juvenile;
- 22 (d) The dangerousness or threat posed by the juvenile to
23 persons or property; or
- 24 (e) The recommendations of the referring agency, victim,
25 and advocates for the juvenile;

26 (2) Permit participation by a juvenile only on a
27 voluntary basis and shall include a juvenile diversion agreement

1 described in section 43-260.06;

2 (3) Allow the juvenile to consult with counsel prior to a
3 decision to participate in the program;

4 (4) Be offered to the juvenile when practicable prior to
5 ~~an adjudication~~ the filing of a juvenile petition or a criminal
6 charge but after the arrest of the juvenile or issuance of a
7 citation to the juvenile if after the arrest or citation a decision
8 has been made by the county attorney or city attorney that the
9 offense will support the filing of a juvenile petition or criminal
10 charges;

11 (5) Provide screening services for use in creating a
12 diversion plan utilizing appropriate services for the juvenile;

13 ~~(5)~~ (6) Result in dismissal of the juvenile petition
14 or criminal charges if the juvenile successfully completes the
15 program;

16 ~~(6)~~ (7) Be designed and operated to further the goals
17 stated in section 43-260.03 and comply with sections 43-260.04 to
18 43-260.07; and

19 ~~(7)~~ (8) Require information received by the program
20 regarding the juvenile to remain confidential unless a release of
21 information is signed upon admission to the program or is otherwise
22 authorized by law.

23 Sec. 6. Section 43-260.05, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-260.05 A juvenile pretrial diversion program may:

26 (1) Provide screening services to the court and county
27 attorney or city attorney to help identify likely candidates for

1 the program;

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

4 (3) ~~Perform~~ Coordinate chemical dependency assessments
5 of diverted juvenile offenders when indicated, make appropriate
6 referrals for treatment, and monitor treatment and aftercare;

7 (4) ~~Provide~~ Coordinate individual, group, and family
8 counseling services;

9 (5) Oversee the payment of victim restitution by diverted
10 juvenile offenders;

11 (6) Assist diverted juvenile offenders in identifying and
12 contacting appropriate community resources;

13 (7) ~~Provide~~ Coordinate educational services to diverted
14 juvenile offenders to enable them to earn a high school diploma or
15 general education development diploma; and

16 (8) Provide accurate information on how diverted juvenile
17 offenders perform in the program to the juvenile courts, county
18 attorneys, city attorneys, defense attorneys, and probation
19 officers.

20 Sec. 7. Section 43-260.07, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-260.07 (1) ~~Beginning December 1, 2003, and every~~
23 ~~December 1 thereafter,~~ On January 30 of each year, every county
24 attorney or city attorney of a county or city which has a
25 juvenile pretrial diversion program shall report to the Director
26 of Juvenile Diversion Programs the information pertaining to the
27 program required by rules and regulations adopted and promulgated

1 by the Nebraska Commission on Law Enforcement and Criminal Justice.
2 ~~to the commission.~~

3 (2) Juvenile pretrial diversion program data shall be
4 maintained and compiled by the Director of Juvenile Diversion
5 Programs. ~~the Nebraska Commission on Law Enforcement and Criminal~~
6 ~~Justice.~~

7 Sec. 8. Section 43-281, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 43-281 ~~Following an adjudication of jurisdiction and~~
10 ~~prior to final disposition,~~ the court may place the juvenile with
11 the Office of Juvenile Services or the Department of Health and
12 Human Services for evaluation. ~~The office or department shall make~~
13 ~~arrangements for an appropriate evaluation.~~

14 (1) Following an adjudication of jurisdiction and prior
15 to final disposition, the court may order an evaluation.

16 (2) Any evaluation ordered shall be completed and the
17 juvenile shall be returned to the court within twenty-one days
18 after the evaluation is ordered.

19 (3) When a juvenile receives such an evaluation, the
20 juvenile shall not reside in a detention facility at the time of
21 the evaluation or while waiting for the completed evaluation to
22 be returned to the court unless detention of such juvenile is a
23 matter of immediate and urgent necessity for the protection of such
24 juvenile or the person or property of another or if it appears that
25 such juvenile is likely to flee the jurisdiction of the court.

26 (4) Beginning July 1, 2014, when a juvenile is
27 adjudicated under subdivisions (1) or (2) of section 43-247, the

1 Office of Probation Administration shall provide and pay for any
2 evaluation ordered by the court under this section if the office
3 determines that there are no parental funds or private or public
4 insurance available to pay for such evaluation.

5 Sec. 9. Section 43-286, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 43-286 (1) When any juvenile is adjudicated to be a
8 juvenile described in subdivision (1), (2), or (4) of section
9 43-247:

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

17 (i) Place the juvenile on probation subject to the
18 supervision of a probation officer;

19 (ii) Permit the juvenile to remain in his or her own home
20 or be placed in a suitable family home, subject to the supervision
21 of the probation officer; or

22 (iii) Cause the juvenile to be placed in a suitable
23 family home or institution, subject to the supervision of the
24 probation officer. ~~If the court has committed~~ the juvenile is also
25 found to be a juvenile described in subdivision (3)(a) or (b) of
26 section 43-247 and the court has committed the juvenile to the
27 care and custody of the Department of Health and Human Services,

1 the department shall pay the costs of the suitable family home or
2 institution which are not otherwise paid by the juvenile's parents.

3 Under subdivision (1)(a) of this section, upon a
4 determination by the court that there are no parental, private, or
5 other public funds available for the care, custody, and maintenance
6 of a juvenile, the court may order a reasonable sum for the care,
7 custody, and maintenance of the juvenile to be paid out of a
8 fund which shall be appropriated annually by the county where the
9 petition is filed until a suitable provision may be made for the
10 juvenile without such payment; ~~ex~~

11 ~~(b) The (b)(i) Unless prohibited by section 43-251.01,~~
12 the court may commit such juvenile to the Office of Juvenile
13 Services for placement at a youth rehabilitation and treatment
14 center as a condition of an order of intensive supervised
15 probation if all levels of probation supervision and options
16 for community-based services have been exhausted and placement
17 of such juvenile is a matter of immediate and urgent necessity
18 for the protection of such juvenile or the person or property
19 of another or if it appears that such juvenile is likely
20 to flee the jurisdiction. ~~7~~ but a juvenile under the age of
21 fourteen years shall not be placed at the Youth Rehabilitation and
22 Treatment Center-Geneva or the Youth Rehabilitation and Treatment
23 Center-Kearney unless he or she has violated the terms of probation
24 or has committed an additional offense and the court finds that the
25 interests of the juvenile and the welfare of the community demand
26 his or her commitment. This minimum age provision shall not apply
27 if the act in question is murder or manslaughter.

1 (ii) Intensive supervised probation for purposes of
2 subdivision (1)(b)(i) of this section means that the Office of
3 Juvenile Services shall be responsible for the care and custody
4 of the juvenile until the Office of Juvenile Services discharges
5 the juvenile. Upon discharge of the juvenile the court shall hold
6 a review hearing on the conditions of probation and enter any
7 order allowed under subdivision (1)(a) of this section. The Office
8 of Juvenile Services shall work in collaboration with the Office
9 of Probation Administration in developing individualized reentry
10 plans as created in section 41 of this act and shall notify the
11 committing court at least sixty days prior to discharge. The Office
12 of Juvenile Services shall pay the cost of the care and custody of
13 the juvenile from the time of commitment until discharge from the
14 Office of Juvenile Services; or

15 (c) Until July 1, 2014, the court may commit such
16 juvenile to the Office of Juvenile Services for community
17 supervision.

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

24 (3) When any juvenile is adjudicated to be a juvenile
25 described in subdivision (1), (2), (3)(b), or (4) of section 43-247
26 because of a nonviolent act or acts and the juvenile has not
27 previously been adjudicated to be such a juvenile because of a

1 violent act or acts, the court may, with the agreement of the
2 victim, order the juvenile to attend juvenile offender and victim
3 mediation with a mediator or at an approved center selected from
4 the roster made available pursuant to section 25-2908.

5 (4) When a juvenile is placed on probation and a
6 probation officer has reasonable cause to believe that such
7 juvenile has committed or is about to commit a substance abuse
8 violation, a noncriminal violation, or a violation of a condition
9 of his or her probation, the probation officer shall take
10 appropriate measures as provided in section 43-286.01.

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

19 (b) When a juvenile is placed on probation or under
20 the supervision of the court for conduct under subdivision (1),
21 (2), (3) (b), or (4) of section 43-247 and it is alleged that the
22 juvenile has violated a term of probation or supervision or that
23 the juvenile has violated an order of the court, a motion to revoke
24 probation or supervision or to change the disposition may be filed
25 and proceedings held as follows:

26 (i) The motion shall set forth specific factual
27 allegations of the alleged violations and a copy of such motion

1 shall be served on all persons required to be served by sections
2 43-262 to 43-267;

3 (ii) The juvenile shall be entitled to a hearing before
4 the court to determine the validity of the allegations. At such
5 hearing the juvenile shall be entitled to those rights relating
6 to counsel provided by section 43-272 and those rights relating
7 to detention provided by sections 43-254 to 43-256. The juvenile
8 shall also be entitled to speak and present documents, witnesses,
9 or other evidence on his or her own behalf. He or she may confront
10 persons who have given adverse information concerning the alleged
11 violations, may cross-examine such persons, and may show that he
12 or she did not violate the conditions of his or her probation
13 or supervision or an order of the court or, if he or she did,
14 that mitigating circumstances suggest that the violation does not
15 warrant revocation of probation or supervision or a change of
16 disposition. The hearing shall be held within a reasonable time
17 after the juvenile is taken into custody;

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

22 (iv) The juvenile shall be given a preliminary hearing
23 in all cases when the juvenile is confined, detained, or otherwise
24 significantly deprived of his or her liberty as a result of his
25 or her alleged violation of probation, supervision, or court order.
26 Such preliminary hearing shall be held before an impartial person
27 other than his or her probation officer or any person directly

1 involved with the case. If, as a result of such preliminary
2 hearing, probable cause is found to exist, the juvenile shall be
3 entitled to a hearing before the court in accordance with this
4 subsection;

5 (v) If the juvenile is found by the court to have
6 violated the terms of his or her probation or supervision or an
7 order of the court, the court may modify the terms and conditions
8 of the probation, supervision, or other court order, extend the
9 period of probation, supervision, or other court order, or enter
10 any order of disposition that could have been made at the time the
11 original order was entered; and

12 (vi) In cases when the court revokes probation,
13 supervision, or other court order, it shall enter a written
14 statement as to the evidence relied on and the reasons for
15 revocation.

16 Sec. 10. Section 43-2,108.05, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 43-2,108.05 (1) If the court orders the record of a
19 juvenile sealed pursuant to section 43-2,108.04, the court shall:

20 (a) Order that all records, including any information
21 or other data concerning any proceedings relating to the offense,
22 including the arrest, taking into custody, petition, complaint,
23 indictment, information, trial, hearing, adjudication, correctional
24 supervision, dismissal, or other disposition or sentence, be deemed
25 never to have occurred;

26 (b) Send notice of the order to seal the record (i) to
27 the Nebraska Commission on Law Enforcement and Criminal Justice,

1 (ii) if the record includes impoundment or prohibition to obtain
2 a license or permit pursuant to section 43-287, to the Department
3 of Motor Vehicles, (iii) if the juvenile whose record has been
4 ordered sealed was a ward of the state at the time the proceeding
5 was initiated or if the Department of Health and Human Services
6 was a party in the proceeding, to such department, and (iv) to
7 law enforcement agencies, county attorneys, and city attorneys
8 referenced in the court record;

9 (c) Order all notified under subdivision (1)(b) of this
10 section to seal all records pertaining to the offense;

11 (d) If the case was transferred from district court to
12 juvenile court or was transferred under section 43-282, send notice
13 of the order to seal the record to the transferring court; and

14 (e) Explain to the juvenile what sealing the record means
15 verbally if the juvenile is present in the court at the time the
16 court issues the sealing order or by written notice sent by regular
17 mail to the juvenile's last-known address if the juvenile is not
18 present in the court at the time the court issues the sealing
19 order.

20 (2) The effect of having a record sealed under section
21 43-2,108.04 is that thereafter no person is allowed to release
22 any information concerning such record, except as provided by
23 this section. After a record is sealed, the person whose record
24 was sealed can respond to any public inquiry as if the offense
25 resulting in such record never occurred. A government agency and
26 any other public office or agency shall reply to any public
27 inquiry that no information exists regarding a sealed record.

1 Except as provided in subsection (3) of this section, an order
2 to seal the record applies to every government agency and any
3 other public office or agency that has a record relating to the
4 offense, regardless of whether it receives notice of the hearing
5 on the sealing of the record or a copy of the order. Upon the
6 written request of a person whose record has been sealed and the
7 presentation of a copy of such order, a government agency or any
8 other public office or agency shall seal all records pertaining to
9 the offense.

10 (3) A sealed record is accessible to law enforcement
11 officers, county attorneys, and city attorneys in the
12 investigation, prosecution, and sentencing of crimes, to the
13 sentencing judge in the sentencing of criminal defendants, and
14 to any attorney representing the subject of the sealed record.
15 Inspection of records that have been ordered sealed under section
16 43-2,108.04 may be made by the following persons or for the
17 following purposes:

18 (a) By the court or by any person allowed to inspect such
19 records by an order of the court for good cause shown;

20 (b) By the court, city attorney, or county attorney
21 for purposes of collection of any remaining parental support or
22 obligation balances under section 43-290;

23 (c) By the Nebraska Probation System for purposes of
24 juvenile intake services, for presentence and other probation
25 investigations, and for the direct supervision of persons placed
26 on probation and by the Department of Correctional Services,
27 the Office of Juvenile Services, a juvenile assessment center, a

1 criminal detention facility, ~~or~~ a juvenile detention facility, or a
2 staff secure juvenile facility as defined in section 83-4,125, for
3 an individual committed to it, placed with it, or under its care;

4 (d) By the Department of Health and Human Services for
5 purposes of juvenile intake services, the preparation of case
6 plans and reports, the preparation of evaluations, compliance with
7 federal reporting requirements, or the supervision and protection
8 of persons placed with the department or for licensing or
9 certification purposes under sections 71-1901 to 71-1906.01 or
10 the Child Care Licensing Act;

11 (e) Upon application, by the person who is the subject of
12 the sealed record and by persons authorized by the person who is
13 the subject of the sealed record who are named in that application;

14 (f) At the request of a party in a civil action that is
15 based on a case that has a sealed record, as needed for the civil
16 action. The party also may copy the sealed record as needed for the
17 civil action. The sealed record shall be used solely in the civil
18 action and is otherwise confidential and subject to this section;

19 (g) By persons engaged in bona fide research, with
20 the permission of the court, only if the research results
21 in no disclosure of the person's identity and protects the
22 confidentiality of the sealed record; or

23 (h) By a law enforcement agency if a person whose record
24 has been sealed applies for employment with the law enforcement
25 agency.

26 (4) Nothing in this section prohibits the Department of
27 Health and Human Services from releasing information from sealed

1 records in the performance of its duties with respect to the
2 supervision and protection of persons served by the department.

3 (5) In any application for employment, bonding, license,
4 education, or other right or privilege, any appearance as a
5 witness, or any other public inquiry, a person cannot be questioned
6 with respect to any offense for which the record is sealed. If
7 an inquiry is made in violation of this subsection, the person
8 may respond as if the offense never occurred. Applications for
9 employment shall contain specific language that states that the
10 applicant is not obligated to disclose a sealed record. Employers
11 shall not ask if an applicant has had a record sealed. The
12 Department of Labor shall develop a link on the department's web
13 site to inform employers that employers cannot ask if an applicant
14 had a record sealed and that an application for employment shall
15 contain specific language that states that the applicant is not
16 obligated to disclose a sealed record.

17 (6) Any person who violates this section may be held in
18 contempt of court.

19 Sec. 11. Section 43-2,119, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-2,119 (1) The number of judges of the separate
22 juvenile court in counties which have established a separate
23 juvenile court shall be:

24 (a) Two judges in counties having seventy-five thousand
25 inhabitants but less than two hundred thousand inhabitants;

26 (b) Four judges in counties having at least two
27 hundred thousand inhabitants but less than four hundred thousand

1 inhabitants; and

2 (c) ~~Five~~ Six judges in counties having four hundred
3 thousand inhabitants or more.

4 (2) The senior judge in point of service as a juvenile
5 court judge shall be the presiding judge. The judges shall rotate
6 the office of presiding judge every three years unless the judges
7 agree to another system.

8 Sec. 12. Section 43-404, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-404 (1) This subsection applies until July 1, 2014.

11 There is created within the Department of Health and Human
12 Services the Office of Juvenile Services. The office shall have
13 oversight and control of state juvenile correctional facilities and
14 programs other than the secure youth confinement facility which is
15 under the control of the Department of Correctional Services. The
16 Administrator of the Office of Juvenile Services shall be appointed
17 by the chief executive officer of the department or his or her
18 designee and shall be responsible for the administration of the
19 facilities and programs of the office. The department may contract
20 with a state agency or private provider to operate any facilities
21 and programs of the Office of Juvenile Services.

22 (2) This subsection applies beginning July 1, 2014. There
23 is created within the Department of Health and Human Services the
24 Office of Juvenile Services. The office shall have oversight and
25 control of the youth rehabilitation and treatment centers. The
26 Administrator of the Office of Juvenile Services shall be appointed
27 by the chief executive officer of the department or his or her

1 designee and shall be responsible for the administration of the
2 facilities and programs of the office. The department may contract
3 with a state agency or private provider to operate any facilities
4 and programs of the Office of Juvenile Services.

5 Sec. 13. Section 43-405, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 43-405 The administrative duties of the Office of
8 Juvenile Services are to:

9 (1) Manage, establish policies for, and administer the
10 office, including all facilities and programs operated by the
11 office or provided through the office by contract with a provider;

12 (2) Supervise employees of the office, including
13 employees of the facilities and programs operated by the office;

14 (3) Have separate budgeting procedures and develop and
15 report budget information separately from the Department of Health
16 and Human Services;

17 (4) Adopt and promulgate rules and regulations for
18 the levels of treatment and for management, control, screening,
19 ~~evaluation,~~ treatment, rehabilitation, ~~parole,~~ transfer, and
20 discharge of, and, until July 1, 2014, evaluation and parole of,
21 juveniles placed with or committed to the Office of Juvenile
22 Services;

23 (5) Ensure that statistical information concerning
24 juveniles placed with or committed to facilities or programs of
25 the office is collected, developed, and maintained for purposes of
26 research and the development of treatment programs;

27 (6) Monitor commitments, placements, and evaluations at

1 facilities and programs operated by the office or through contracts
2 with providers and submit electronically an annual report of
3 its findings to the Legislature. For 2012, 2013, and 2014, the
4 office shall also provide the report to the Health and Human
5 Services Committee of the Legislature on or before September
6 15. The report shall include an assessment of the administrative
7 costs of operating the facilities, the cost of programming, the
8 savings realized through reductions in commitments, placements, and
9 evaluations, and information regarding the collaboration required
10 by section 83-101;

11 (7) Coordinate the programs and services of the juvenile
12 justice system with other governmental agencies and political
13 subdivisions;

14 (8) Coordinate educational, vocational, and social
15 counseling;

16 (9) ~~Coordinate~~ Until July 1, 2014, coordinate
17 community-based services for juveniles and their families;

18 (10) ~~Supervise~~ Until July 1, 2014, supervise and
19 coordinate juvenile parole and aftercare services; and

20 (11) Exercise all powers and perform all duties necessary
21 to carry out its responsibilities under the Health and Human
22 Services, Office of Juvenile Services Act.

23 Sec. 14. Section 43-406, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-406 The Office of Juvenile Services shall utilize:

26 (1) Risk and needs assessment instruments for use in
27 determining the level of treatment for the juvenile;

1 (2) A case classification process to include levels of
2 treatment defined by rules and regulations and case management
3 standards for each level of treatment. The process shall provide
4 for a balance of accountability, public safety, and treatment;

5 (3) Case management for all juveniles committed to the
6 office;

7 (4) A Until July 1, 2014, a purchase-of-care system which
8 will facilitate the development of a statewide community-based
9 array of care with the involvement of the private sector and the
10 local public sector. Care services may be purchased from private
11 providers to provide a wider diversity of services. This system
12 shall include accessing existing Title IV-E funds of the federal
13 Social Security Act, as amended, medicaid funds, and other funding
14 sources to support eligible community-based services. Such services
15 developed and purchased shall include, but not be limited to,
16 evaluation services. Services shall be offered and delivered on a
17 regional basis;

18 (5) ~~Community-based~~ Until July 1, 2014, community-based
19 evaluation programs, supplemented by one or more residential
20 evaluation programs. A residential evaluation program shall be
21 provided in a county containing a city of the metropolitan
22 class. Community-based evaluation services shall replace the
23 residential evaluation services available at the Youth Diagnostic
24 and Rehabilitation Center by December 31, 1999; and

25 (6) A management information system. The system shall
26 be a unified, interdepartmental client information system which
27 supports the management function as well as the service function.

1 Sec. 15. Section 43-407, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-407 (1) This subsection applies until July 1, 2014.

4 The Office of Juvenile Services shall design and make available
5 programs and treatment services through the Youth Rehabilitation
6 and Treatment Center-Kearney and Youth Rehabilitation and Treatment
7 Center-Geneva. The programs and treatment services shall be based
8 upon the individual or family evaluation process and treatment
9 plan. The treatment plan shall be developed within fourteen days
10 after admission. If a juvenile placed at the Youth Rehabilitation
11 and Treatment Center-Kearney or Youth Rehabilitation and Treatment
12 Center-Geneva is assessed as needing inpatient or subacute
13 substance abuse or behavioral health residential treatment, the
14 juvenile may be transferred to a program or facility if the
15 treatment and security needs of the juvenile can be met. The
16 assessment process shall include involvement of both private and
17 public sector behavioral health providers. The selection of the
18 treatment venue for each juvenile shall include individualized
19 case planning and incorporate the goals of the juvenile justice
20 system pursuant to section 43-402. Juveniles committed to the Youth
21 Rehabilitation and Treatment Center-Kearney or Youth Rehabilitation
22 and Treatment Center-Geneva who are transferred to alternative
23 settings for treatment remain committed to the Department of Health
24 and Human Services and the Office of Juvenile Services until
25 discharged from such custody. Programs and treatment services shall
26 address:

27 ~~(1)~~ (a) Behavioral impairments, severe emotional

1 disturbances, sex offender behaviors, and other mental health or
2 psychiatric disorders;

3 ~~(2)~~ (b) Drug and alcohol addiction;

4 ~~(3)~~ (c) Health and medical needs;

5 ~~(4)~~ (d) Education, special education, and related
6 services;

7 ~~(5)~~ (e) Individual, group, and family counseling services
8 as appropriate with any treatment plan related to subdivisions (1)
9 through (4) of this section. Services shall also be made available
10 for juveniles who have been physically or sexually abused;

11 ~~(6)~~ (f) A case management and coordination process,
12 designed to assure appropriate reintegration of the juvenile to
13 his or her family, school, and community. This process shall
14 follow individualized planning which shall begin at intake and
15 evaluation. Structured programming shall be scheduled for all
16 juveniles. This programming shall include a strong academic program
17 as well as classes in health education, living skills, vocational
18 training, behavior management and modification, money management,
19 family and parent responsibilities, substance abuse awareness,
20 physical education, job skills training, and job placement
21 assistance. Participation shall be required of all juveniles if
22 such programming is determined to be age and developmentally
23 appropriate. The goal of such structured programming shall be to
24 provide the academic and life skills necessary for a juvenile to
25 successfully return to his or her home and community upon release;
26 and

27 ~~(7)~~ (g) The design and delivery of treatment programs

1 through the youth rehabilitation and treatment centers as well as
2 any licensing or certification requirements, and the office shall
3 follow the requirements as stated within Title XIX and Title IV-E
4 of the federal Social Security Act, as such act existed on May 25,
5 2007, the Special Education Act, or other funding guidelines as
6 appropriate. It is the intent of the Legislature that these funding
7 sources shall be utilized to support service needs of eligible
8 juveniles.

9 (2) This subsection applies beginning July 1, 2014.
10 The Office of Juvenile Services shall design and make available
11 programs and treatment services through the Youth Rehabilitation
12 and Treatment Center-Kearney and Youth Rehabilitation and Treatment
13 Center-Geneva. The programs and treatment services shall be based
14 upon the individual or family evaluation process and treatment
15 plan. The treatment plan shall be developed within fourteen days
16 after admission. If a juvenile placed at the Youth Rehabilitation
17 and Treatment Center-Kearney or Youth Rehabilitation and Treatment
18 Center-Geneva is assessed as needing inpatient or subacute
19 substance abuse or behavioral health residential treatment, the
20 Office of Juvenile Services may arrange for such treatment to be
21 provided at the Hastings Regional Center or the juvenile shall
22 be discharged from such custody and returned to the court for
23 review of the conditions of his or her probation and to determine
24 placement. Programs and treatment services shall address:

25 (a) Behavioral impairments, severe emotional
26 disturbances, sex offender behaviors, and other mental health or
27 psychiatric disorders;

1 (b) Drug and alcohol addiction;

2 (c) Health and medical needs;

3 (d) Education, special education, and related services;

4 (e) Individual, group, and family counseling services as
5 appropriate with any treatment plan related to subdivisions (1)
6 through (4) of this section. Services shall also be made available
7 for juveniles who have been physically or sexually abused;

8 (f) A case management and coordination process, designed
9 to assure appropriate reintegration of the juvenile to his or
10 her family, school, and community. This process shall follow
11 individualized planning which shall begin at intake and evaluation.
12 Structured programming shall be scheduled for all juveniles.
13 This programming shall include a strong academic program as
14 well as classes in health education, living skills, vocational
15 training, behavior management and modification, money management,
16 family and parent responsibilities, substance abuse awareness,
17 physical education, job skills training, and job placement
18 assistance. Participation shall be required of all juveniles if
19 such programming is determined to be age and developmentally
20 appropriate. The goal of such structured programming shall be to
21 provide the academic and life skills necessary for a juvenile to
22 successfully return to his or her home and community upon release;
23 and

24 (g) The design and delivery of treatment programs through
25 the youth rehabilitation and treatment centers as well as any
26 licensing or certification requirements, and the office shall
27 follow the requirements as stated within Title XIX and Title IV-E

1 of the federal Social Security Act, as such act existed on January
2 1, 2013, the Special Education Act, or other funding guidelines as
3 appropriate. It is the intent of the Legislature that these funding
4 sources shall be utilized to support service needs of eligible
5 juveniles.

6 Sec. 16. Section 43-408, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-408 ~~(1)~~ (1)(a) This subsection applies until July 1,
9 2014. Whenever any juvenile is committed under any provision of law
10 to the Office of Juvenile Services, to any facility operated by the
11 Office of Juvenile Services, or to the custody of the Administrator
12 of the Office of Juvenile Services, a superintendent of a facility,
13 or an administrator of a program, the juvenile is deemed committed
14 to the Office of Juvenile Services. Juveniles committed to the
15 Office of Juvenile Services shall also be considered committed to
16 the care and custody of the Department of Health and Human Services
17 for the purpose of obtaining health care and treatment services.

18 ~~(2)~~ (b) The committing court shall order the initial
19 level of treatment for a juvenile committed to the Office of
20 Juvenile Services. Prior to determining the initial level of
21 treatment for a juvenile, the court may solicit a recommendation
22 regarding the initial level of treatment from the Office of
23 Juvenile Services. Under this section, the committing court shall
24 not order a specific placement for a juvenile. The court shall
25 continue to maintain jurisdiction over any juvenile committed to
26 the Office of Juvenile Services until such time that the juvenile
27 is discharged from the Office of Juvenile Services. The court shall

1 conduct review hearings every six months, or at the request of
2 the juvenile, for any juvenile committed to the Office of Juvenile
3 Services who is placed outside his or her home, except for a
4 juvenile residing at a youth rehabilitation and treatment center.
5 The court shall determine whether an out-of-home placement made by
6 the Office of Juvenile Services is in the best interests of the
7 juvenile, with due consideration being given by the court to public
8 safety. If the court determines that the out-of-home placement is
9 not in the best interests of the juvenile, the court may order
10 other treatment services for the juvenile.

11 ~~(3)~~ (c) After the initial level of treatment is ordered
12 by the committing court, the Office of Juvenile Services shall
13 provide treatment services which conform to the court's level
14 of treatment determination. Within thirty days after making an
15 actual placement, the Office of Juvenile Services shall provide the
16 committing court with written notification of where the juvenile
17 has been placed. At least once every six months thereafter, until
18 the juvenile is discharged from the care and custody of the Office
19 of Juvenile Services, the office shall provide the committing court
20 with written notification of the juvenile's actual placement and
21 the level of treatment that the juvenile is receiving.

22 ~~(4)~~ (d) For transfer hearings, the burden of proof to
23 justify the transfer is on the Office of Juvenile Services, the
24 standard of proof is clear and convincing evidence, and the strict
25 rules of evidence do not apply. Transfers of juveniles from one
26 place of treatment to another are subject to section 43-251.01 and
27 to the following:

1 ~~(a)~~ (i) Except as provided in subdivision (b) of this
2 subsection, if the Office of Juvenile Services proposes to transfer
3 the juvenile from a less restrictive to a more restrictive place of
4 treatment, a plan outlining the proposed change and the reasons for
5 the proposed change shall be presented to the court which committed
6 the juvenile. Such change shall occur only after a hearing and a
7 finding by the committing court that the change is in the best
8 interests of the juvenile, with due consideration being given by
9 the court to public safety. At the hearing, the juvenile has the
10 right to be represented by counsel;

11 ~~(b)~~ (ii) The Office of Juvenile Services may make an
12 immediate temporary change without prior approval by the committing
13 court only if the juvenile is in a harmful or dangerous situation,
14 is suffering a medical emergency, is exhibiting behavior which
15 warrants temporary removal, or has been placed in a non-state-owned
16 facility and such facility has requested that the juvenile be
17 removed. Approval of the committing court shall be sought within
18 fifteen days of making an immediate temporary change, at which time
19 a hearing shall occur before the court. The court shall determine
20 whether it is in the best interests of the juvenile to remain in
21 the new place of treatment, with due consideration being given by
22 the court to public safety. At the hearing, the juvenile has the
23 right to be represented by counsel; and

24 ~~(c)~~ (iii) If the proposed change seeks to transfer the
25 juvenile from a more restrictive to a less restrictive place
26 of treatment or to transfer the juvenile from the juvenile's
27 current place of treatment to another which has the same level

1 of restriction as the current place of treatment, the Office
2 of Juvenile Services shall notify the juvenile, the juvenile's
3 parents, custodian, or legal guardian, the committing court, the
4 county attorney, the counsel for the juvenile, and the guardian
5 ad litem of the proposed change. The juvenile has fifteen days
6 after the date of the notice to request an administrative hearing
7 with the Office of Juvenile Services, at which time the Office
8 of Juvenile Services shall determine whether it is in the best
9 interests of the juvenile for the proposed change to occur, with
10 due consideration being given by the office to public safety.
11 The juvenile may be represented by counsel at the juvenile's
12 own expense. If the juvenile is aggrieved by the administrative
13 decision of the Office of Juvenile Services, the juvenile may
14 appeal that decision to the committing court within fifteen days
15 after the Office of Juvenile Services' decision. At the hearing
16 before the committing court, the juvenile has the right to be
17 represented by counsel.

18 ~~(5)~~ (e) If a juvenile is placed in detention after the
19 initial level of treatment is determined by the committing court,
20 the committing court shall hold a hearing every fourteen days to
21 review the status of the juvenile. Placement of a juvenile in
22 detention shall not be considered as a treatment service.

23 ~~(6)~~ (f) The committing court's review of a change of
24 place of treatment pursuant to this section does not apply to
25 parole revocation hearings.

26 (2)(a) This subsection applies beginning July 1, 2014.
27 Whenever any juvenile is committed to the Office of Juvenile

1 Services, the juvenile shall also be considered committed to the
2 care and custody of the Department of Health and Human Services for
3 the purpose of obtaining health care and treatment services.

4 (b) The committing court shall order placement at a youth
5 rehabilitation and treatment center for a juvenile committed to the
6 Office of Juvenile Services. The court shall continue to maintain
7 jurisdiction over any juvenile committed to the Office of Juvenile
8 Services for the purpose of reviewing the juvenile's probation upon
9 discharge from the care and custody of the Office of Juvenile
10 Services.

11 (c) If a juvenile is placed in detention while awaiting
12 placement at a youth rehabilitation and treatment center and the
13 placement has not occurred within fourteen days, the committing
14 court shall hold a hearing every fourteen days to review the status
15 of the juvenile. Placement of a juvenile in detention shall not be
16 considered a treatment service.

17 Sec. 17. Section 43-409, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-409 (1) This subsection applies until July 1, 2014.
20 The Office of Juvenile Services shall have access to and may obtain
21 copies of all records pertaining to a juvenile committed to ~~it~~
22 a youth rehabilitation and treatment center or placed with it,
23 including, but not limited to, school records, medical records,
24 juvenile court records, probation records, test results, treatment
25 records, evaluations, and examination reports. Any person who, in
26 good faith, furnishes any records or information to the Office
27 of Juvenile Services shall be immune from any liability, civil

1 or criminal, that might otherwise be incurred or imposed. The
2 owners, officers, directors, employees, or agents of such medical
3 office, school, court, office, corporation, partnership, or other
4 such entity shall not be liable for furnishing such records or
5 information.

6 (2) This subsection applies beginning July 1, 2014. The
7 Office of Juvenile Services shall have access to and may obtain
8 copies of all records pertaining to a juvenile committed to a youth
9 rehabilitation and treatment center, including, but not limited
10 to, school records, medical records, juvenile court records,
11 probation records, test results, treatment records, evaluations,
12 and examination reports. Any person who, in good faith, furnishes
13 any records or information to the Office of Juvenile Services
14 shall be immune from any liability, civil or criminal, that might
15 otherwise be incurred or imposed. The owners, officers, directors,
16 employees, or agents of such medical office, school, court, office,
17 corporation, partnership, or other such entity shall not be liable
18 for furnishing such records or information.

19 Sec. 18. Section 43-410, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-410 (1) This subsection applies until July 1, 2014.
22 Any peace officer, juvenile parole officer, or direct care staff
23 member of the Office of Juvenile Services has the authority to
24 apprehend and detain a juvenile who has absconded or is attempting
25 to abscond from a placement for evaluation or commitment to the
26 Office of Juvenile Services and shall cause the juvenile to be
27 returned to the facility or program or an appropriate juvenile

1 detention facility. For purposes of this section, direct care staff
2 member means any staff member charged with the day-to-day care and
3 supervision of juveniles housed at a facility or program operated
4 directly by the office or security staff who has received training
5 in apprehension techniques and procedures.

6 (2) This subsection applies beginning July 1, 2014. Any
7 peace officer or direct care staff member of the Office of Juvenile
8 Services has the authority to apprehend and detain a juvenile who
9 has absconded or is attempting to abscond from commitment to the
10 Office of Juvenile Services and shall cause the juvenile to be
11 returned to the youth rehabilitation and treatment center or an
12 appropriate juvenile detention facility.

13 (3) For purposes of this section, direct care staff
14 member means any staff member charged with the day-to-day care and
15 supervision of juveniles at a youth rehabilitation and treatment
16 center or security staff who has received training in apprehension
17 techniques and procedures.

18 Sec. 19. Section 43-411, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 43-411 (1) This subsection applies until July 1, 2014.
21 The chief executive officer of the Department of Health and Human
22 Services shall have the authority, and may delegate the authority
23 only to the Administrator of the Office of Juvenile Services
24 and the superintendents of the youth rehabilitation and treatment
25 centers, to issue detainers for the apprehension and detention of
26 juveniles who have absconded from a placement with or commitment
27 to the office. Any peace officer who detains a juvenile on such

1 a detainer shall hold the juvenile in an appropriate facility or
2 program for juveniles until the office can take custody of the
3 juvenile.

4 (2) This subsection applies beginning July 1, 2014. The
5 chief executive officer of the Department of Health and Human
6 Services shall have the authority, and may delegate the authority
7 only to the Administrator of the Office of Juvenile Services
8 and the superintendents of the youth rehabilitation and treatment
9 centers, to issue detainers for the apprehension and detention of
10 juveniles who have absconded from commitment to the office. Any
11 peace officer who detains a juvenile on such a detainer shall hold
12 the juvenile in an appropriate facility or program for juveniles
13 until the office can take custody of the juvenile.

14 Sec. 20. Section 43-412, Revised Statutes Cumulative
15 Supplement, 2012, is amended to read:

16 43-412 (1) Every juvenile committed to the Office of
17 Juvenile Services pursuant to the Nebraska Juvenile Code or
18 pursuant to subsection (3) of section 29-2204 shall remain
19 committed until he or she attains the age of nineteen or is legally
20 discharged from a youth rehabilitation and treatment center.

21 (2) ~~The~~ Upon attainment of the age of nineteen or absent
22 a continuing order of intensive supervised probation, discharge of
23 any juvenile pursuant to the rules and regulations ~~or upon his or~~
24 ~~her attainment of the age of nineteen~~ shall be a complete release
25 from all penalties incurred by conviction or adjudication of the
26 offense for which he or she was committed.

27 (3) The Office of Juvenile Services shall provide the

1 committing court, Office of Probation Administration, county
2 attorney, defense attorney, if any, and guardian ad litem, if any,
3 with written notification of the juvenile's discharge within thirty
4 days ~~of prior to~~ a juvenile being discharged from the care and
5 ~~custody of the office.~~ a youth rehabilitation and treatment center.

6 Sec. 21. Section 43-413, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 43-413 (1) This section applies until July 1, 2014. A
9 court may, pursuant to section 43-281, place a juvenile with the
10 Office of Juvenile Services or the Department of Health and Human
11 Services for an evaluation to aid the court in the disposition.

12 (2) A juvenile convicted as an adult shall be placed with
13 the Office of Juvenile Services for evaluation prior to sentencing
14 as provided by subsection (3) of section 29-2204.

15 (3) All juveniles shall be evaluated prior to commitment
16 to the Office of Juvenile Services unless the court finds that
17 (a) there has been a substantially equivalent evaluation within
18 the last twelve months that makes reevaluation unnecessary or (b)
19 an addendum to a previous evaluation rather than a reevaluation
20 would be appropriate. The court shall not commit such juvenile
21 to the temporary custody of the Office of Juvenile Services prior
22 to disposition. The office may place a juvenile in residential or
23 nonresidential community-based evaluation services for purposes of
24 evaluation to assist the court in determining the initial level of
25 treatment for the juvenile.

26 (4) During any period of detention or evaluation prior to
27 disposition:

1 (a) Except as provided in subdivision (4)(b) of this
2 section, the county in which the case is pending is responsible
3 for all detention costs incurred before and after an evaluation
4 period prior to disposition, the cost of delivering the juvenile
5 to the facility or institution for an evaluation, and the cost of
6 returning the juvenile to the court for disposition; and

7 (b) The state is responsible for (i) the costs incurred
8 during an evaluation unless otherwise ordered by the court pursuant
9 to section 43-290 and (ii) the preevaluation detention costs for
10 any days over the first ten days from the date the evaluation is
11 ordered by the court.

12 (5) The Office of Juvenile Services and the Department of
13 Health and Human Services are not responsible for predisposition
14 costs except as provided in subdivision (4)(b) of this section.

15 Sec. 22. Section 43-414, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-414 This section applies until July 1, 2014. Each
18 juvenile placed for evaluation with the Office of Juvenile Services
19 shall be subjected to medical examination and evaluation as
20 directed by the office.

21 Sec. 23. Section 43-415, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 43-415 This section applies until July 1, 2014. A
24 juvenile placed for evaluation with the Office of Juvenile
25 Services shall be returned to the court upon the completion of
26 the evaluation or at the end of thirty days, whichever comes first.
27 When the office finds that an extension of the thirty-day period

1 is necessary to complete the evaluation, the court may order an
2 extension not to exceed an additional thirty days. The court shall
3 hold a hearing within ten days after the evaluation is completed
4 and returned to the court by the office.

5 Sec. 24. Section 43-416, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 43-416 This section applies until July 1, 2014. The
8 Office of Juvenile Services shall have administrative authority
9 over the parole function for juveniles committed to a youth
10 rehabilitation and treatment center and may (1) determine the time
11 of release on parole of committed juveniles eligible for such
12 release, (2) fix the conditions of parole, revoke parole, issue
13 or authorize the issuance of detainers for the apprehension and
14 detention of parole violators, and impose other sanctions short
15 of revocation for violation of conditions of parole, and (3)
16 determine the time of discharge from parole. The office shall
17 provide the committing court with written notification of the
18 juvenile's discharge from parole within thirty days of a juvenile
19 being discharged from the supervision of the office.

20 Sec. 25. Section 43-417, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-417 (1) This subsection applies until July 1, 2014.
23 In administering juvenile parole, the Office of Juvenile Services
24 shall consider whether ~~(1)~~ (a) the juvenile has completed the
25 goals of his or her individual treatment plan or received maximum
26 benefit from institutional treatment, ~~(2)~~ (b) the juvenile would
27 benefit from continued services under community supervision, ~~(3)~~

1 (c) the juvenile can function in a community setting, ~~(4) (d)~~ there
2 is reason to believe that the juvenile will not commit further
3 violations of law, and ~~(5) (e)~~ there is reason to believe that the
4 juvenile will comply with the conditions of parole.

5 (2) This subsection applies beginning July 1, 2014.
6 In determining whether to discharge a juvenile from a youth
7 rehabilitation and treatment center, the Office of Juvenile
8 Services shall consider whether (a) the juvenile has completed
9 the goals of his or her individual treatment plan or received
10 maximum benefit from institutional treatment, (b) the juvenile
11 would benefit from continued services under community supervision,
12 (c) the juvenile can function in a community setting, (d) there
13 is reason to believe that the juvenile will not commit further
14 violations of law, and (e) there is reason to believe that the
15 juvenile will comply with the conditions of probation.

16 Sec. 26. Section 43-418, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 43-418 (1) This section applies until July 1, 2014. Any
19 juvenile parole officer or peace officer may apprehend and detain
20 a juvenile who is on parole if the officer has reasonable cause
21 to believe that a juvenile has violated or is about to violate a
22 condition of his or her parole and that the juvenile will attempt
23 to leave the jurisdiction or will place lives or property in danger
24 unless the juvenile is detained. A juvenile parole officer may
25 call upon a peace officer to assist him or her in apprehending and
26 detaining a juvenile pursuant to this section. Such juvenile may
27 be held in an appropriate juvenile facility pending hearing on the

1 allegations.

2 (2) Juvenile parole officers may search for and seize
3 contraband and evidence related to possible parole violations by a
4 juvenile.

5 (3) Whether or not a juvenile is apprehended and detained
6 by a juvenile parole officer or peace officer, if there is reason
7 to believe that a juvenile has violated a condition of his or
8 her parole, the Office of Juvenile Services may issue the juvenile
9 written notice of the alleged parole violations and notice of a
10 hearing on the alleged parole violations.

11 Sec. 27. Section 43-419, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-419 (1) This section applies until July 1, 2014. When
14 a juvenile is apprehended and detained for an alleged violation
15 of juvenile parole, he or she shall have a preliminary hearing as
16 soon as practicable and no later than within seventy-two hours of
17 being apprehended and detained. An impartial hearing officer shall
18 conduct the preliminary hearing. The impartial hearing officer
19 shall not be the juvenile parole officer alleging the violation of
20 parole or a witness to the alleged violation. The impartial hearing
21 officer may be an employee of the Office of Juvenile Services,
22 including a supervisor or a juvenile parole officer, other than the
23 parole officer filing the allegations.

24 (2) The juvenile parolee shall receive notice of the
25 preliminary hearing, its purpose, and the alleged violations prior
26 to the commencement of the hearing. The juvenile parolee may
27 present relevant information, question adverse witnesses, and make

1 a statement regarding the alleged parole violations. The rules of
2 evidence shall not apply at such hearings and the hearing officer
3 may rely upon any available information.

4 (3) The hearing officer shall determine whether there is
5 probable cause to believe that the juvenile has violated a term or
6 condition of his or her parole and shall issue that decision in
7 writing. The decision shall either indicate there is not probable
8 cause to believe that the juvenile parolee has violated the terms
9 of his or her parole and dismiss the allegations and return
10 the juvenile to parole supervision, or it shall indicate there
11 is probable cause to believe that the juvenile has violated a
12 condition of parole and state where the juvenile will be held
13 pending the revocation hearing. The preliminary hearing officer
14 shall consider the seriousness of the alleged violation, the public
15 safety, and the best interests of the juvenile in determining where
16 the juvenile shall be held pending the revocation hearing.

17 Sec. 28. Section 43-420, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 43-420 This section applies until July 1, 2014. Any
20 hearing required or permitted for juveniles in the custody of the
21 Office of Juvenile Services, except a preliminary parole revocation
22 hearing, shall be conducted by a hearing officer who is an attorney
23 licensed to practice law in the State of Nebraska and may be an
24 employee of the Department of Health and Human Services or an
25 attorney who is an independent contractor. If the hearing officer
26 is an employee of the department, he or she shall not be assigned
27 to any duties requiring him or her to give ongoing legal advice to

1 any person employed by or who is a contractor with the office.

2 Sec. 29. Section 43-421, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 43-421 This section applies until July 1, 2014. When a
5 juvenile is charged with being in violation of a condition of his
6 or her parole, the juvenile is entitled to:

7 (1) Notice of the alleged violations of parole at least
8 twenty-four hours prior to a hearing on the allegations. Such
9 notice shall contain a concise statement of the purpose of the
10 hearing and the factual allegations upon which evidence will be
11 offered;

12 (2) A prompt hearing, within fourteen days after the
13 preliminary hearing, if the juvenile is being held pending the
14 hearing;

15 (3) Reasonable continuances granted by the hearing
16 officer for the juvenile to prepare for the hearing;

17 (4) Have his or her parents notified of the hearing and
18 allegations and have his or her parents attend the hearing;

19 (5) Be represented by legal counsel at the expense of
20 the Department of Health and Human Services unless retained legal
21 counsel is available to the juvenile. The department may contract
22 with attorneys to provide such representation to juveniles charged
23 with parole violations;

24 (6) Compel witnesses to attend, testify on his or her own
25 behalf, present evidence, and cross-examine witnesses against him
26 or her; and

27 (7) Present a statement on his or her own behalf.

1 Sec. 30. Section 43-422, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-422 This section applies until July 1, 2014. After
4 receiving notice of the allegations of a violation of parole, being
5 notified of the possible consequences, being informed of his or
6 her rights pertaining to the hearing, and having an opportunity to
7 confer with his or her parents or precommitment custodian and legal
8 counsel, if desired, the juvenile may waive his or her right to
9 a hearing and admit to the allegations. Such waiver and admission
10 shall be in writing and submitted, together with a recommended
11 disposition by the hearing officer, to the Administrator of the
12 Office of Juvenile Services or his or her designee.

13 Sec. 31. Section 43-423, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 43-423 This section applies until July 1, 2014. At the
16 parole violation hearing, the hearing officer shall again advise
17 the juvenile of his or her rights and ensure that the juvenile has
18 received the notice of allegations and the possible consequences.
19 Strict rules of evidence shall not be applied. The hearing officer
20 shall determine whether the detention of the juvenile or other
21 restrictions are necessary for the safety of the juvenile or
22 for the public safety and shall indicate to what extent the
23 juvenile will continue to be detained or restricted pending a
24 final decision and administrative appeal. The hearing officer shall
25 issue a written recommended disposition to the Administrator of
26 the Office of Juvenile Services or his or her designee who shall
27 promptly affirm, modify, or reverse the recommended disposition.

1 The final decision of the administrator or his or her designee
2 may be appealed pursuant to the Administrative Procedure Act.
3 The Department of Health and Human Services shall be deemed to
4 have acted within its jurisdiction if its action is in the best
5 interests of the juvenile with due consideration being given to
6 public safety. The appeal shall in all other respects be governed
7 by the Administrative Procedure Act.

8 Sec. 32. Section 43-2402, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 43-2402 For purposes of the Juvenile Services Act:

11 (1) Coalition means the Nebraska Coalition for Juvenile
12 Justice established pursuant to section 43-2411;

13 (2) Commission means the Nebraska Commission on Law
14 Enforcement and Criminal Justice;

15 (3) Commission Grant Program means grants provided to
16 eligible applicants under section 43-2406;

17 (4) ~~County~~ Community-based Juvenile Services Aid Program
18 means aid to counties and federally recognized or state-recognized
19 Indian tribes provided under section 43-2404.02;

20 (5) Eligible applicant means a community-based agency or
21 organization, political subdivision, school district, federally
22 recognized or state-recognized Indian tribe, or state agency
23 necessary to comply with the federal act;

24 (6) Federal act means the Juvenile Justice and
25 Delinquency Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the
26 act existed on ~~July 1, 2001~~; January 1, 2013;

27 (7) Juvenile means a person who is under eighteen years

1 of age; and

2 (8) Office of Juvenile Services means the Office of
3 Juvenile Services created in section 43-404.

4 Sec. 33. Section 43-2404, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-2404 The coalition shall make award recommendations
7 to the commission, at least annually, in accordance with the
8 Juvenile Services Act and the federal act for grants made under
9 the Commission Grant Program. Such grants shall be used to
10 assist ~~communities~~ in the implementation and operation of programs
11 or services identified in ~~their~~ the applicable comprehensive
12 juvenile services plan, to include: Programs for local planning
13 and service coordination; screening, assessment, and evaluation;
14 diversion; alternatives to detention; family support services;
15 treatment services; reentry services; truancy prevention and
16 intervention programs; and other services documented by data that
17 will positively impact youth and families in the juvenile justice
18 system. including, but not limited to, programs for assessment
19 and evaluation, the prevention of delinquent behavior, diversion,
20 detention, shelter care, intensive juvenile probation services,
21 restitution, family support services, and community centers for the
22 care and treatment of juveniles in need of services.

23 Sec. 34. Section 43-2404.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 43-2404.01 (1) To be eligible for participation in
26 either the Commission Grant Program or the County Community-based
27 Juvenile Services Aid Program, ~~counties~~ shall develop and adopt

1 a comprehensive juvenile services plan and ~~submit such plan~~
2 shall be developed, adopted and submitted to the commission in
3 accordance with the federal act and rules and regulations adopted
4 and promulgated by the commission in consultation with the ~~Office~~
5 ~~of Juvenile Services.~~ Director of the Community-based Juvenile
6 Services Aid Program, the Director of Juvenile Diversion Programs,
7 the Office of Probation Administration, and the University of
8 Nebraska at Omaha, Juvenile Justice Institute. Such plan may be
9 developed by eligible applicants for the Commission Grant Program
10 and by individual counties, ~~or~~ by multiple counties, by federally
11 recognized or state-recognized Indian tribes, or any combination of
12 the three for the Community-based Juvenile Services Aid Program.

13 Comprehensive juvenile services plans shall:

14 (a) Be developed by a comprehensive community team
15 representing juvenile justice system stakeholders;

16 (b) Be based on data relevant to youth and family issues;

17 (c) Identify research-based priorities and strategies or
18 standardized, reliable practices that are implemented with fidelity
19 and which have been researched and demonstrate positive outcomes;

20 (d) Identify clear implementation strategies; and

21 (e) Identify how the impact of the program or service
22 will be measured.

23 (2) Any portion of the comprehensive juvenile services
24 plan dealing with administration, procedures, and programs of the
25 juvenile court shall not be submitted to the commission without
26 the concurrence of the presiding judge or judges of the court or
27 courts having jurisdiction in juvenile cases for the geographic

1 area to be served. Programs or services established by such plans
2 shall conform to the family policy tenets prescribed in sections
3 43-532 to 43-534 and shall include research-based or standardized,
4 reliable practices that are implemented with fidelity and which
5 have been researched and demonstrate positive outcomes.

6 ~~(2)~~ (3) The commission, in consultation with the Office
7 of Juvenile Services and the coalition, shall develop or University
8 of Nebraska at Omaha, Juvenile Justice Institute, shall contract
9 for the development and administration of a statewide system to
10 monitor and evaluate the effectiveness of plans and programs
11 receiving funds from: (a) The Commission Grant Program and
12 (b) the County Community-based Juvenile Services Aid Program in
13 preventing persons from entering the juvenile justice system and in
14 rehabilitating juvenile offenders.

15 (4) There is established within the commission the
16 position of Director of the Community-based Juvenile Services
17 Aid Program, appointed by the executive director of the commission.
18 The director shall have extensive experience in developing and
19 providing community-based services.

20 (5) The director shall be supervised by the commission.

21 The director shall:

22 (a) Provide technical assistance and guidance for the
23 development of comprehensive juvenile services plans;

24 (b) Coordinate the review of the Community-based Juvenile
25 Services Aid Program application as provided in section 43-2404.02
26 and make recommendations for the distributions of funds provided
27 under the Community-based Juvenile Services Aid Program, giving

1 priority to those grant applications funding programs and services
2 that will divert juveniles from the juvenile justice system, impact
3 and effectively treat juveniles within the juvenile justice system,
4 and reduce the juvenile detention population or assist juveniles
5 in transitioning from out-of-home placements to in-home treatments.

6 The director shall ensure that no funds appropriated or distributed
7 under the Community-based Juvenile Services Aid Program shall
8 be used for purposes prohibited under subsection (3) of section
9 43-2404.02;

10 (c) Develop data collection and evaluation protocols,
11 oversee statewide data collection, and generate an annual report on
12 the effectiveness of juvenile services that receive funds from the
13 Community-based Juvenile Services Aid Program;

14 (d) Develop relationships and collaborate with juvenile
15 justice system stakeholders, provide education and training as
16 necessary, and serve on boards and committees when approved by the
17 commission;

18 (e) Assist juvenile justice system stakeholders in
19 developing policies and practices that are research-based or
20 standardized and reliable and are implemented with fidelity and
21 which have been researched and demonstrate positive outcomes;

22 (f) Develop and coordinate a statewide working group
23 as a subcommittee of the Nebraska Coalition for Juvenile Justice
24 to assist in regular strategic planning related to supporting,
25 funding, monitoring and evaluating the effectiveness of plans and
26 programs receiving funds from the Community-based Juvenile Services
27 Aid Program; and

1 (g) Work with the coordinator for the Nebraska Coalition
2 for Juvenile Justice in facilitating the coalition's obligations
3 under the Community-based Juvenile Services Aid Program.

4 Sec. 35. Section 43-2404.02, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 43-2404.02 (1) There is created a separate and distinct
7 budgetary program within the commission to be known as the ~~County~~
8 Community-based Juvenile Services Aid Program. Funding acquired
9 from participation in the federal act, state General Funds, and
10 funding acquired from other sources which may be used for purposes
11 consistent with the Juvenile Services Act and the federal act
12 shall be used to aid ~~counties~~ in the establishment and provision
13 of community-based services for ~~accused and adjudicated juvenile~~
14 ~~offenders and to increase capacity for community-based services to~~
15 ~~juveniles.~~ juveniles who come in contact with the juvenile justice
16 system.

17 (2) The annual General Fund appropriation to the ~~County~~
18 Community-based Juvenile Services Aid Program shall provide the
19 commission with no more than two percent for administrative
20 purposes to operate the program to include necessary training,
21 data capacity and collection, and program evaluation. Funds shall
22 be apportioned ~~to the counties~~ as aid in accordance with a formula
23 established in rules and regulations adopted and promulgated by
24 the commission. The formula shall be based on the total number of
25 residents per county and federally recognized or state-recognized
26 Indian tribe who are twelve years of age through eighteen years
27 of age and other relevant factors as determined by the commission.

1 The commission may require a local match of up to forty percent
2 from ~~counties~~ the county, multiple counties, federally recognized
3 or state-recognized Indian tribe or tribes, or any combination of
4 the three receiving aid under such program. Any local expenditures
5 for community-based programs for juveniles may be applied toward
6 such match requirement.

7 (3) Funds provided to ~~counties~~ under the ~~County~~
8 Community-based Juvenile Services Aid Program shall be used
9 exclusively to assist ~~counties~~ the aid recipient in the
10 implementation and operation of programs or the provision of
11 services identified in their comprehensive juvenile services
12 plan, including, ~~but not limited to,~~ programs for assessment and
13 evaluation, ~~prevention of delinquent behavior, diversion, shelter~~
14 ~~care, intensive juvenile probation services, restitution, family~~
15 ~~support services, and family group conferencing.~~ local planning
16 and service coordination; screening, assessment, and evaluation;
17 diversion; alternatives to detention; family support services;
18 treatment services; reentry services; truancy prevention and
19 intervention programs; and other services that will positively
20 impact youth and families in the juvenile justice system. In
21 distributing funds provided under the ~~County~~ Community-based
22 Juvenile Services Aid Program, ~~counties~~ aid recipients shall
23 prioritize programs and services that will ~~reduce the juvenile~~
24 ~~detention population.~~ divert juveniles from the juvenile justice
25 system, reduce the population of juveniles in juvenile detention
26 and secure confinement, and assist in transitioning juveniles
27 from out-of-home placements. No funds appropriated or distributed

1 under the ~~County~~ Community-based Juvenile Services Aid Program
2 shall be used for construction of secure detention facilities,
3 secure youth treatment facilities, or secure youth confinement
4 facilities. Aid received under this section shall not be used for
5 capital construction or the lease or acquisition of facilities
6 except for probation facilities expanded for purposes of the
7 Nebraska Juvenile Service Delivery Project and shall not be used to
8 replace existing funding for programs or services. Any funds not
9 distributed to counties under this subsection shall be retained by
10 the commission to be distributed on a competitive basis under the
11 County Community-based Juvenile Services Aid Program for a county,
12 multiple counties, federally recognized or state-recognized Indian
13 tribes, or any combination of the three demonstrating additional
14 need in the funding areas identified in this subsection.

15 (4) Any ~~county receiving~~ recipient of funding under the
16 County Community-based Juvenile Services Aid Program shall file an
17 annual report as required by rules and regulations adopted and
18 promulgated by the commission. The report shall include, but not
19 be limited to, the type of juvenile service, how the service met
20 the goals of the comprehensive juvenile services plan, demographic
21 information on the total number of juveniles served, ~~the units~~
22 ~~of service provided,~~ a listing of the county's annual juvenile
23 justice budgeted and actual expenditures, program success rates,
24 the total number of juveniles sent to secure juvenile detention
25 or residential treatment and secure confinement, and a listing
26 of the expenditures for detention, residential treatment, and
27 nonresidential treatment.

1 (5) The commission shall report annually to the Governor
2 and the Legislature on the distribution and use of funds
3 appropriated under the County Community-based Juvenile Services
4 Aid Program. The report shall include, but not be limited to,
5 an aggregate report of the use of the Community-based Juvenile
6 Services Aid Program funds, including the types of juvenile
7 services and programs that were funded, demographic information
8 on the total number of juveniles served, program success rates,
9 the total number of juveniles sent to secure juvenile detention
10 or residential treatment and secure confinement, and a listing
11 of the expenditures of all counties and federally recognized
12 or state-recognized Indian tribes for detention, residential
13 treatment, and secure confinement. The report submitted to the
14 Legislature shall be submitted electronically.

15 (6) The commission shall adopt and promulgate rules and
16 regulations ~~to implement this section.~~ for the Community-based
17 Juvenile Services Aid Program in consultation with the Director
18 of the Community-based Juvenile Services Aid Program, the
19 Director of Juvenile Diversion Programs, the Office of Probation
20 Administration, and the University of Nebraska at Omaha, Juvenile
21 Justice Institute. The rules and regulations shall consist of, but
22 not be limited to:

23 (a) The required elements of a comprehensive community
24 plan and planning process;

25 (b) The Community-based Juvenile Services Aid Program
26 formula, review process, match requirements, and fund distribution.
27 The distribution process shall ensure a conflict of interest

1 policy;

2 (c) A distribution process for funds retained under
3 subsection (3) of this section;

4 (d) A plan for evaluating the effectiveness of plans and
5 programs receiving funding;

6 (e) A reporting process for aid recipients; and

7 (f) A reporting process for the commission to the
8 Governor and Legislature.

9 Sec. 36. Section 43-2411, Reissue Revised Statutes of
10 Nebraska, is amended to read:

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

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

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

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

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

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

24 (f) The probation administrator of the Office of
25 Probation Administration or his or her designee;

26 (g) One county commissioner or supervisor;

27 (h) One person with data analysis experience;

1 ~~(h)~~ (i) One police chief;

2 ~~(i)~~ (j) One sheriff;

3 ~~(k)~~ The executive director of the Foster Care Review

4 Office;

5 ~~(j)~~ (l) One separate juvenile court judge;

6 ~~(k)~~ (m) One county court judge;

7 ~~(l)~~ (n) One representative of mental health professionals

8 who works directly with juveniles;

9 ~~(m)~~ (o) Three representatives, one from each

10 congressional district, from community-based, private nonprofit

11 organizations who work with juvenile offenders and their families;

12 ~~(n)~~ (p) One volunteer who works with juvenile offenders

13 or potential juvenile offenders;

14 ~~(o)~~ (q) One person who works with an alternative to

15 ~~incarceration~~ a detention program for juveniles;

16 ~~(p)~~ (r) The director or his or her designee from a youth

17 rehabilitation and treatment center;

18 ~~(q)~~ (s) The director or his or her designee from a secure

19 ~~youth confinement~~ juvenile detention facility;

20 ~~(r)~~ (t) The director or his or her designee from a staff

21 secure youth confinement facility;

22 ~~(s)~~ (u) At least five members who are under twenty-four

23 years of age when appointed;

24 ~~(t)~~ (v) One person who works directly with juveniles who

25 have learning or emotional difficulties or are abused or neglected;

26 ~~(u)~~ (w) One member of the Nebraska Commission on Law

27 Enforcement and Criminal Justice;

1 (x) One member of a regional behavioral health authority
2 established under section 71-808;

3 ~~(v)~~ (y) One county attorney; and

4 ~~(w)~~ (z) One public defender.

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

19 (3) Members of the coalition shall be reimbursed for
20 their actual and necessary expenses pursuant to sections 81-1174 to
21 81-1177.

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

26 Sec. 37. Section 43-2412, Revised Statutes Cumulative
27 Supplement, 2012, is amended to read:

1 43-2412 (1) Consistent with the purposes and objectives
2 of the Juvenile Services Act and the federal act, the coalition
3 shall:

4 (a) Make recommendations to the commission on the
5 awarding of grants under the Commission Grant Program to eligible
6 applicants;

7 (b) Identify juvenile justice issues, share information,
8 and monitor and evaluate programs in the juvenile justice system;

9 (c) Recommend guidelines and supervision procedures ~~to~~
10 ~~the Office of Juvenile Services~~ to be used to develop or expand
11 local diversion programs for juveniles from the juvenile justice
12 system;

13 (d) Prepare an annual report to the Governor, the
14 Legislature, the Office of Probation Administration, and the Office
15 of Juvenile Services including recommendations on administrative
16 and legislative actions which would improve the juvenile justice
17 system. The report submitted to the Legislature shall be submitted
18 electronically;

19 (e) Ensure widespread citizen involvement in all phases
20 of its work; and

21 (f) Meet at least four times each year.

22 (2) Consistent with the purposes and objectives of the
23 acts and within the limits of available time and appropriations,
24 the coalition may:

25 ~~(a) Recommend criteria to the Office of Juvenile Services~~
26 ~~for administrative procedures, including, but not limited to,~~
27 ~~procedures for intake, detention, petition filing, and probation~~

1 ~~supervision;~~

2 **~~(b)~~** Recommend to the Office of Juvenile Services
3 ~~minimum professional standards,~~ including requirements for
4 ~~continuing professional training,~~ for employees of community-based,
5 ~~youth-serving agencies;~~

6 **~~(c)~~** Recommend to the Office of Juvenile Services
7 ~~curricula for and cause to have conducted training sessions for~~
8 ~~juvenile court judges and employees of other community-based,~~
9 ~~youth-serving agencies;~~

10 **~~(d)~~** (a) Assist and advise state and local agencies in the
11 establishment of volunteer training programs and the utilization of
12 volunteers;

13 **~~(e)~~** (b) Apply for and receive funds from federal and
14 private sources for carrying out its powers and duties; and

15 **~~(f)~~** (c) Provide technical assistance to eligible
16 applicants.

17 (3) In formulating, adopting, and promulgating the
18 standards, recommendations, and guidelines provided for in this
19 section, the coalition shall consider the differences among
20 counties in population, in geography, and in the availability of
21 local resources.

22 Sec. 38. Section 43-3503, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 43-3503 (1) It is the intent of the Legislature to
25 encourage counties to develop a continuum of nonsecure detention
26 services for the purpose of enhancing, developing, and expanding
27 the availability of such services to juveniles requiring nonsecure

1 detention.

2 (2) A county may enhance, develop, or expand nonsecure
3 detention services as needed with private or public providers.
4 Grants from the Commission Grant Program and aid from the ~~County~~
5 Community-based Juvenile Services Aid Program under the Juvenile
6 Services Act and the federal Juvenile Justice and Delinquency
7 Prevention Act of 1974 may be used to fund nonsecure detention
8 services. Each county shall routinely review services provided by
9 contract providers and modify services as needed.

10 Sec. 39. Section 43-4203, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 43-4203 (1) The Nebraska Children's Commission shall work
13 with administrators from each of the service areas designated
14 pursuant to section 81-3116, the teams created pursuant to section
15 28-728, local foster care review boards, child advocacy centers,
16 the teams created pursuant to the Supreme Court's Through the Eyes
17 of the Child Initiative, community stakeholders, and advocates for
18 child welfare programs and services to establish networks in each
19 of such service areas. Such networks shall permit collaboration
20 to strengthen the continuum of services available to child welfare
21 agencies and to provide resources for children and juveniles
22 outside the child protection system. Each service area shall
23 develop its own unique strategies to be included in the statewide
24 strategic plan. The Department of Health and Human Services shall
25 assist in identifying the needs of each service area.

26 (2) (a) The commission shall create a committee to examine
27 state policy regarding the prescription of psychotropic drugs for

1 children who are wards of the state and the administration of such
2 drugs to such children. Such committee shall review the policy and
3 procedures for prescribing and administering such drugs and make
4 recommendations to the commission for changes in such policy and
5 procedures.

6 (b) The commission shall create a committee to examine
7 the structure and responsibilities of the Office of Juvenile
8 Services as they exist on April 12, 2012. Such committee shall
9 review the role and effectiveness of the youth rehabilitation
10 and treatment centers in the juvenile justice system and make
11 recommendations to the commission on the future role of the
12 youth rehabilitation and treatment centers in the juvenile justice
13 continuum of care, including what populations they should serve
14 and what treatment services should be provided at the centers in
15 order to appropriately serve those populations. Such committee
16 shall also review how mental and behavioral health services are
17 provided to juveniles in secure residential placements and the need
18 for such services throughout Nebraska and make recommendations to
19 the commission relating to those systems of care in the juvenile
20 justice system. The committee shall collaborate with the University
21 of Nebraska at Omaha, Juvenile Justice Institute, the University of
22 Nebraska Medical Center, Center for Health Policy, the behavioral
23 health regions as established in section 71-807, and state and
24 national juvenile justice experts to develop recommendations. If
25 the committee's recommendations include maintaining the Youth
26 Rehabilitation and Treatment Center-Kearney, the recommendation
27 shall include a plan to implement a rehabilitation and treatment

1 model by upgrading the center's physical structure, staff, staff
2 training and the incorporation of evidence-based treatments and
3 programs. The recommendations shall be delivered to the commission
4 and to the Judiciary Committee of the Legislature by December 1,
5 2013. Such committee shall also review the responsibilities of
6 the Administrator of the Office of Juvenile Services, including
7 oversight of the youth rehabilitation and treatment centers
8 and juvenile parole, and make recommendations to the commission
9 relating to the future responsibilities of the administrator.

10 (c) The commission may organize committees as it
11 deems necessary. Members of the committees may be members of
12 the commission or may be appointed, with the approval of the
13 majority of the commission, from individuals with knowledge of
14 the committee's subject matter, professional expertise to assist
15 the committee in completing its assigned responsibilities, and the
16 ability to collaborate within the committee and with the commission
17 to carry out the powers and duties of the commission.

18 (d) If the One Hundred Second Legislature, Second
19 Session, 2012, creates the The Title IV-E Demonstration Project
20 Committee ~~or~~ and the Foster Care Reimbursement Rate Committee, ~~or~~
21 both, such committees shall be are under the jurisdiction of the
22 commission.

23 (3) The commission shall work with the office of the
24 State Court Administrator, as appropriate, and entities which
25 coordinate facilitated conferencing as described in section
26 43-247.01. Facilitated conferencing shall be included in statewide
27 strategic plan discussions by the commission. Facilitated

1 conferencing shall continue to be utilized and maximized, as
2 determined by the court of jurisdiction, during the development
3 of the statewide strategic plan. Funding and contracting of
4 facilitated conferencing entities shall continue to be provided by
5 the Department of Health and Human Services to at least the same
6 extent as such funding and contracting are being provided on April
7 12, 2012.

8 (4) The commission shall gather information and
9 communicate with juvenile justice specialists of the Office of
10 Probation Administration and county officials with respect to any
11 county-operated practice model participating in the Crossover Youth
12 Program of the Center for Juvenile Justice Reform at Georgetown
13 University.

14 (5) If the Nebraska Juvenile Service Delivery Project
15 is enacted by the One Hundred Second Legislature, Second Session,
16 2012, the commission shall coordinate and gather information about
17 the progress and outcomes of the project.

18 Sec. 40. (1) There is established within the Nebraska
19 Commission on Law Enforcement and Criminal Justice the position
20 of Director of Juvenile Diversion Programs to be appointed by the
21 executive director of the commission.

22 (2) The Director of Juvenile Diversion Programs shall
23 be supervised by the Nebraska Commission on Law Enforcement and
24 Criminal Justice. The director shall be responsible for fostering,
25 promoting, researching, and assessing juvenile pretrial diversion
26 programs and developing new programs in collaboration with cities
27 and counties pursuant to sections 43-260.02 to 43-260.07. The

1 director shall:

2 (a) Provide technical assistance and guidance to juvenile
3 pretrial diversion programs for implementing evidence-based
4 strategies or standardized, replicable practices that have been
5 researched and have demonstrated positive outcomes;

6 (b) Develop a core juvenile pretrial diversion program
7 packet for utilization by counties without a juvenile pretrial
8 diversion program or counties without a district probation officer
9 acting under section 29-2258;

10 (c) Establish baseline program guidelines for juvenile
11 pretrial diversion programs grounded in best-practice research,
12 develop data collection and evaluation protocols, oversee statewide
13 data collection, and generate an annual report on juvenile pretrial
14 diversion programs;

15 (d) Develop relationships and collaborate with juvenile
16 justice stakeholders involved in juvenile pretrial diversion
17 programs, provide education and training as necessary, and serve on
18 boards and committees when approved by the commission;

19 (e) Facilitate consistent communication and
20 information-sharing among juvenile pretrial diversion program
21 directors;

22 (f) Assist juvenile pretrial diversion program directors,
23 county attorneys, district probation officers acting under section
24 29-2258, and county boards in developing policies and practices
25 that achieve the goals of quality juvenile pretrial diversion
26 programs;

27 (g) Assist in comprehensive community planning efforts as

1 they relate to development of juvenile pretrial diversion programs;

2 (h) Develop and coordinate a statewide working group
3 as a subcommittee of the Nebraska Coalition for Juvenile Justice
4 to assist in regular strategic planning related to supporting,
5 funding, monitoring, and evaluating the effectiveness of plans and
6 programs receiving funds from the Community-based Juvenile Services
7 Aid Program; and

8 (i) Assist the Director of the Community-based Juvenile
9 Services Aid Program created under section 43-2404.01 in the review
10 of Community-based Juvenile Services Aid Program applications as
11 provided in section 43-2404.02.

12 Sec. 41. (1) The Community and Family Reentry Process
13 is hereby created. This process is created in order to reduce
14 recidivism and promote safe and effective reentry for the juvenile
15 and his or her family to the community from the juvenile justice
16 system.

17 (2) While a juvenile is committed to a youth
18 rehabilitation and treatment center, family team meetings shall be
19 conducted in person or via videoconferencing at least once per
20 month with the juvenile's support system to discuss the juvenile's
21 transition back to the community. A juvenile's support system
22 should be made up of any of the following: The juvenile himself
23 or herself, any immediate family members or guardians, informal
24 and formal supports, the juvenile's probation officer, Office of
25 Juvenile Services personnel employed by the facility, and any
26 additional personnel as appropriate. Once developed, individualized
27 reentry plans should be discussed at the family team meetings with

1 the juvenile and other members of the juvenile's support system
2 and shall include discussions on the juvenile's placement after
3 leaving the facility. The probation officer and the Office of
4 Juvenile Services personnel should discuss progress and needs of
5 the juvenile and should help the juvenile follow their individual
6 reentry plan to help with his or her transition back to the
7 community.

8 (3) Within sixty days prior to discharge from a youth
9 rehabilitation and treatment center, or as soon as possible if the
10 juvenile's remaining time at the youth rehabilitation and treatment
11 center is less than sixty days, an evidence-based risk screening
12 and needs assessment should be conducted on the juvenile in order
13 to determine the juvenile's risk of reoffending and the juvenile's
14 individual needs upon reentering the community.

15 (4) Individualized reentry plans shall be developed
16 with input from the juvenile and his or her support system in
17 conjunction with a risk assessment process. Individualized reentry
18 plans shall be finalized thirty days prior to the juvenile leaving
19 the facility or as soon as possible if the juvenile's remaining
20 time at the youth rehabilitation and treatment center is less than
21 thirty days. Individualized reentry plans should include specifics
22 about the juvenile's placement upon return to the community, an
23 education transition plan, a treatment plan with any necessary
24 appointments being set prior to the juvenile leaving the facility,
25 and any other formal and information supports for the juvenile and
26 his or her family. The district probation officer and Office of
27 Juvenile Services personnel shall review the individualized reentry

1 plan and the expected outcomes as a result of the plan with the
2 juvenile and his or her support system within thirty days prior to
3 the juvenile's discharge from the facility.

4 (5) The probation officer shall have contact with the
5 juvenile and the juvenile's support system within forty-eight hours
6 after the juvenile returns to the community, and continue to assist
7 the juvenile and the juvenile's support system in implementing
8 and following the individualized reentry plan and monitoring the
9 juvenile's risk through ongoing assessment updates.

10 (6) The Office of Probation Administration shall
11 establish an evidence-based reentry process that utilizes risk
12 assessment to determine the juvenile's supervision level upon
13 return to the community. They shall establish supervision
14 strategies based on risk levels of the juvenile and supervise
15 accordingly, with ongoing reassessment to assist in determining
16 eligibility for release from probation. The Office of Probation
17 Administration shall develop a formal matrix of graduated sanctions
18 to be utilized prior to requesting the county attorney to file
19 for probation revocation. The Office of Probation Administration
20 shall provide training to its workers on risk-based supervision
21 strategies, motivational interviewing, family engagement, community
22 based resources, and other evidence-based reentry strategies.

23 (7) In conjunction with the Community and Family Reentry
24 Process, the Office of Probation Administration, working with youth
25 treatment and rehabilitation center staff and other appropriate
26 treatment personnel, may create and administer a program for early
27 discharge from a youth rehabilitation and treatment center to

1 community-based services. Eligibility for such program shall be
2 dependent on the following factors, including, but not limited
3 to: (a) Whether the juvenile has completed the goals of his or
4 her individual treatment plan or received maximum benefit from
5 institutional treatment; (b) whether the juvenile would benefit
6 from continued services under community supervision; (c) whether
7 the juvenile can function in a community setting; (d) whether there
8 is reason to believe that the juvenile will not commit further
9 violations of law; and (e) whether there is reason to believe
10 that the circumstances of the juvenile's placement, including
11 the involvement of the juvenile's support system, are supportive
12 of success outside of institutional treatment upon the juvenile
13 returning to the community.

14 Sec. 42. (1) It is the intent of the Legislature to
15 appropriate to the Nebraska Commission on Law Enforcement and
16 Criminal Justice, for FY2013-14, and annually thereafter, ten
17 million dollars to be used for the Community-based Juvenile
18 Services Aid Program created under section 43-2404.02 and XXX
19 dollars to fund the positions of Director of Juvenile Diversion
20 Programs created under section 40 of this act and the Director
21 of the Community-based Juvenile Services Aid Program created under
22 section 43-2404.01.

23 (2) It is the intent of the Legislature to provide
24 reimbursement for costs and a consultant for the committee created
25 in subdivision (2)(b) of section 43-4203.

26 (3) It is the intent of the Legislature that the
27 Nebraska Juvenile Service Delivery Project, established as a pilot

1 program under section 43-4101 within the Office of Probation
2 Administration, be expanded statewide in a three-step, phase-in
3 process beginning July 1, 2013, with full implementation by
4 July 1, 2014. The expansion of the project will result in the
5 Office of Probation Administration taking over the duties of the
6 Office of Juvenile Services with respect to its previous functions
7 of community supervision and parole of juvenile law violators
8 and of evaluations for such juveniles. The Office of Juvenile
9 Services shall continue for the purpose of operating the youth
10 rehabilitation and treatment centers and the care and custody of
11 the juveniles placed at such centers. Expansion of the project
12 shall be funded by the transfer of funds from the Department of
13 Health and Human Services and the Office of Juvenile Services used
14 to fully fund community-based services and juvenile parole to the
15 Office of Probation Administration. Transfer of such funds shall
16 take place on July 1, 2013, January 1, 2014, and July 1, 2014, with
17 one-third of such funds being transferred on each date.

18 (4) It is the intent of the Legislature that detention
19 costs for a juvenile shall be paid by the county containing the
20 court which issued the order to detain in the following situations:

21 (a) A juvenile who has no prior contact with the juvenile
22 justice system and is placed in predisposition detention; or

23 (b) A juvenile who is placed in predisposition detention
24 for a new violation of law while under the supervision of the
25 Office of Probation Administration.

26 (5) It is the intent of the Legislature that detention
27 costs for a juvenile shall be paid by the Office of Probation

1 Administration in the following situations:

2 (a) A juvenile is placed in detention as the result of an
3 alleged violation of probation; or

4 (b) A juvenile is placed in post-disposition detention
5 under the supervision of the Office of Probation Administration
6 while awaiting placement.

7 (6) For purposes of this section, detention means secure
8 detention and staff secure detention.

9 Sec. 43. Section 43-4002, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-4002 (1) The Children's Behavioral Health Task Force,
12 under the direction of and in consultation with the Health and
13 Human Services Committee of the Legislature and the Department of
14 Health and Human Services, shall prepare a children's behavioral
15 health plan and shall submit such plan to the Governor and
16 the committee on or before December 4, 2007. The scope of the
17 plan shall include juveniles accessing public behavioral health
18 resources.

19 (2) The plan shall include, but not be limited to:

20 (a) Plans for the development of a statewide integrated
21 system of care to provide appropriate educational, behavioral
22 health, substance abuse, and support services to children and
23 their families. The integrated system of care should serve both
24 adjudicated and nonadjudicated juveniles with behavioral health or
25 substance abuse issues;

26 (b) ~~Plans~~ Until July 1, 2014, plans for the development
27 of community-based inpatient and subacute substance abuse and

1 behavioral health services and the allocation of funding for such
2 services to the community pursuant to subdivision (4) of section
3 43-406;

4 (c) Strategies for effectively serving juveniles assessed
5 in need of substance abuse or behavioral health services upon
6 release from the Youth Rehabilitation and Treatment Center-Kearney
7 or Youth Rehabilitation and Treatment Center-Geneva;

8 (d) Plans for the development of needed capacity for the
9 provision of community-based substance abuse and behavioral health
10 services for children;

11 (e) Strategies and mechanisms for the integration of
12 federal, state, local, and other funding sources for the provision
13 of community-based substance abuse and behavioral health services
14 for children;

15 (f) Measurable benchmarks and timelines for the
16 development of a more comprehensive and integrated system of
17 substance abuse and behavioral health services for children;

18 (g) Identification of necessary and appropriate statutory
19 changes for consideration by the Legislature; and

20 (h) Development of a plan for a data and information
21 system for all children receiving substance abuse and behavioral
22 health services shared among all parties involved in the provision
23 of services for children.

24 (3) The department shall provide a written implementation
25 and appropriations plan for the children's behavioral health
26 plan to the Governor and the committee by January 4, 2008.
27 The chairperson of the Health and Human Services Committee

1 of the Legislature shall prepare legislation or amendments to
2 legislation to implement this subsection for introduction in the
3 2008 legislative session.

4 Sec. 44. Section 58-210.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 58-210.02 (1) Economic-impact project means any of the
7 following, whether or not in existence, financed in whole or
8 in part through the use of the federal new markets tax credit
9 described in section 45D of the Internal Revenue Code or through
10 the use of the tax credit authorized by section 77-1101 of the
11 New Markets Job Growth Investment Act, and located in a low-income
12 community designated pursuant to section 45D of the Internal
13 Revenue Code or in an area designated by the Department of Economic
14 Development:

15 (a) Any land, building, or other improvement, including,
16 but not limited to, infrastructure;

17 (b) Any real or personal property;

18 (c) Any equipment or working capital; and

19 (d) Any undivided or other interest in any property
20 described in subdivision (a), (b), or (c) of this subsection.

21 ~~(2) Economic-impact project does not include any~~
22 ~~operating capital.~~

23 (2) Social-impact project means any of the following,
24 whether or not in existence, to be used by one or more public or
25 private parties in connection with one or more programs authorized
26 or specified by the Office of Juvenile Services or the Office of
27 Probation Administration, to be created by the One Hundred Third

1 Legislature:

2 (a) Any land, building, or other improvement, including,
3 but not limited to, infrastructure;

4 (b) Any real or personal property;

5 (c) Any equipment or working capital; and

6 (d) Any undivided or other interest in any property
7 described in subdivision (a), (b), or (c) of this subsection.

8 Sec. 45. Section 58-239.04, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 58-239.04 ~~(1)~~ In addition to the powers granted under
11 section 58-239, the authority may:

12 ~~(a)~~ (1) Borrow money and issue bonds and provide
13 technical assistance for the purpose of financing economic-impact
14 projects and social-impact projects;

15 ~~(b)~~ (2) Enter into and perform interagency and
16 intergovernmental agreements with one or more public agencies
17 in connection with financing or providing resources for
18 economic-impact projects and social-impact projects;

19 ~~(c)~~ (3) Create, operate, manage, invest in, and own
20 entities or other consortia created for the purpose of facilitating
21 economic-impact projects and social-impact projects; and

22 ~~(d)~~ (4) Provide resources for economic-impact projects
23 and social-impact projects, in an amount not to exceed ~~ten~~ twenty
24 million dollars per project, including, but not limited to, making
25 loans or providing equity through investment therein or ownership
26 thereof or through other means or agreements.

27 ~~(2)~~ The authority may exercise any of the powers

1 authorized by this section only after a public hearing has been
2 held detailing the economic-impact project to be assisted and
3 allowing for input from the public. Notice of the public hearing
4 shall be given at least two weeks in advance of the hearing in
5 a newspaper of general circulation within the county affected by
6 the economic-impact project, which notice shall give a general
7 designation of the project and identify where more detailed plans
8 may be reviewed prior to the hearing.

9 Sec. 46. Section 77-1108, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 77-1108 (1) Qualified active low-income community
12 business has the meaning given such term in section 45D of the
13 Internal Revenue Code of 1986, as amended, and 26 C.F.R. 1.45D-1.
14 A business shall be considered a qualified active low-income
15 community business for the duration of the qualified community
16 development entity's investment in, or loan to, the business
17 if the entity reasonably expects, at the time it makes the
18 investment or loan, that the business will continue to satisfy
19 the requirements for being a qualified active low-income community
20 business throughout the entire period of the investment or loan.
21 The term excludes any business that derives or projects to derive
22 fifteen percent or more of its annual revenue from the rental or
23 sale of real estate. This exclusion does not apply to a business
24 that is controlled by, or under common control with, another
25 business if the second business ~~(1)~~ (a) does not derive or project
26 to derive fifteen percent or more of its annual revenue from the
27 rental or sale of real estate and ~~(2)~~ (b) is the primary tenant of

1 the real estate leased from the first business.

2 (2) Notwithstanding any other provision of the New
3 Markets Job Growth Investment Act or section 45D of the Internal
4 Revenue Code, any entity providing programs, services, or
5 assistance in the state in connection with programs or initiatives
6 of the Office of Juvenile Services or the Office of Probation
7 Administration, to be created by the One Hundred Third Legislature,
8 may be designated, by such office, as a qualified active low-income
9 community business for purposes of the New Markets Job Growth
10 Investment Act.

11 Sec. 47. Section 81-1417, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 81-1417 (1) The Nebraska Commission on Law Enforcement
14 and Criminal Justice shall consist of ~~eighteen~~ nineteen members.
15 The membership shall include the Governor, the Attorney General,
16 the Superintendent of Law Enforcement and Public Safety, the
17 Director of Correctional Services, the chief of police or director
18 of public safety of a city of more than two hundred thousand
19 population, the chief of police or director of public safety of
20 a city of ~~less than~~ two hundred thousand population or less,
21 a county sheriff, a county attorney, a county commissioner, a
22 mayor or city manager, a person involved with the control or
23 prevention of juvenile delinquency, the chairperson of the Nebraska
24 Police Standards Advisory Council, the chairperson of the Nebraska
25 Coalition for Juvenile Justice, and six members, at least one of
26 whom shall be a woman, from the public at large. The seven members
27 of the council shall also be considered members of the commission

1 acting as a special committee of the commission with limited powers
2 and duties. A member of the commission may serve concurrently as a
3 member of the council. ~~The term of the district court judge serving~~
4 ~~on July 20, 2002, terminates on such date.~~

5 (2) The Governor may increase the membership of the
6 commission at any time if such increase is necessary to comply
7 with the provisions of any federal act providing funds for law
8 enforcement or delinquency prevention purposes. Such members of the
9 commission appointed by the Governor shall serve for terms of six
10 years from January 1 next succeeding their appointments.

11 (3) Except for the Governor, the Attorney General, the
12 Superintendent of Law Enforcement and Public Safety, and the
13 Director of Correctional Services, the members of the commission
14 shall be appointed by the Governor. The membership of the
15 commission shall represent varying geographic areas and large
16 and small governmental subdivisions.

17 Sec. 48. Section 83-4,124, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 83-4,124 (1) It is hereby declared to be the policy
20 of the State of Nebraska that all criminal detention facilities
21 and juvenile detention facilities in the this state shall conform
22 to certain minimum standards of construction, maintenance, and
23 operation and that all juvenile detention facilities and staff
24 secure facilities in this state shall conform to certain minimum
25 standards relating to the operation and physical structure of
26 such facilities and the care of, programs for, and discipline of
27 juveniles at such facilities.

1 (2) To further such policy, the Jail Standards Board
2 is hereby created. For administrative and budgetary purposes such
3 board shall be within the Nebraska Commission on Law Enforcement
4 and Criminal Justice. The board shall consist of the Director of
5 Correctional Services or, if the Director of Correctional Services
6 chooses not to serve on the board, a person appointed by the
7 director to serve in lieu of the director, the State Fire Marshal
8 or his or her designee, and ~~nine~~ ten appointive members, three
9 of whom shall be from each of the three congressional districts,
10 to be appointed by the Governor. The appointive members of the
11 board shall be appointed from recommendation lists containing at
12 least three names submitted by the Nebraska Association of County
13 Officials, the Nebraska County Sheriffs Association, the Nebraska
14 State Bar Association, and the Police Officers Association of
15 Nebraska. The appointive members of the board shall consist of: ~~(1)~~
16 (a) Two county commissioners or supervisors; ~~(2)~~ (b) one county
17 sheriff; ~~(3)~~ (c) one municipal police chief; ~~(4)~~ (d) one member of
18 the Nebraska State Bar Association; ~~(5)~~ (e) two lay people; ~~(6)~~ (f)
19 one person who at the time of his or her appointment is serving as
20 an administrator responsible for the operation and maintenance of
21 a juvenile detention facility; (g) one person who at the time of
22 his or her appointment is serving as an administrator responsible
23 for the operation and maintenance of a staff secure facility; and
24 ~~(7)~~ (h) one person who at the time of his or her appointment is
25 serving as an administrator or jailer responsible for the operation
26 and maintenance of a criminal detention facility having an average
27 daily population of greater than fifty persons. ~~The term of the~~

1 ~~district judge serving on July 20, 2002, terminates on such date.~~

2 (3) The terms of office for all members initially
3 appointed shall be three years. Upon completion of the initial
4 term of the board, the Governor shall appoint one member from
5 each congressional district for a term of one year, one member
6 from each congressional district for a term of two years, and
7 one member from each congressional district for a term of three
8 years. Succeeding appointees shall be representative of the same
9 congressional district and shall be appointed for terms of three
10 years. An appointee to a vacancy occurring from an unexpired term
11 shall serve out the term of his or her predecessor. Members whose
12 terms have expired shall continue to serve until their successors
13 have been appointed. The member authorized by this legislative bill
14 shall be appointed by the Governor within ninety days after the
15 effective date of this act.

16 (4) The members of the board shall serve without
17 compensation, but they shall be reimbursed for their actual
18 expenses while engaged in the performance of their official duties
19 as provided in sections 81-1174 to 81-1177.

20 Sec. 49. Section 83-4,125, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 83-4,125 For purposes of sections 83-4,124 to 83-4,134:

23 (1) Criminal detention facility ~~shall mean~~ means any
24 institution operated by a political subdivision or a combination
25 of political subdivisions for the careful keeping or rehabilitative
26 needs of adult or juvenile criminal offenders or those persons
27 being detained while awaiting disposition of charges against them.

1 Criminal detention facility ~~shall~~ does not include any institution
2 operated by the Department of Correctional Services. Criminal
3 detention facilities shall be classified as follows:

4 (a) Type I Facilities ~~shall mean~~ means criminal detention
5 facilities used for the detention of persons for not more than
6 twenty-four hours, excluding nonjudicial days;

7 (b) Type II Facilities ~~shall mean~~ means criminal
8 detention facilities used for the detention of persons for not more
9 than ninety-six hours, excluding nonjudicial days; and

10 (c) Type III Facilities ~~shall mean~~ means criminal
11 detention facilities used for the detention of persons beyond
12 ninety-six hours; and

13 (2) Juvenile detention facility ~~shall mean~~ means an
14 institution operated by a political subdivision or political
15 subdivisions for the secure detention and treatment of persons
16 younger than eighteen years of age, including persons under the
17 jurisdiction of a juvenile court, who are serving a sentence
18 pursuant to a conviction in a county or district court or who
19 are detained while waiting disposition of charges against them.
20 Juvenile detention facility ~~shall~~ does not include any institution
21 operated by the department; ~~and-~~

22 (3) Staff secure juvenile facility means a juvenile
23 residential facility operated by a political subdivision (a) which
24 does not include construction designed to physically restrict
25 the movements and activities of juveniles who are in custody in
26 the facility; (b) in which physical restriction of movement or
27 activity of juveniles is provided solely through staff; (c) which

1 may establish reasonable rules restricting ingress to and egress
2 from the facility; and (d) in which the movements and activities
3 of individual juvenile residents may, for treatment purposes, be
4 restricted or subject to control through the use of intensive staff
5 supervision. Staff secure juvenile facility does not include any
6 institution operated by the department.

7 Sec. 50. Section 83-4,126, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 83-4,126 (1) Except as provided in subsection (2) of this
10 section, the Jail Standards Board shall have the authority and
11 responsibility:

12 (a) To develop minimum standards for the construction,
13 maintenance, and operation of criminal detention facilities;

14 (b) To perform ~~such~~ other duties as may be necessary to
15 carry out the policy of the state regarding ~~such~~ criminal detention
16 facilities, and juvenile detention facilities, and staff secure
17 juvenile facilities as stated in sections 83-4,124 to 83-4,134; and

18 (c) Consistent with the purposes and objectives of the
19 Juvenile Services Act, to develop standards for juvenile detention
20 facilities and staff secure juvenile facilities, including, but not
21 limited to, standards for physical facilities, care, programs, and
22 disciplinary procedures, and to develop guidelines pertaining to
23 the operation of such facilities.

24 (2) The Jail Standards Board shall not have authority
25 over or responsibility for correctional facilities that are
26 accredited by a nationally recognized correctional association. A
27 correctional facility that is accredited by a nationally recognized

1 correctional association shall show proof of accreditation annually
2 to the Jail Standards Board. For purposes of this subsection,
3 nationally recognized correctional association includes, but is not
4 limited to, the American Correctional Association or its successor.

5 Sec. 51. Section 83-4,131, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 83-4,131 Personnel of the Nebraska Commission on Law
8 Enforcement and Criminal Justice shall visit and inspect each
9 criminal detention facility, ~~and~~ juvenile detention facility, and
10 staff secure juvenile facility in the state, except correctional
11 facilities accredited by a nationally recognized correctional
12 association pursuant to subsection (2) of section 83-4,126, for the
13 purpose of determining the conditions of confinement, the treatment
14 of persons confined in the facilities, and whether such facilities
15 comply with the minimum standards established by the Jail Standards
16 Board. A written report of each inspection shall be made within
17 thirty days following such inspection to the appropriate governing
18 body responsible for the criminal detention facility, ~~or~~ juvenile
19 detention facility, or staff secure juvenile facility involved. The
20 report shall specify those areas in which the facility does not
21 comply with the required minimum standards.

22 Sec. 52. Section 83-4,132, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 83-4,132 If an inspection under sections 83-4,124 to
25 83-4,134 discloses that the criminal detention facility, ~~or~~
26 juvenile detention facility, or staff secure juvenile facility
27 does not meet the minimum standards established by the Jail

1 Standards Board, the board shall send notice, together with the
2 inspection report, to the governing body responsible for the
3 facility. The appropriate governing body shall promptly meet to
4 consider the inspection report, and the inspection personnel shall
5 appear before the governing body to advise and consult concerning
6 appropriate corrective action. The governing body shall then
7 initiate appropriate corrective action within six months ~~of~~ after
8 the receipt of such inspection report or may voluntarily close the
9 facility or the objectionable portion thereof.

10 Sec. 53. Section 83-4,133, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 83-4,133 If the governing body of the juvenile detention
13 facility, ~~or criminal detention facility, or staff secure juvenile~~
14 facility fails to initiate corrective action within six months
15 after the receipt of such inspection report, fails to correct the
16 disclosed conditions, or fails to close the criminal detention
17 facility, ~~or juvenile detention facility, or staff secure juvenile~~
18 facility or the objectionable portion thereof, the Jail Standards
19 Board may petition the district court within the judicial district
20 in which such facility is located to close the facility. Such
21 petition shall include the inspection report regarding such
22 facility. The local governing body shall then have thirty days to
23 respond to such petition and shall serve a copy of the response
24 on the Jail Standards Board by certified mail, return receipt
25 requested. Thereafter, a hearing shall be held on the petition
26 before the district court, and an order shall be rendered by such
27 court which either:

- 1 (1) Dismisses the petition of the Jail Standards Board;
- 2 (2) Directs that corrective action be initiated in some
- 3 form by the local governing body of the facility in question; or
- 4 (3) Directs that the facility be closed. An appeal from
- 5 the decision of the district court may be taken to the Court of
- 6 Appeals.

7 Sec. 54. Section 83-4,134, Reissue Revised Statutes of

8 Nebraska, is amended to read:

9 83-4,134 Sections 83-4,124 to 83-4,134 shall be

10 implemented upon completion of the development of minimum standards

11 by the Jail Standards Board. Thereafter, inspections shall begin,

12 but no criminal detention facility, ~~or~~ juvenile detention facility,

13 or staff secure juvenile facility shall be closed within one year

14 of the date of first filing of the minimum standards in the office

15 of the Secretary of State. After one year from the date of first

16 filing of the minimum standards, a facility may be closed for any

17 violation of the minimum standards. Those standards relating to the

18 construction of the facility itself and its plumbing, heating, and

19 wiring systems shall not be enforced so as to require the closing

20 of any facility for a period of two years from the date of the

21 first filing of the minimum standards unless such violations are

22 of immediate danger to the safety of the persons confined in the

23 facility or facility personnel, in which case such period shall be

24 one year.

25 Sec. 55. Original sections 43-260.04, 43-260.05,

26 43-260.07, 43-281, 43-2,119, 43-404, 43-406, 43-407, 43-408,

27 43-409, 43-410, 43-411, 43-413, 43-414, 43-417, 43-418, 43-419,

1 43-420, 43-421, 43-422, 43-423, 43-2402, 43-2404, 43-2404.01,
2 43-2411, 43-3503, 43-4002, 58-210.02, 58-239.04, 81-1417, 83-4,124,
3 83-4,125, 83-4,132, and 83-4,134, Reissue Revised Statutes of
4 Nebraska, and sections 28-726, 29-2204, 29-2258, 43-251.01, 43-286,
5 43-2,108.05, 43-405, 43-412, 43-415, 43-416, 43-2404.02, 43-2412,
6 43-4203, 77-1108, 83-4,126, 83-4,131, and 83-4,133, Revised
7 Statutes Cumulative Supplement, 2012, are repealed.

8 Sec. 56. Since an emergency exists, this act takes effect
9 when passed and approved according to law.