

One Hundred Third Legislature - Second Session - 2014

Introducer's Statement of Intent

LB1021

Chairperson: Senator Brad Ashford

Committee: Judiciary

Date of Hearing: February 13, 2014

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

LB1021 concerns the provisions relating to the sealing of a juvenile's records from juvenile court.

LB1021 applies only to juveniles who were under the age of eighteen (18) *when the offense took place* and the city/county attorney (1) released the juvenile without filing a juvenile petition or criminal complaint, (2) offered juvenile pretrial diversion or mediation (3) filed a juvenile court petition describing the juvenile as a juvenile described in subdivision (1), (2), (3)(b), or (4) of section [43-247](#), (4) filed a criminal complaint in county court against the juvenile under state statute or city or village ordinance for misdemeanor or infraction possession of marijuana or misdemeanor or infraction possession of drug paraphernalia, or (5) filed a criminal complaint in county court against the juvenile for any other misdemeanor or infraction under state statute or city or village ordinance, other than for a traffic offense that may be waived. [Neb Rev. Stat. 43-2,108.01]

Section 1: 43-2,108.01 requires the court to initiate proceedings under 43-2,108.04 where the juvenile has completed the juvenile's probation, supervision, treatment or rehabilitation, or successfully completed diversion. Current state law leaves it to the court's discretion.

Under LB1021, 43-2,108.01(5)(a) is amended to require the court to initiate proceedings to seal the record.

Section 1 also provides that when a juvenile described in 43-2,108.01 has satisfactorily completed diversion, mediation, probation, supervision or other treatment or rehabilitation program, the juvenile or the juvenile's parent or guardian may file a motion requesting the sealing of a record.

LB1021 requires the sealing of the record upon motion by the juvenile or the juvenile's guardian.

Section 2: amends 43-2,108.04. Current law states upon a motion, the court notifies relevant parties and provides that any party notified may file a response with the court within thirty (30) days.

Under LB1021 if a party who is notified does not file a response with the court, the court shall order the record sealed.

LB1021 removes the option for the court, upon its discretion, to conduct a hearing on the motion to seal the records.

Principal Introducer: _____

Senator Les Seiler