

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 675**

Introduced by Krist, 10.

Read first time January 06, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to juveniles; to amend section 43-251.01,
- 2 Revised Statutes Supplement, 2015; to change provisions relating to
- 3 placement and detention; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-251.01, Revised Statutes Supplement, 2015, is  
2 amended to read:

3 43-251.01 All placements and commitments of juveniles for  
4 evaluations or as temporary or final dispositions are subject to the  
5 following:

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

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

13 (3) A juvenile who is found to be a juvenile as described in  
14 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or  
15 transferred to an adult correctional facility or the secure youth  
16 confinement facility operated by the Department of Correctional Services;

17 (4) A juvenile shall not be placed at a youth rehabilitation and  
18 treatment center unless such placement is a matter of immediate and  
19 urgent necessity. No juvenile under the age of fourteen years shall not  
20 be placed with or committed to a youth rehabilitation and treatment  
21 center;

22 (5) A juvenile shall not be detained unless the physical safety of  
23 persons in the community would be seriously threatened or detention is  
24 necessary to secure the presence of the juvenile at the next hearing as  
25 evidenced by a demonstrable record of a willful failure to appear that  
26 recurred within the previous twelve months. A juvenile twelve years of  
27 age or younger shall not be placed in detention under any circumstances A  
28 ~~juvenile shall not be detained in secure detention or placed at a youth~~  
29 ~~rehabilitation and treatment center unless detention or placement of such~~  
30 ~~juvenile is a matter of immediate and urgent necessity for the protection~~  
31 ~~of such juvenile or the person or property of another or if it appears~~

1 ~~that such juvenile is likely to flee the jurisdiction of the court;~~

2 (6) A juvenile shall not be placed into detention:

3 (a) To allow a parent or guardian to avoid his or her legal  
4 responsibility;

5 (b) To punish, treat, or rehabilitate the juvenile;

6 (c) To permit more convenient administrative access to the juvenile;

7 (d) To facilitate further interrogation or investigation of the  
8 juvenile;

9 (e) Due to a lack of more appropriate facilities; or

10 (f) To satisfy the demands of a victim, law enforcement, or the  
11 community;

12 ~~(7~~ 6) A juvenile alleged to be a juvenile as described in  
13 subdivision (3)(b) of section 43-247 shall not be placed in a juvenile  
14 detention facility, including a wing labeled as staff secure at such  
15 facility, unless the designated staff secure portion of the facility  
16 fully complies with subdivision (3) of section 83-4,125 and the ingress  
17 and egress to the facility are restricted solely through staff  
18 supervision; and

19 ~~(8~~ 7) A juvenile alleged to be a juvenile as described in  
20 subdivision (3)(b) of section 43-247 shall not be placed out of his or  
21 her home as a dispositional order of the court unless:

22 (a) All available community-based resources have been exhausted to  
23 assist the juvenile and his or her family; and

24 (b) Maintaining the juvenile in the home presents a significant risk  
25 of harm to the juvenile or community.

26 Sec. 2. Original section 43-251.01, Revised Statutes Supplement,  
27 2015, is repealed.