

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 250

Introduced by Harr, 8.

Read first time January 11, 2017

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to probation; to amend section 29-2267,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to probationers' rights; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 29-2267, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 29-2267 (1) Whenever a motion or information to revoke probation is
4 filed, the probationer shall be entitled to a prompt consideration of
5 such charge by the sentencing court, except in cases in which the
6 probationer has failed or refused to report to his or her probation
7 officer as ordered by the court. The court shall not revoke probation or
8 increase the probation requirements imposed on the probationer, except
9 after a hearing upon proper notice where the violation of probation is
10 established by clear and convincing evidence.

11 (2) The probationer shall have the right to receive, prior to the
12 hearing, a copy of the information or written notice of the grounds on
13 which the information is based. The probationer shall have the right to
14 hear and controvert the evidence against him or her, to offer evidence in
15 his or her defense, and to be represented by counsel.

16 (3) For a probationer convicted of a felony, revocation proceedings
17 may only be instituted in response to a substance abuse or noncriminal
18 violation if the probationer has served ninety days of cumulative
19 custodial sanctions during the current probation term.

20 Sec. 2. Original section 29-2267, Reissue Revised Statutes of
21 Nebraska, is repealed.