

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 354

Introduced by Pansing Brooks, 28; Hansen, M., 26.

Read first time January 16, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
2 sections 43-260.04, 43-2,108.01, 43-2,108.02, 43-2,108.03,
3 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of Nebraska,
4 and section 43-2,108, Revised Statutes Cumulative Supplement, 2018;
5 to protect confidential information in juvenile court case files; to
6 change provisions relating to the sealing of juvenile records; to
7 provide for retroactivity; to increase a penalty; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-260.04, Reissue Revised Statutes of Nebraska,
2 is amended to read:

3 43-260.04 A juvenile pretrial diversion program shall:

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

7 (a) The juvenile's age;

8 (b) The nature of the offense and role of the juvenile in the
9 offense;

10 (c) The number and nature of previous offenses involving the
11 juvenile;

12 (d) The dangerousness or threat posed by the juvenile to persons or
13 property; or

14 (e) The recommendations of the referring agency, victim, and
15 advocates for the juvenile;

16 (2) Permit participation by a juvenile only on a voluntary basis and
17 shall include a juvenile diversion agreement described in section
18 43-260.06;

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

21 (4) Be offered to the juvenile when practicable prior to the filing
22 of a juvenile petition or a criminal charge but after the arrest of the
23 juvenile or issuance of a citation to the juvenile if after the arrest or
24 citation a decision has been made by the county attorney or city attorney
25 that the offense will support the filing of a juvenile petition or
26 criminal charges;

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

29 (6) Result in dismissal of the juvenile petition or criminal charges
30 if the juvenile successfully completes the program;

31 (7) Be designed and operated to further the goals stated in section

1 43-260.03 and comply with sections 43-260.04 to 43-260.07;~~and~~

2 (8) Require information received by the program regarding the
3 juvenile to remain confidential unless a release of information is signed
4 upon admission to the program or is otherwise authorized by law; and -

5 (9) Seal all records pertaining to the offense and diversion upon
6 discharge from the program. The diversion program shall reply to any
7 public inquiry that no information exists regarding a sealed record.

8 Sec. 2. Section 43-2,108, Revised Statutes Cumulative Supplement,
9 2018, is amended to read:

10 43-2,108 (1) The juvenile court judge shall keep a record of all
11 proceedings of the court in each case, including appearances, findings,
12 orders, decrees, and judgments, and any evidence which he or she feels it
13 is necessary and proper to record. The case file shall contain the
14 complaint or petition and subsequent pleadings. The public case file
15 shall not contain any information that is protected under the federal
16 Health Insurance Portability and Accountability Act of 1996, as such act
17 existed on January 1, 2019. The case file may be maintained as an
18 electronic document through the court's electronic case management
19 system, on microfilm, or in a paper volume and disposed of when
20 determined by the State Records Administrator pursuant to the Records
21 Management Act.

22 (2) Except as provided in subsections (3) and (4) of this section,
23 the medical, psychological, psychiatric, and social welfare reports and
24 the records of juvenile probation officers as they relate to individual
25 proceedings in the juvenile court shall not be open to inspection,
26 without order of the court. Such records shall be made available to a
27 district court of this state or the District Court of the United States
28 on the order of a judge thereof for the confidential use of such judge or
29 his or her probation officer as to matters pending before such court but
30 shall not be made available to parties or their counsel; and such
31 district court records shall be made available to a county court or

1 separate juvenile court upon request of the county judge or separate
2 juvenile judge for the confidential use of such judge and his or her
3 probation officer as to matters pending before such court, but shall not
4 be made available by such judge to the parties or their counsel.

5 (3) As used in this section, confidential record information means
6 all docket records, other than the pleadings, orders, decrees, and
7 judgments; case files and records; reports and records of probation
8 officers; and information supplied to the court of jurisdiction in such
9 cases by any individual or any public or private institution, agency,
10 facility, or clinic, which is compiled by, produced by, and in the
11 possession of any court. In all cases under subdivision (3)(a) of section
12 43-247, access to all confidential record information in such cases shall
13 be granted only as follows: (a) The court of jurisdiction may, subject to
14 applicable federal and state regulations, disseminate such confidential
15 record information to any individual, or public or private agency,
16 institution, facility, or clinic which is providing services directly to
17 the juvenile and such juvenile's parents or guardian and his or her
18 immediate family who are the subject of such record information; (b) the
19 court of jurisdiction may disseminate such confidential record
20 information, with the consent of persons who are subjects of such
21 information, or by order of such court after showing of good cause, to
22 any law enforcement agency upon such agency's specific request for such
23 agency's exclusive use in the investigation of any protective service
24 case or investigation of allegations under subdivision (3)(a) of section
25 43-247, regarding the juvenile or such juvenile's immediate family, who
26 are the subject of such investigation; and (c) the court of jurisdiction
27 may disseminate such confidential record information to any court, which
28 has jurisdiction of the juvenile who is the subject of such information
29 upon such court's request.

30 (4) The court shall provide copies of predispositional reports and
31 evaluations of the juvenile to the juvenile's attorney and the county

1 attorney or city attorney prior to any hearing in which the report or
2 evaluation will be relied upon.

3 (5) In all cases under sections 43-246.01 and 43-247, the office of
4 Inspector General of Nebraska Child Welfare may submit a written request
5 to the probation administrator for access to the records of juvenile
6 probation officers in a specific case. Upon a juvenile court order, the
7 records shall be provided to the Inspector General within five days for
8 the exclusive use in an investigation pursuant to the Office of Inspector
9 General of Nebraska Child Welfare Act. Nothing in this subsection shall
10 prevent the notification of death or serious injury of a juvenile to the
11 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
12 as soon as reasonably possible after the Office of Probation
13 Administration learns of such death or serious injury.

14 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
15 court shall disseminate confidential record information to the Foster
16 Care Review Office pursuant to the Foster Care Review Act.

17 (7) Nothing in subsections (3), (5), and (6) of this section shall
18 be construed to restrict the dissemination of confidential record
19 information between any individual or public or private agency,
20 institute, facility, or clinic, except any such confidential record
21 information disseminated by the court of jurisdiction pursuant to this
22 section shall be for the exclusive and private use of those to whom it
23 was released and shall not be disseminated further without order of such
24 court.

25 (8)(a) Any records concerning a juvenile court petition filed
26 pursuant to subdivision (3)(c) of section 43-247 shall remain
27 confidential except as may be provided otherwise by law. Such records
28 shall be accessible to (i) the juvenile except as provided in subdivision
29 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
30 parent or guardian, and (iv) persons authorized by an order of a judge or
31 court.

1 (b) Upon application by the county attorney or by the director of
2 the facility where the juvenile is placed and upon a showing of good
3 cause therefor, a judge of the juvenile court having jurisdiction over
4 the juvenile or of the county where the facility is located may order
5 that the records shall not be made available to the juvenile if, in the
6 judgment of the court, the availability of such records to the juvenile
7 will adversely affect the juvenile's mental state and the treatment
8 thereof.

9 (9) Nothing in subsection (3), (5), or (6) of this section shall be
10 construed to restrict the immediate dissemination of a current picture
11 and information about a child who is missing from a foster care or out-
12 of-home placement. Such dissemination by the Office of Probation
13 Administration shall be authorized by an order of a judge or court. Such
14 information shall be subject to state and federal confidentiality laws
15 and shall not include that the child is in the care, custody, or control
16 of the Department of Health and Human Services or under the supervision
17 of the Office of Probation Administration.

18 Sec. 3. Section 43-2,108.01, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 43-2,108.01 (1) Sections 43-2,108.01 to 43-2,108.05 apply only to
21 persons who were under the age of eighteen years when the offense took
22 place and, after being taken into custody, arrested, cited in lieu of
23 arrest, or referred for prosecution without citation, the county attorney
24 or city attorney;

25 (a) Declined to file ~~(1) released the juvenile without filing a~~
26 juvenile petition or criminal complaint;

27 (b) Offered ~~, (2) offered~~ juvenile pretrial diversion or mediation
28 to the juvenile under the Nebraska Juvenile Code;

29 (c) Filed ~~, (3) filed~~ a juvenile court petition describing the
30 juvenile as a juvenile described in subdivision (1), (2), (3)(b), or (4)
31 of section 43-247;

1 (d) Filed , ~~(4) filed~~ a criminal complaint in county court against
2 the juvenile under state statute or city or village ordinance for
3 misdemeanor or infraction possession of marijuana or misdemeanor or
4 infraction possession of drug paraphernalia;

5 (e) Filed , ~~or (5) filed~~ a criminal complaint in county court
6 against the juvenile for any other misdemeanor or infraction under state
7 statute or city or village ordinance, other than for a traffic offense,
8 when all offenses in the case are waiveable offenses; or that may be
9 waived.

10 (f) Filed a criminal complaint in county or district court for a
11 felony offense under state law or a city or village ordinance that was
12 subsequently transferred to juvenile court for ongoing jurisdiction.

13 (2) The changes made to sections 43-2,108.01 to 43-2,108.05 by this
14 legislative bill shall apply to all persons otherwise eligible in
15 accordance with the provisions of such sections whether the offense
16 occurred prior to, on, or after the effective date of this act.

17 Sec. 4. Section 43-2,108.02, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 43-2,108.02 (1) By January 1, 2020, the Supreme Court shall
20 promulgate a ~~For a juvenile described in section 43-2,108.01, the county~~
21 ~~attorney or city attorney shall provide the juvenile with written notice~~
22 that:

23 (a) States in developmentally appropriate language that, for a
24 juvenile described in section 43-2,108.01, the juvenile's record will be
25 automatically sealed if (i) no charges are filed as a result of the
26 determination of the prosecuting attorney, (ii) the charges are
27 dismissed, (iii) the juvenile has satisfactorily completed the diversion,
28 mediation, probation, supervision, or other treatment or rehabilitation
29 program provided under the Nebraska Juvenile Code, or (iv) the juvenile
30 has satisfactorily completed the county court diversion program,
31 probation ordered by the court, or sentence ordered by the court;

1 (b) ~~(1)~~ States in developmentally appropriate plain language that,
2 if the record is not sealed as provided in subdivision (1)(a) of this
3 section, the juvenile or the juvenile's parent or guardian may file a
4 motion to seal the record with the court when the juvenile reaches the
5 age of majority or six months have passed since the case was closed,
6 whichever occurs sooner ~~has satisfactorily completed the diversion,~~
7 ~~mediation, probation, supervision, or other treatment or rehabilitation~~
8 ~~program provided under the Nebraska Juvenile Code or has satisfactorily~~
9 ~~completed the diversion or sentence ordered by a county court; and~~

10 (c) ~~(2)~~ Explains in developmentally appropriate plain language what
11 sealing the record means.

12 (2) For a juvenile described in section 43-2,108.01, the county
13 attorney or city attorney shall attach a copy of the notice to any
14 juvenile petition or criminal complaint.

15 Sec. 5. Section 43-2,108.03, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 43-2,108.03 (1)(a) If a juvenile described in section 43-2,108.01
18 was taken into custody, arrested, cited in lieu of arrest, or referred
19 for prosecution without citation but no juvenile petition or criminal
20 complaint was filed against the juvenile with respect to the arrest or
21 custody, the county attorney or city attorney shall notify the government
22 agency responsible for the arrest, custody, citation in lieu of arrest,
23 or referral for prosecution without citation that no criminal charge or
24 juvenile court petition was filed. The county attorney or city attorney
25 shall provide written notification to the juvenile that no juvenile
26 petition or criminal complaint was filed and provide the juvenile with
27 the notice described in section 43-2,108.02.

28 (b) If a juvenile described in subdivision (1)(a) of this section
29 discovers that his or her record was not automatically sealed, such
30 juvenile may notify the county attorney, who shall cause the record to be
31 sealed by providing the notice required by subdivision (1)(a) of this

1 section.

2 (2)(a) If the county attorney or city attorney offered and a
3 juvenile described in section 43-2,108.01 has agreed to pretrial
4 diversion or mediation, the county attorney or city attorney shall notify
5 the government agency responsible for the arrest or custody when the
6 juvenile has satisfactorily completed the resulting diversion or
7 mediation. At the time the juvenile is offered diversion or mediation,
8 the county attorney or city attorney shall provide the notice described
9 in section 43-2,108.02 to the juvenile. The county attorney or city
10 attorney shall also provide written notification to the juvenile of his
11 or her satisfactory or unsatisfactory completion of diversion or
12 mediation.

13 (b) If a juvenile who was satisfactorily discharged from diversion
14 or mediation discovers that his or her record was not automatically
15 sealed, the juvenile may notify the county attorney, who shall cause the
16 record to be sealed by providing the notice required by subdivision (2)
17 (a) of this section.

18 (3)(a) If the juvenile was taken into custody, arrested, cited in
19 lieu of arrest, or referred for prosecution without citation and charges
20 were filed but the case was later dismissed by the court, the court shall
21 seal the record as set forth in section 43-2,108.05. and any required
22 pretrial diversion or mediation for any related charges have been
23 completed and no related charges remain under the jurisdiction of the
24 court, the county attorney or city attorney shall notify the government
25 agency responsible for the arrest, custody, citation in lieu of arrest,
26 or referral for prosecution without citation and the court where the
27 charge or petition was filed that the charge or juvenile court petition
28 was dismissed.

29 (b) If a juvenile described in subdivision (3)(a) discovers that his
30 or her record was not automatically sealed, the juvenile may notify the
31 court, which shall seal the record as set forth in section 43-2,108.05.

1 (4)(a) If a juvenile described in section 43-2,108.01 has
2 satisfactorily completed the probation, supervision, or other treatment
3 or rehabilitation program provided under the Nebraska Juvenile Code or if
4 the juvenile has satisfactorily completed the probation or sentence
5 ordered by a county court, the court shall seal the records as set forth
6 in section 43-2,108.05.

7 (b) If a juvenile described in subdivision (4)(a) discovers that his
8 or her record was not automatically sealed, the juvenile may notify the
9 court, which shall seal the record as set forth in section 43-2,108.05.

10 (5) A government agency or court that receives (4) Upon receiving
11 notice under subsection subdivision (1)(a) , or (2)(a) , or (3) of this
12 section, the government agency or court shall, upon such receipt,
13 immediately seal all records housed at that government agency or court
14 pertaining to the citation, arrest, record of custody, complaint,
15 disposition, diversion, or mediation.

16 (6) When a juvenile described in section 43-2,108.01 whose records
17 have not been automatically sealed as provided in subsection (1), (2),
18 (3), or (4) of this section reaches the age of majority or six months
19 have passed since the case was closed, whichever occurs sooner, such
20 juvenile or his or her parent or guardian may file a motion in the court
21 of record asking the court to seal the record pertaining to the offense
22 which resulted in disposition, adjudication, or diversion in juvenile
23 court or diversion or sentence of the county court. The motion shall set
24 forth the facts supporting the argument that the individual who is the
25 subject of the juvenile petition or criminal complaint has been
26 satisfactorily rehabilitated.

27 ~~(5) If a juvenile described in section 43-2,108.01 has~~
28 ~~satisfactorily completed such juvenile's probation, supervision, or other~~
29 ~~treatment or rehabilitation program provided under the Nebraska Juvenile~~
30 ~~Code or has satisfactorily completed such juvenile's diversion or~~
31 ~~sentence in county court:~~

1 ~~(a) The court may initiate proceedings pursuant to section~~
2 ~~43-2,108.04 to seal the record pertaining to such disposition or~~
3 ~~adjudication under the juvenile code or sentence of the county court; and~~

4 ~~(b) If the juvenile has attained the age of seventeen years, the~~
5 ~~court shall initiate proceedings pursuant to section 43-2,108.04 to seal~~
6 ~~the record pertaining to such disposition or adjudication under the~~
7 ~~juvenile code or diversion or sentence of the county court, except that~~
8 ~~the court is not required to initiate proceedings to seal a record~~
9 ~~pertaining to a misdemeanor or infraction not described in subdivision~~
10 ~~(4) of section 43-2,108.01 under a city or village ordinance that has no~~
11 ~~possible jail sentence. Such a record may be sealed under subsection (6)~~
12 ~~of this section.~~

13 ~~(6) If a juvenile described in section 43-2,108.01 has~~
14 ~~satisfactorily completed diversion, mediation, probation, supervision, or~~
15 ~~other treatment or rehabilitation program provided under the Nebraska~~
16 ~~Juvenile Code or has satisfactorily completed the diversion or sentence~~
17 ~~ordered by a county court, the juvenile or the juvenile's parent or~~
18 ~~guardian may file a motion in the court of record asking the court to~~
19 ~~seal the record pertaining to the offense which resulted in such~~
20 ~~disposition, adjudication, or diversion of the juvenile court or~~
21 ~~diversion or sentence of the county court.~~

22 Sec. 6. Section 43-2,108.04, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 43-2,108.04 (1) When a proceeding to seal the record is initiated,
25 the court shall promptly notify the county attorney or city attorney
26 involved in the case that is the subject of the proceeding to seal the
27 record of the proceedings, and shall promptly notify the Department of
28 Health and Human Services of the proceedings if the juvenile whose record
29 is the subject of the proceeding is a ward of the state at the time the
30 proceeding is initiated or if the department was a party in the
31 proceeding.

1 (2) A party notified under subsection (1) of this section may file a
2 response with the court within thirty days after receiving such notice.
3 Any such response shall be served on all parties to the case. If the
4 response objects to the sealing of a record, such response shall specify
5 which factor or factors under subsection (5) of this section form the
6 basis for the objection and shall set forth the facts supporting any
7 argument that the juvenile has not been satisfactorily rehabilitated.

8 (3) If a party notified under subsection (1) of this section does
9 not file a response with the court or files a response that indicates
10 there is no objection to the sealing of the record, the court shall order
11 that may: ~~(a) Order the record of the juvenile under consideration be~~
12 ~~sealed without conducting a hearing on the motion; or (b) decide in its~~
13 ~~discretion to conduct a hearing on the motion. If the court decides in~~
14 ~~its discretion to conduct a hearing on the motion, the court shall~~
15 ~~conduct the hearing within sixty days after making that decision and~~
16 ~~shall give notice, by regular mail, of the date, time, and location of~~
17 ~~the hearing to the parties receiving notice under subsection (1) of this~~
18 ~~section and to the juvenile who is the subject of the record under~~
19 ~~consideration.~~

20 (4) If a party receiving notice under subsection (1) of this section
21 files a response with the court objecting to the sealing of the record,
22 the court shall conduct a hearing on the motion within sixty days after
23 the court receives the response. The court shall give notice, by regular
24 mail, of the date, time, and location of the hearing to the parties
25 receiving notice under subsection (1) of this section and to the juvenile
26 who is the subject of the record under consideration.

27 (5) After conducting a hearing in accordance with this section, the
28 court shall ~~may~~ order the record of the juvenile that is the subject of
29 the motion be sealed if it finds by a preponderance of the evidence that
30 the juvenile has been rehabilitated to a satisfactory degree. In
31 determining whether the juvenile has been rehabilitated to a satisfactory

1 degree, the court may consider all of the following:

2 ~~(a) The age of the juvenile;~~

3 ~~(b) The nature of the offense and the role of the juvenile in the~~
4 ~~offense;~~

5 (a) ~~(c)~~ The behavior of the juvenile after the disposition,
6 adjudication, diversion, or sentence and the juvenile's response to
7 diversion, mediation, probation, supervision, other treatment or
8 rehabilitation program, or sentence;

9 (b) ~~(d)~~ The education and employment history of the juvenile; and

10 (c) ~~(e)~~ Any other circumstances that may relate to the
11 rehabilitation of the juvenile.

12 (6) If, after conducting the hearing in accordance with this
13 section, the juvenile is not found to be satisfactorily rehabilitated
14 such that the record is not ordered to be sealed, a juvenile who is a
15 person described in section 43-2,108.01 or such juvenile's parent or
16 guardian may not move the court to seal the record for one year after the
17 court's decision not to seal the record is made, unless such time
18 restriction is waived by the court.

19 Sec. 7. Section 43-2,108.05, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 43-2,108.05 (1) If the court orders the record of a juvenile sealed
22 pursuant to section 43-2,108.04, the court shall:

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

28 (b) Send notice of the order to seal the record (i) ~~to the Nebraska~~
29 ~~Commission on Law Enforcement and Criminal Justice,~~ (ii) if the record
30 includes impoundment or prohibition to obtain a license or permit
31 pursuant to section 43-287, to the Department of Motor Vehicles, (ii)

1 ~~(iii)~~ if the juvenile whose record has been ordered sealed was a ward of
2 the state at the time the proceeding was initiated or if the Department
3 of Health and Human Services was a party in the proceeding, to such
4 department, and (iii) ~~(iv)~~ to law enforcement agencies, county attorneys,
5 and city attorneys referenced in the court record;

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

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

11 (e) Explain to the juvenile using developmentally appropriate
12 language what sealing the record means. The explanation shall be given
13 verbally if the juvenile is present in the court at the time the court
14 issues the sealing order and ~~or~~ by written notice sent by regular mail to
15 the juvenile's last-known address if the juvenile is not present in the
16 court at the time the court issues the sealing order. The sealing order
17 shall include contact information for each government agency subject to
18 the sealing order.

19 (2) The effect of having a record sealed ~~under section 43-2,108.04~~
20 is that thereafter no person is allowed to release any information
21 concerning such record, except as provided by this section. After a
22 record is sealed, the person whose record was sealed can respond to any
23 public inquiry as if the offense resulting in such record never occurred.
24 A government agency and any other public office or agency shall reply to
25 any public inquiry that no information exists regarding a sealed record.
26 Except as provided in subsection (3) of this section, an order to seal
27 the record applies to every government agency and any other public office
28 or agency that has a record relating to the offense, regardless of
29 whether it receives notice of the hearing on the sealing of the record or
30 a copy of the order. Upon the written request of a person whose record
31 has been sealed and the presentation of a copy of such order, a

1 government agency or any other public office or agency shall seal all
2 records pertaining to the offense.

3 (3) A sealed record is accessible to the individual who is the
4 subject of the sealed record and any persons authorized by such
5 individual, law enforcement officers, county attorneys, and city
6 attorneys in the investigation, prosecution, and sentencing of crimes, to
7 the sentencing judge in the sentencing of criminal defendants, to a judge
8 making a determination whether to transfer a case to or from juvenile
9 court, to any attorney representing the subject of the sealed record, and
10 to the Inspector General of Nebraska Child Welfare pursuant to an
11 investigation conducted under the Office of Inspector General of Nebraska
12 Child Welfare Act. Inspection of records that have been ordered sealed
13 under section 43-2,108.04 may be made by the following persons or for the
14 following purposes:

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

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

20 (c) By the Nebraska Probation System for purposes of juvenile intake
21 services, for presentence and other probation investigations, and for the
22 direct supervision of persons placed on probation and by the Department
23 of Correctional Services, the Office of Juvenile Services, a juvenile
24 assessment center, a criminal detention facility, a juvenile detention
25 facility, or a staff secure juvenile facility, for an individual
26 committed to it, placed with it, or under its care;

27 (d) By the Department of Health and Human Services for purposes of
28 juvenile intake services, the preparation of case plans and reports, the
29 preparation of evaluations, compliance with federal reporting
30 requirements, or the supervision and protection of persons placed with
31 the department or for licensing or certification purposes under sections

1 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
2 Residential Facilities and Placing Licensure Act;

3 (e) ~~By Upon application, by the individual person~~ who is the subject
4 of the sealed record and by persons authorized by such individual the
5 ~~person who is the subject of the sealed record who are named in that~~
6 ~~application;~~

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

12 (g) By persons engaged in bona fide research, with the permission of
13 the court or the State Court Administrator, only if the research results
14 in no disclosure of the person's identity and protects the
15 confidentiality of the sealed record; or

16 (h) By a law enforcement agency if the individual ~~a person~~ whose
17 record has been sealed applies for employment with the law enforcement
18 agency.

19 (4) Nothing in this section prohibits the Department of Health and
20 Human Services from releasing information from sealed records in the
21 performance of its duties with respect to the supervision and protection
22 of persons served by the department.

23 (5) In any application for employment, bonding, license, education,
24 or other right or privilege, any appearance as a witness, or any other
25 public inquiry, a person cannot be questioned with respect to any offense
26 for which the record is sealed. If an inquiry is made in violation of
27 this subsection, the person may respond as if the offense never occurred.
28 Applications for employment shall contain specific language that states
29 that the applicant is not obligated to disclose a sealed record.
30 Employers shall not ask if an applicant has had a record sealed. The
31 Department of Labor shall develop a link on the department's web site to

1 inform employers that employers cannot ask if an applicant had a record
2 sealed and that an application for employment shall contain specific
3 language that states that the applicant is not obligated to disclose a
4 sealed record.

5 (6) Any person who negligently, recklessly, or knowingly and
6 intentionally violates this section shall be guilty of a Class V
7 misdemeanor ~~may be held in contempt of court.~~

8 Sec. 8. Original sections 43-260.04, 43-2,108.01, 43-2,108.02,
9 43-2,108.03, 43-2,108.04, and 43-2,108.05, Reissue Revised Statutes of
10 Nebraska, and section 43-2,108, Revised Statutes Cumulative Supplement,
11 2018, are repealed.