

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 466

Introduced by Bosn, 25.

Read first time January 21, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to juvenile justice; to amend section 43-245,
- 2 Revised Statutes Cumulative Supplement, 2024; to redefine a term;
- 3 and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 43-245, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 43-245 For purposes of the Nebraska Juvenile Code, unless the
4 context otherwise requires:

5 (1) Abandonment means a parent's intentionally withholding from a
6 child, without just cause or excuse, the parent's presence, care, love,
7 protection, and maintenance and the opportunity for the display of
8 parental affection for the child;

9 (2) Age of majority means nineteen years of age;

10 (3) Alternative to detention means a program or directive that
11 increases supervision of a youth in the community in an effort to ensure
12 the youth attends court and refrains from committing a new law violation.
13 Alternative to detention includes, but is not limited to, electronic
14 monitoring, day and evening reporting centers, house arrest, tracking,
15 family crisis response, and temporary shelter placement. Except for the
16 use of manually controlled delayed egress of not more than thirty
17 seconds, placements that utilize physical construction or hardware to
18 restrain a youth's freedom of movement and ingress and egress from
19 placement are not considered alternatives to detention;

20 (4) Approved center means a center that has applied for and received
21 approval from the Director of the Office of Dispute Resolution under
22 section 25-2909;

23 (5) Civil citation means a noncriminal notice which cannot result in
24 a criminal record and is described in section 43-248.02;

25 (6) Cost or costs means (a) the sum or equivalent expended, paid, or
26 charged for goods or services, or expenses incurred, or (b) the
27 contracted or negotiated price;

28 (7) Criminal street gang means a group of three or more people with
29 a common identifying name, sign, or symbol whose group identity or
30 purposes include engaging in illegal activities;

31 (8) Criminal street gang member means a person who willingly or

1 voluntarily becomes and remains a member of a criminal street gang;

2 (9) Custodian means a nonparental caretaker having physical custody
3 of the juvenile and includes an appointee described in section 43-294;

4 (10) Guardian means a person, other than a parent, who has qualified
5 by law as the guardian of a juvenile pursuant to testamentary or court
6 appointment, but excludes a person who is merely a guardian ad litem;

7 (11) Juvenile means any person under the age of eighteen;

8 (12) Juvenile court means the separate juvenile court where it has
9 been established pursuant to sections 43-2,111 to 43-2,127 and the county
10 court sitting as a juvenile court in all other counties. Nothing in the
11 Nebraska Juvenile Code shall be construed to deprive the district courts
12 of their habeas corpus, common-law, or chancery jurisdiction or the
13 county courts and district courts of jurisdiction of domestic relations
14 matters as defined in section 25-2740;

15 (13) Juvenile detention facility has the same meaning as in section
16 83-4,125;

17 (14) Legal custody has the same meaning as in section 43-2922;

18 (15) Mental health facility means a treatment facility as defined in
19 section 71-914 or a government, private, or state hospital which treats
20 mental illness;

21 (16) Nonoffender means a juvenile who is subject to the jurisdiction
22 of the juvenile court for reasons other than legally prohibited conduct,
23 including, but not limited to, juveniles described in subdivision (3)(a)
24 of section 43-247;

25 (17) Parent means one or both parents or stepparents when the
26 stepparent is married to a parent who has physical custody of the
27 juvenile as of the filing of the petition;

28 (18) Parties means the juvenile as described in section 43-247 and
29 his or her parent, guardian, or custodian;

30 (19) Physical custody has the same meaning as in section 43-2922;

31 (20) Except in proceedings under the Nebraska Indian Child Welfare

1 Act, relative means father, mother, grandfather, grandmother, brother,
2 sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt,
3 first cousin, nephew, or niece;

4 (21) Restorative justice means practices, programs, or services that
5 emphasize repairing the harm caused to victims and the community by
6 persons who have caused the harm or committed an offense. Restorative
7 justice practices may include, but are not limited to, victim youth
8 conferencing, victim-offender mediation, youth or community dialogue,
9 panels, circles, and truancy mediation;

10 (22) Restorative justice facilitator means a qualified individual
11 who has been trained to facilitate restorative justice practices. A
12 qualified individual shall be approved by the referring county attorney,
13 city attorney, or juvenile or county court judge. Factors for approval
14 may include, but are not limited to, an individual's education and
15 training in restorative justice principles and practices; experience in
16 facilitating restorative justice sessions; understanding of the necessity
17 to do no harm to either the victim or the person who harmed the victim;
18 and proven commitment to ethical practices;

19 (23) Seal a record means that a record shall not be available to the
20 public except upon the order of a court upon good cause shown;

21 (24) Secure detention means detention in a highly structured,
22 residential, hardware-secured facility designed to restrict a juvenile's
23 movement;

24 (25) Staff secure juvenile facility means a juvenile residential
25 facility operated by a political subdivision (a) which does not include
26 construction designed to physically restrict the movements and activities
27 of juveniles who are in custody in the facility, (b) in which physical
28 restriction of movement or activity of juveniles is provided solely
29 through staff, (c) which may establish reasonable rules restricting
30 ingress to and egress from the facility, and (d) in which the movements
31 and activities of individual juvenile residents may, for treatment

1 purposes, be restricted or subject to control through the use of
2 intensive staff supervision. Staff secure juvenile facility does not
3 include any institution operated by the Department of Correctional
4 Services;

5 (26) Status offender means a juvenile who has been charged with or
6 adjudicated for conduct which would not be a crime if committed by an
7 adult, including, but not limited to, juveniles charged under subdivision
8 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

9 (27) Traffic offense means any nonfelonious act in violation of a
10 law or ordinance regulating vehicular or pedestrian travel, whether
11 designated a misdemeanor or a traffic infraction; and

12 (28) Young adult means an individual older than eighteen years of
13 age but younger than ~~under~~ twenty-one years of age.

14 **Sec. 2.** Original section 43-245, Revised Statutes Cumulative
15 Supplement, 2024, is repealed.