

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 585

Introduced by Spivey, 13.

Read first time January 22, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Community-based Juvenile Services Aid
- 2 Program; to amend section 43-2404.02, Revised Statutes Cumulative
- 3 Supplement, 2024; to provide for distribution of state aid to
- 4 community-based organizations; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 43-2404.02, Revised Statutes Cumulative
2 Supplement, 2024, is amended to read:

3 43-2404.02 (1) There is created a separate and distinct budgetary
4 program within the commission to be known as the Community-based Juvenile
5 Services Aid Program. Funding acquired from participation in the federal
6 act, state General Funds, and funding acquired from other sources which
7 may be used for purposes consistent with the Juvenile Services Act and
8 the federal act shall be used to aid in the establishment and provision
9 of community-based services for juveniles who come in contact with the
10 juvenile justice system.

11 (2)(a) Ten percent of the annual General Fund appropriation to the
12 Community-based Juvenile Services Aid Program, excluding administrative
13 budget funds, shall be set aside for the development of a common data set
14 and evaluation of the effectiveness of the Community-based Juvenile
15 Services Aid Program. The intent in creating this common data set is to
16 allow for evaluation of the use of the funds and the effectiveness of the
17 programs or outcomes in the Community-based Juvenile Services Aid
18 Program.

19 (b) The common data set shall be developed and maintained by the
20 commission and shall serve as a primary data collection site for any
21 intervention funded by the Community-based Juvenile Services Aid Program
22 designed to serve juveniles and deter involvement in the formal juvenile
23 justice system. The commission shall work with agencies and programs to
24 enhance existing data sets. To ensure that the data set permits
25 evaluation of recidivism and other measures, the commission shall work
26 with the Office of Probation Administration, juvenile diversion programs,
27 law enforcement, the courts, and others to compile data that demonstrates
28 whether a youth has moved deeper into the juvenile justice system. The
29 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
30 with the development of common definitions, variables, and training
31 required for data collection and reporting into the common data set by

1 juvenile justice programs. The common data set maintained by the
2 commission shall be provided to the University of Nebraska at Omaha,
3 Juvenile Justice Institute, to assess the effectiveness of the Community-
4 based Juvenile Services Aid Program.

5 (c) Providing the commission access to records and information for,
6 as well as the commission granting access to records and information
7 from, the common data set is not a violation of confidentiality
8 provisions under any law, rule, or regulation if done in good faith for
9 purposes of evaluation. Records and documents, regardless of physical
10 form, that are obtained or produced or presented to the commission for
11 the common data set are not public records for purposes of sections
12 84-712 to 84-712.09.

13 (d) Pursuant to subdivision (a) of this subsection, such ~~(d) The ten~~
14 percent of the annual General Fund appropriation to the Community-based
15 Juvenile Services Aid Program, excluding administrative budget funds,
16 shall be appropriated as follows: In fiscal year 2015-16, seven percent
17 shall go to the commission for development of the common data set and
18 three percent shall go to the University of Nebraska at Omaha, Juvenile
19 Justice Institute, for evaluation. In fiscal year 2016-17, six percent
20 shall go to the commission for development and maintenance of the common
21 data set and four percent shall go to the University of Nebraska at
22 Omaha, Juvenile Justice Institute, for evaluation. Every fiscal year
23 thereafter, beginning in fiscal year 2017-18, five percent shall go to
24 the commission for development and maintenance of the common data set and
25 five percent shall go to the University of Nebraska at Omaha, Juvenile
26 Justice Institute, for evaluation.

27 (e) Ten percent of the annual General Fund appropriation to the
28 Community-based Juvenile Services Aid Program, excluding administrative
29 budget funds, shall be set aside for grants to community-based
30 organizations that are located in qualified census tracts as defined in
31 26 U.S.C. 42(d)(5)(B)(ii)(I), as such section existed on January 1, 2025,

1 that have a budget of no more than one million dollars annually, and that
2 are designed to prevent juvenile crime prior to involvement with the
3 criminal justice system.

4 (f) ~~(e)~~ The remaining funds in the annual General Fund appropriation
5 to the Community-based Juvenile Services Aid Program shall be apportioned
6 as aid in accordance with a formula established in rules and regulations
7 adopted and promulgated by the commission. The formula shall be based on
8 the total number of residents per county and federally recognized or
9 state-recognized Indian tribe who are twelve years of age through
10 eighteen years of age and who come into contact with the juvenile justice
11 system ~~other relevant factors as determined by the commission.~~ The
12 commission may require a local match of up to five ~~forty~~ percent from the
13 county, multiple counties, federally recognized or state-recognized
14 Indian tribe or tribes, or any combination of the three which is
15 receiving aid under such program. Any local expenditures for community-
16 based programs for juveniles may be applied toward such match
17 requirement.

18 (3)(a) In distributing funds provided under the Community-based
19 Juvenile Services Aid Program, aid recipients shall prioritize programs
20 and services that will divert juveniles from the juvenile justice system,
21 reduce the population of juveniles in juvenile detention and secure
22 confinement, and assist in transitioning juveniles from out-of-home
23 placements. The process for distribution of funds shall consider criteria
24 including (i) staff with lived experience with the juvenile justice
25 system, (ii) the organization's budget size, (iii) the location of the
26 program in a qualified census tract as defined in 26 U.S.C. 42(d)(5)(B)
27 (ii)(I), as such section existed on January 1, 2025, and (iv) the
28 demographics of the population served.

29 (b) Funds received under the Community-based Juvenile Services Aid
30 Program shall be used exclusively to assist the aid recipient in the
31 implementation and operation of programs or the provision of services

1 identified in the aid recipient's comprehensive juvenile services plan,
2 including programs for local planning and service coordination;
3 screening, assessment, and evaluation; diversion; alternatives to
4 detention; family support services; treatment services; truancy
5 prevention and intervention programs; pilot projects approved by the
6 commission; payment of transportation costs to and from placements,
7 evaluations, or services; personnel when the personnel are aligned with
8 evidence-based treatment principles, programs, or practices; contracting
9 with other state agencies or private organizations that provide evidence-
10 based treatment or programs; preexisting programs that are aligned with
11 evidence-based practices or best practices; and other services that will
12 positively impact juveniles and families in the juvenile justice system.

13 (c) Funds received under the Community-based Juvenile Services Aid
14 Program may be used one time by an aid recipient:

15 (i) To convert an existing juvenile detention facility or other
16 existing structure for use as an alternative to detention as defined in
17 section 43-245;

18 (ii) To invest in capital construction, including both new
19 construction and renovations, for a facility for use as an alternative to
20 detention; or

21 (iii) For the initial lease of a facility for use as an alternative
22 to detention.

23 (d) Funds received under the Community-based Juvenile Services Aid
24 Program shall not be used for the following:

25 (i) Construction of secure detention facilities, secure youth
26 treatment facilities, or secure youth confinement facilities;

27 (ii) Capital construction or the lease or acquisition of facilities
28 beyond the one-time use described in subdivision (3)(c) of this section;

29 (iii) Programs, services, treatments, evaluations, or other
30 preadjudication services that are not based on or grounded in evidence-
31 based practices, principles, and research, except that the commission may

1 approve pilot projects that authorize the use of such aid; or

2 (iv) Office equipment, office supplies, or office space that does
3 not support program implementation.

4 (e) Any aid not distributed to counties under this subsection shall
5 be retained by the commission to be distributed on a competitive basis
6 under the Community-based Juvenile Services Aid Program for a county,
7 multiple counties, federally recognized or state-recognized Indian tribe
8 or tribes, or any combination of the three, or community-based
9 organizations, demonstrating additional need in the funding areas
10 identified in this subsection.

11 (f) If a county, multiple counties, ~~or~~ a federally recognized or
12 state-recognized Indian tribe or tribes, or a community-based
13 organization is denied aid under this section or receives no aid under
14 this section, the entity may request an appeal pursuant to the appeal
15 process in rules and regulations adopted and promulgated by the
16 commission. The commission shall establish appeal and hearing procedures
17 by December 15, 2025 ~~2014~~. The commission shall make appeal and hearing
18 procedures available on its website.

19 (4)(a) Any recipient of aid under the Community-based Juvenile
20 Services Aid Program shall electronically file an annual report as
21 required by rules and regulations adopted and promulgated by the
22 commission. Any program funded through the Community-based Juvenile
23 Services Aid Program that served juveniles shall report data on the
24 individual youth served. Any program that is not directly serving youth
25 shall include program-level data. In either case, data collected shall
26 include, but not be limited to, the following: The type of juvenile
27 service, how the service met the goals of the comprehensive juvenile
28 services plan, demographic information on the juveniles served, program
29 outcomes, the total number of juveniles served, and the number of
30 juveniles who completed the program or intervention.

31 (b) Any recipient of aid under the Community-based Juvenile Services

1 Aid Program shall be assisted by the University of Nebraska at Omaha,
2 Juvenile Justice Institute, in reporting in the common data set, as set
3 forth in the rules and regulations adopted and promulgated by the
4 commission. Community-based aid utilization and evaluation data shall be
5 stored and maintained by the commission.

6 (c) Evaluation of the use of funds and the evidence of the
7 effectiveness of the programs shall be completed by the University of
8 Nebraska at Omaha, Juvenile Justice Institute, specifically:

9 (i) The varying rates of recidivism, as defined by rules and
10 regulations adopted and promulgated by the commission, and other measures
11 for juveniles participating in community-based programs; and

12 (ii) Whether juveniles are sent to staff secure or secure juvenile
13 detention after participating in a program funded by the Community-based
14 Juvenile Services Aid Program.

15 (d) The University of Nebraska at Omaha, Juvenile Justice Institute,
16 shall assist community-based organizations receiving funds pursuant to
17 this section to create logic models and develop evaluation measurements
18 to assess program impact.

19 (5) The commission shall report annually to the Governor and the
20 Legislature on the distribution and use of funds for aid appropriated
21 under the Community-based Juvenile Services Aid Program. The report shall
22 include, but not be limited to, an aggregate report of the use of the
23 Community-based Juvenile Services Aid Program funds, including the types
24 of juvenile services and programs that were funded, whether any
25 recipients used the funds for a purpose described in subdivision (3)(c)
26 of this section, demographic information on the total number of juveniles
27 served, program success rates, the total number of juveniles sent to
28 secure juvenile detention or residential treatment and secure
29 confinement, and a listing of the expenditures of all counties and
30 federally recognized or state-recognized Indian tribes for detention,
31 residential treatment, and secure confinement. The report submitted to

1 the Legislature shall be submitted electronically.

2 (6) The commission shall adopt and promulgate rules and regulations
3 for the Community-based Juvenile Services Aid Program in consultation
4 with the Director of the Community-based Juvenile Services Aid Program,
5 the Director of Juvenile Diversion Programs, the Office of Probation
6 Administration, the Nebraska Association of County Officials, and the
7 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
8 and regulations shall include, but not be limited to:

9 (a) The required elements of a comprehensive juvenile services plan
10 and planning process;

11 (b) The Community-based Juvenile Services Aid Program formula,
12 review process, match requirements, and fund distribution. The
13 distribution process shall ensure a conflict of interest policy;

14 (c) A distribution process for funds retained under subsection (3)
15 of this section;

16 (d) A plan for evaluating the effectiveness of plans and programs
17 receiving funding;

18 (e) A reporting process for aid recipients;

19 (f) A reporting process for the commission to the Governor and
20 Legislature. The report shall be made electronically to the Governor and
21 the Legislature; and

22 (g) Requirements regarding the use of the common data set.

23 **Sec. 2.** Original section 43-2404.02, Revised Statutes Cumulative
24 Supplement, 2024, is repealed.