

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1105

Introduced by McGill, 26; Ashford, 20; Crawford, 45.

Read first time January 22, 2014

Committee:

A BILL

1 FOR AN ACT relating to courts; to amend sections 24-1301, 24-1302,
2 and 29-2246, Reissue Revised Statutes of Nebraska; to
3 create veterans and servicemembers court programs; to
4 state intent; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-1301, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 24-1301 The Legislature finds and declares that drug use
4 and other offenses contribute to increased crime in Nebraska, cost
5 millions of dollars in lost productivity, and contribute to the
6 burden placed upon law enforcement, court, and correctional systems
7 in Nebraska.

8 The Legislature also finds and declares that drug court
9 programs and problem solving court programs are effective in reducing
10 recidivism of persons who participate in and complete such programs.
11 The Legislature recognizes that a drug court program or a problem
12 solving court program offers a person accused of drug offenses and
13 other offenses an alternative to traditional criminal justice or
14 juvenile justice proceedings.

15 The Legislature also finds and declares that as a result
16 of serving in the United States military, a veteran or servicemember
17 may suffer sexual trauma, traumatic brain injury, post-traumatic
18 stress disorder, substance abuse, mental health problems, and other
19 problems or disorders. As a result, some veterans or active duty
20 servicemembers come into contact with the criminal justice system.
21 There is a critical need for the criminal justice system to recognize
22 these veterans and servicemembers, provide accountability for their
23 wrongdoing, provide for the safety of the public, and provide for the
24 treatment for our veterans and servicemembers. Veteran and
25 servicemember court programs will provide the necessary flexibility

1 to meet the specialized problems faced by these veteran and
2 servicemember defendants.

3 Sec. 2. Section 24-1302, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 24-1302 (1) Drug court programs, ~~and~~ problem solving
6 court programs, and veterans and servicemembers court programs shall
7 be subject to rules which shall be promulgated by the Supreme Court
8 for procedures to be implemented in the administration of such
9 programs.

10 (2) It is the intent of the Legislature that funds be
11 appropriated separately to the Supreme Court for each of the
12 programs, the drug court programs, ~~and~~ the problem solving court
13 programs, and the veterans and servicemembers court programs, to
14 carry out this section and section 24-1301. The Supreme Court may
15 collaborate with the Department of Veterans' Affairs and the United
16 States Veterans Administration to maximize benefits and services for
17 the veterans and servicemembers court programs.

18 Sec. 3. Section 29-2246, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 29-2246 For purposes of the Nebraska Probation
21 Administration Act and sections 43-2,123.01 and 83-1,102 to 83-1,104,
22 unless the context otherwise requires:

23 (1) Association means the Nebraska District Court Judges
24 Association;

25 (2) Court means a district court, county court, or

1 juvenile court as defined in section 43-245;

2 (3) Office means the Office of Probation Administration;

3 (4) Probation means a sentence under which a person found
4 guilty of a crime upon verdict or plea or adjudicated delinquent or
5 in need of special supervision is released by a court subject to
6 conditions imposed by the court and subject to supervision;

7 (5) Probationer means a person sentenced to probation;

8 (6) Probation officer means an employee of the system who
9 supervises probationers and conducts presentence, predisposition, or
10 other investigations as may be required by law or directed by a court
11 in which he or she is serving or performs such other duties as
12 authorized pursuant to section 29-2258, except unpaid volunteers from
13 the community;

14 (7) Juvenile probation officer means any probation
15 officer who supervises probationers of a separate juvenile court;

16 (8) Juvenile intake probation officer means an employee
17 of the system who is called upon by a law enforcement officer in
18 accordance with section 43-250 to make a decision regarding the
19 furtherance of a juvenile's detention;

20 (9) Chief probation officer means the probation officer
21 in charge of a probation district;

22 (10) System means the Nebraska Probation System;

23 (11) Administrator means the probation administrator; and

24 (12) Non-probation-based program or service means a
25 program or service established within the district, county, or

1 juvenile courts and provided to individuals not sentenced to
2 probation who have been charged with or convicted of a crime for the
3 purpose of diverting the individual from incarceration or to provide
4 treatment for issues related to the individual's criminogenic needs.
5 Non-probation-based programs or services include, but are not limited
6 to, drug court programs, ~~and~~ problem solving court programs, and
7 veterans and servicemember court programs established pursuant to
8 section 24-1302 and the treatment of problems relating to substance
9 abuse, mental health, sex offenses, or domestic violence.

10 Sec. 4. Original sections 24-1301, 24-1302, and 29-2246,
11 Reissue Revised Statutes of Nebraska, are repealed.