

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 232

Introduced by Slama, 1.

Read first time January 14, 2019

Committee:

- 1 A BILL FOR AN ACT relating to counties; to amend section 81-8,236,
- 2 Revised Statutes Cumulative Supplement, 2018; to reduce the
- 3 threshold amount for claims against the state for prosecution costs;
- 4 and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-8,236, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 81-8,236 (1) For purposes of this section:

4 (a) Correctional institution incident means an incident in which a
5 crime or crimes are allegedly committed by one or more inmates confined
6 in a state correctional institution;

7 (b) Costs of prosecution includes, but is not limited to, the costs
8 of defense for indigent defendants, including attorney's fees and expert
9 witness fees;

10 (c) Division means the risk management and state claims division of
11 the Department of Administrative Services; and

12 (d) Threshold amount means the amount of property tax revenue raised
13 by a county from a levy of one ~~two~~ and one-half cents per one hundred
14 dollars of taxable valuation of property subject to the levy. The
15 threshold amount shall be determined using valuations for the year in
16 which the correctional institution incident occurred.

17 (2) A county may file a claim with the division to recover the costs
18 of prosecution relating to a correctional institution incident that
19 occurs within the county. The county may recover only those costs that
20 exceed the threshold amount for such county.

21 (3) The Risk Manager shall have the power and authority to receive
22 claims, investigate claims, and otherwise carry out the responsibilities
23 of this section. The division shall develop a claim form, publish claim
24 procedures, and determine the supporting information required to perfect
25 a claim.

26 (4) The Risk Manager shall submit claims received under this section
27 to the Legislature in the same manner as provided in the State
28 Miscellaneous Claims Act. The Legislature shall review the claim and make
29 an appropriation for the claim if appropriate.

30 (5) This section shall apply to any correctional institution
31 incident occurring on or after May 1, 2015. Claims described in this

1 section shall have no time bar to recovery.

2 Sec. 2. Original section 81-8,236, Revised Statutes Cumulative

3 Supplement, 2018, is repealed.