

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 233

Introduced by Pirsch, 4.

Read first time January 15, 2013

Committee:

A BILL

1 FOR AN ACT relating to the Nebraska Crime Victim's Reparations Act;
2 to amend sections 81-1822 and 81-1833, Revised Statutes
3 Cumulative Supplement, 2012; to change provisions
4 relating to awards and reports; to eliminate a duty of
5 the commission; to harmonize provisions; to repeal the
6 original sections; and to outright repeal section
7 81-1834, Revised Statutes Cumulative Supplement, 2012.
8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1822, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 81-1822 No compensation shall be awarded from the
4 Victim's Compensation Fund:

5 (1) If the victim aided or abetted the offender in the
6 commission of the unlawful act;

7 (2) If the offender will receive economic benefit or
8 unjust enrichment from the compensation;

9 (3) If the victim violated a criminal law of the state,
10 which violation caused or contributed to his or her injuries or
11 death; or

12 (4) If the victim is injured as a result of the operation
13 of a motor vehicle, boat, or airplane (a) unless the vehicle was used
14 in a deliberate attempt to injure or kill the victim, (b) unless the
15 operator is charged with a violation of section 60-6,196 or 60-6,197
16 or a city or village ordinance enacted in conformance with either of
17 such sections, or (c) unless any chemical test of the operator's
18 breath or blood indicates an alcohol concentration equal to or in
19 excess of the limits prescribed in section 60-6,196. ~~;~~ ~~or~~

20 ~~(5) If the victim incurs an economic loss which does not~~
21 ~~exceed ten percent of his or her net financial resources. For~~
22 ~~purposes of this subdivision, a victim's net financial resources~~
23 ~~shall not include the present value of future earnings and shall be~~
24 ~~determined by the committee by deducting from the victim's total~~
25 ~~financial resources:~~

- 1 ~~(a) One year's earnings;~~
2 ~~(b) The victim's equity in his or her home, not exceeding~~
3 ~~thirty thousand dollars;~~
4 ~~(c) One motor vehicle; and~~
5 ~~(d) Any other property which would be exempt from~~
6 ~~execution under section 25-1552 or 40-101.~~

7 Nothing in this section shall limit payments to a victim
8 by an offender which are made as full or partial restitution of the
9 victim's actual pecuniary loss.

10 Sec. 2. Section 81-1833, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 81-1833 (1) The committee shall prepare and submit to the
13 commission a biennial report of its activities under the Nebraska
14 Crime Victim's Reparations Act., ~~including the name of each~~
15 ~~applicant, a brief description of the facts in each case, and the~~
16 ~~amount of compensation awarded, except that if the applicant was the~~
17 ~~victim of a sexual assault the victim's name shall not be included in~~
18 ~~the report, but shall be available to the Governor or a member of the~~
19 ~~Legislature upon request to the committee. Such report shall be~~
20 ~~submitted to the Governor and Clerk of the Legislature. The report~~
21 submitted to the Clerk of the Legislature shall be submitted
22 electronically. as part of the commission's report submitted pursuant
23 ~~to section 81-1423.~~

24 (2) The committee shall act as the oversight committee
25 for the Community Trust and shall annually report its activities and

1 findings as the oversight committee to the commission, the Governor,
2 and the Clerk of the Legislature. The report submitted to the Clerk
3 of the Legislature shall be submitted electronically. If any
4 questionable or improper actions or inactions on the part of the
5 Community Trust are observed, the committee shall immediately notify
6 the Attorney General who shall investigate the matter.

7 Sec. 3. Original sections 81-1822 and 81-1833, Revised
8 Statutes Cumulative Supplement, 2012, are repealed.

9 Sec. 4. The following section is outright repealed:
10 Section 81-1834, Revised Statutes Cumulative Supplement, 2012.