

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 330**

Introduced by Wayne, 13.

Read first time January 13, 2021

Committee:

1 A BILL FOR AN ACT relating to juveniles; to amend sections 28-801,  
2 29-401, 29-2204.02, 29-2270, 43-247, 43-248.01, 43-252, 43-289,  
3 43-412, 43-905, and 43-2402, Reissue Revised Statutes of Nebraska,  
4 and sections 24-517, 28-1204.05, 29-1816, 29-2204, 43-245,  
5 43-247.02, 43-274, 43-285, 43-2,108.01, 43-2,108.02, 43-2,108.03,  
6 43-2404.02, and 83-4,125, Revised Statutes Cumulative Supplement,  
7 2020; to raise the jurisdictional age limit for juvenile court to  
8 twenty-one; to change provisions relating to prostitution and  
9 unlawful possession of a firearm by a prohibited juvenile offender;  
10 to change and eliminate definitions; to change provisions relating  
11 to sealing of records and placement and treatment of juveniles; to  
12 provide for applicability; to change provisions relating to the  
13 Juvenile Services Act; to harmonize provisions; and to repeal the  
14 original sections.

15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-517, Revised Statutes Cumulative Supplement,  
2 2020, is amended to read:

3 24-517 Each county court shall have the following jurisdiction:

4 (1) Exclusive original jurisdiction of all matters relating to  
5 decedents' estates, including the probate of wills and the construction  
6 thereof, except as provided in subsection (c) of section 30-2464 and  
7 section 30-2486;

8 (2) Exclusive original jurisdiction in all matters relating to the  
9 guardianship of a person, except if a separate juvenile court already has  
10 jurisdiction over a child in need of a guardian, concurrent original  
11 jurisdiction with the separate juvenile court in such guardianship;

12 (3) Exclusive original jurisdiction of all matters relating to  
13 conservatorship of any person, including (a) original jurisdiction to  
14 consent to and authorize a voluntary selection, partition, and setoff of  
15 a ward's interest in real estate owned in common with others and to  
16 exercise any right of the ward in connection therewith which the ward  
17 could exercise if competent and (b) original jurisdiction to license the  
18 sale of such real estate for cash or on such terms of credit as shall  
19 seem best calculated to produce the highest price subject only to the  
20 requirements set forth in section 30-3201;

21 (4) Concurrent jurisdiction with the district court to involuntarily  
22 partition a ward's interest in real estate owned in common with others;

23 (5) Concurrent original jurisdiction with the district court in all  
24 civil actions of any type when the amount in controversy is forty-five  
25 thousand dollars or less through June 30, 2005, and as set by the Supreme  
26 Court pursuant to subdivision (b) of this subdivision on and after July  
27 1, 2005.

28 (a) When the pleadings or discovery proceedings in a civil action  
29 indicate that the amount in controversy is greater than the  
30 jurisdictional amount of subdivision (5) of this section, the county  
31 court shall, upon the request of any party, certify the proceedings to

1 the district court as provided in section 25-2706. An award of the county  
2 court which is greater than the jurisdictional amount of subdivision (5)  
3 of this section is not void or unenforceable because it is greater than  
4 such amount, however, if an award of the county court is greater than the  
5 jurisdictional amount, the county court shall tax as additional costs the  
6 difference between the filing fee in district court and the filing fee in  
7 county court.

8 (b) The Supreme Court shall adjust the jurisdictional amount for the  
9 county court every fifth year commencing July 1, 2005. The adjusted  
10 jurisdictional amount shall be equal to the then current jurisdictional  
11 amount adjusted by the average percentage change in the unadjusted  
12 Consumer Price Index for All Urban Consumers published by the Federal  
13 Bureau of Labor Statistics for the five-year period preceding the  
14 adjustment date. The jurisdictional amount shall be rounded to the  
15 nearest one-thousand-dollar amount;

16 (6) Concurrent original jurisdiction with the district court in any  
17 criminal matter classified as a misdemeanor or for any infraction. The  
18 district court shall have concurrent original jurisdiction in any  
19 criminal matter classified as a misdemeanor that arises from the same  
20 incident as a charged felony;

21 (7) Concurrent original jurisdiction with the district court in  
22 domestic relations matters as defined in section 25-2740 and with the  
23 district court and separate juvenile court in paternity or custody  
24 determinations as provided in section 25-2740;

25 (8) Concurrent original jurisdiction with the district court in  
26 matters arising under the Nebraska Uniform Trust Code;

27 (9) Exclusive original jurisdiction in any action based on violation  
28 of a city or village ordinance, except with respect to violations  
29 committed by persons under twenty-one ~~eighteen~~ years of age;

30 (10) The jurisdiction of a juvenile court as provided in the  
31 Nebraska Juvenile Code when sitting as a juvenile court in counties which

1 have not established separate juvenile courts;

2 (11) Exclusive original jurisdiction in matters of adoption, except  
3 if a separate juvenile court already has jurisdiction over the child to  
4 be adopted, concurrent original jurisdiction with the separate juvenile  
5 court;

6 (12) Exclusive original jurisdiction in matters arising under the  
7 Nebraska Uniform Custodial Trust Act;

8 (13) Concurrent original jurisdiction with the district court in any  
9 matter relating to a power of attorney and the action or inaction of any  
10 agent acting under a power of attorney;

11 (14) Exclusive original jurisdiction in any action arising under  
12 sections 30-3401 to 30-3432;

13 (15) Exclusive original jurisdiction in matters arising under the  
14 Nebraska Uniform Transfers to Minors Act;

15 (16) Concurrent original jurisdiction with the district court in  
16 matters arising under the Uniform Principal and Income Act;

17 (17) Concurrent original jurisdiction with the district court in  
18 matters arising under the Uniform Testamentary Additions to Trusts Act  
19 (1991) except as otherwise provided in subdivision (1) of this section;

20 (18) Concurrent original jurisdiction with the district court to  
21 determine contribution rights under section 68-919; and

22 (19) All other jurisdiction heretofore provided and not specifically  
23 repealed by Laws 1972, Legislative Bill 1032, and such other jurisdiction  
24 as hereafter provided by law.

25 Sec. 2. Section 28-801, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 28-801 (1) Except as provided in subsection (5) of this section, any  
28 person who performs, offers, or agrees to perform any act of sexual  
29 contact or sexual penetration, as those terms are defined in section  
30 28-318, with any person not his or her spouse, in exchange for money or  
31 other thing of value, commits prostitution.

1 (2) Any person convicted of violating subsection (1) of this section  
2 shall be punished as follows:

3 (a) If such person has had no prior convictions or has had one prior  
4 conviction, such person shall be guilty of a Class II misdemeanor. If the  
5 court places such person on probation, such order of probation shall  
6 include, as one of its conditions, that such person shall satisfactorily  
7 attend and complete an appropriate mental health and substance abuse  
8 assessment conducted by a licensed mental health professional or  
9 substance abuse professional authorized to complete such assessment; and

10 (b) If such person has had two or more prior convictions, such  
11 person shall be guilty of a Class I misdemeanor. If the court places such  
12 person on probation, such order of probation shall include, as one of its  
13 conditions, that such person shall satisfactorily attend and complete an  
14 appropriate mental health and substance abuse assessment conducted by a  
15 licensed mental health professional or substance abuse professional  
16 authorized to complete such assessment.

17 (3) It is an affirmative defense to prosecution under this section  
18 that such person was a trafficking victim as defined in section 28-830.

19 (4) For purposes of this section, prior conviction means any  
20 conviction on or after July 14, 2006, for violation of subsection (1) of  
21 this section or any conviction on or after July 14, 2006, for violation  
22 of a city or village ordinance relating to prostitution.

23 (5) If the law enforcement officer determines, after a reasonable  
24 detention for investigative purposes, that a person suspected of or  
25 charged with a violation of subsection (1) of this section is (a) a  
26 person engaging in those acts as a direct result of being a trafficking  
27 victim as defined in section 28-830, such person shall be immune from  
28 prosecution for a prostitution offense or (b) a person under twenty-one  
29 ~~eighteen~~ years of age, such person shall be immune from prosecution for a  
30 prostitution offense under this section and shall be subject to temporary  
31 custody under section 43-248 and further disposition under the Nebraska

1 Juvenile Code. A law enforcement officer who takes a person under twenty-  
2 one ~~eighteen~~ years of age into custody under this section shall  
3 immediately report an allegation of a violation of section 28-831 to the  
4 Department of Health and Human Services which shall commence an  
5 investigation within twenty-four hours under the Child Protection and  
6 Family Safety Act.

7 Sec. 3. Section 28-1204.05, Revised Statutes Cumulative Supplement,  
8 2020, is amended to read:

9 28-1204.05 (1) Except as provided in subsections (3) and (4) of this  
10 section, a person under the age of twenty-five years who knowingly  
11 possesses a firearm commits the offense of possession of a firearm by a  
12 prohibited juvenile offender if he or she has previously been adjudicated  
13 an offender in juvenile court for an act which would constitute a felony  
14 or an act which would constitute a misdemeanor crime of domestic  
15 violence.

16 (2) Possession of a firearm by a prohibited juvenile offender is a  
17 Class IV felony for a first offense and a Class IIIA felony for a second  
18 or subsequent offense.

19 (3) Subsection (1) of this section does not apply to the possession  
20 of firearms by members of the armed forces of the United States, active  
21 or reserve, National Guard of this state, or Reserve Officers Training  
22 Corps or peace officers or other duly authorized law enforcement officers  
23 when on duty or training.

24 (4)(a) Prior to reaching the age of twenty-five years, a person  
25 subject to the prohibition of subsection (1) of this section may file a  
26 petition for exemption from such prohibition and thereby have his or her  
27 right to possess a firearm reinstated. A petitioner who is younger than  
28 twenty-two ~~nineteen~~ years of age shall petition the juvenile court in  
29 which he or she was adjudicated for the underlying offense. A petitioner  
30 who is twenty-two ~~nineteen~~ years of age or older shall petition the  
31 district court in the county in which he or she resides.

1 (b) In determining whether to grant a petition filed under  
2 subdivision (4)(a) of this section, the court shall consider:

3 (i) The behavior of the person after the underlying adjudication;

4 (ii) The likelihood that the person will engage in further criminal  
5 activity; and

6 (iii) Any other information the court considers relevant.

7 (c) The court may grant a petition filed under subdivision (4)(a) of  
8 this section and issue an order exempting the person from the prohibition  
9 of subsection (1) of this section when in the opinion of the court the  
10 order will be in the best interests of the person and consistent with the  
11 public welfare.

12 (5) The fact that a person subject to the prohibition under  
13 subsection (1) of this section has reached the age of twenty-five or that  
14 a court has granted a petition under subdivision (4)(a) of this section  
15 shall not be construed to mean that such adjudication has been set aside.  
16 Nothing in this section shall be construed to authorize the setting aside  
17 of such an adjudication or conviction except as otherwise provided by  
18 law.

19 (6) For purposes of this section, misdemeanor crime of domestic  
20 violence has the same meaning as in section 28-1206.

21 Sec. 4. Section 29-401, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,  
24 security guard, police officer, or peace officer as defined in  
25 ~~subdivision (15) of~~ section 49-801 shall arrest and detain any person  
26 found violating any law of this state or any legal ordinance of any city  
27 or incorporated village until a legal warrant can be obtained, except  
28 that (1) any such law enforcement officer taking a juvenile under the age  
29 of twenty-one ~~eighteen~~ years into his or her custody for any violation  
30 herein defined shall proceed as set forth in sections 43-248, 43-248.01,  
31 43-250, 43-251, 43-251.01, and 43-253 and (2) the court in which the

1 juvenile is to appear shall not accept a plea from the juvenile until  
2 finding that the parents of the juvenile have been notified or that  
3 reasonable efforts to notify such parents have been made as provided in  
4 section 43-250.

5 Sec. 5. Section 29-1816, Revised Statutes Cumulative Supplement,  
6 2020, is amended to read:

7 29-1816 (1)(a) The accused may be arraigned in county court or  
8 district court:

9 (i) If the accused was twenty-one ~~eighteen~~ years of age or older  
10 when the alleged offense was committed;

11 (ii) If the accused was younger than twenty-one ~~eighteen~~ years of  
12 age and was fourteen years of age or older when an alleged offense  
13 punishable as a Class I, IA, IB, IC, ID, II, or IIA felony was committed;  
14 or

15 (iii) If the alleged offense is a traffic offense as defined in  
16 section 43-245. ~~;~~ ~~or~~

17 ~~(iv) Until January 1, 2017, if the accused was seventeen years of~~  
18 ~~age when an alleged offense described in subdivision (1) of section~~  
19 ~~43-247 was committed.~~

20 (b) Arraignment in county court or district court shall be by  
21 reading to the accused the complaint or information, unless the reading  
22 is waived by the accused when the nature of the charge is made known to  
23 him or her. The accused shall then be asked whether he or she is guilty  
24 or not guilty of the offense charged. If the accused appears in person  
25 and by counsel and goes to trial before a jury regularly impaneled and  
26 sworn, he or she shall be deemed to have waived arraignment and a plea of  
27 not guilty shall be deemed to have been made.

28 (2) At the time of the arraignment, the county court or district  
29 court shall advise the accused, if the accused was younger than twenty-  
30 one ~~eighteen~~ years of age at the time the alleged offense was committed,  
31 that the accused may move the county court or district court at any time



1 not later than thirty days after arraignment, unless otherwise permitted  
2 by the court for good cause shown, to waive jurisdiction in such case to  
3 the juvenile court for further proceedings under the Nebraska Juvenile  
4 Code. This subsection does not apply if the case was transferred to  
5 county court or district court from juvenile court.

6 (3) For motions to transfer a case from the county court or district  
7 court to juvenile court:

8 (a) The county court or district court shall schedule a hearing on  
9 such motion within fifteen days. The customary rules of evidence shall  
10 not be followed at such hearing. The accused shall be represented by an  
11 attorney. The criteria set forth in section 43-276 shall be considered at  
12 such hearing. After considering all the evidence and reasons presented by  
13 both parties, the case shall be transferred to juvenile court unless a  
14 sound basis exists for retaining the case in county court or district  
15 court; and

16 (b) The county court or district court shall set forth findings for  
17 the reason for its decision. If the county court or district court  
18 determines that the accused should be transferred to the juvenile court,  
19 the complete file in the county court or district court shall be  
20 transferred to the juvenile court and the complaint, indictment, or  
21 information may be used in place of a petition therein. The county court  
22 or district court making a transfer shall order the accused to be taken  
23 forthwith to the juvenile court and designate where the juvenile shall be  
24 kept pending determination by the juvenile court. The juvenile court  
25 shall then proceed as provided in the Nebraska Juvenile Code.

26 (c) An order granting or denying transfer of the case from county or  
27 district court to juvenile court shall be considered a final order for  
28 the purposes of appeal. Upon entry of an order, any party may appeal to  
29 the Court of Appeals within ten days. Such review shall be advanced on  
30 the court docket without an extension of time granted to any party except  
31 upon a showing of exceptional cause. Appeals shall be submitted,

1 assigned, and scheduled for oral argument as soon as the appellee's brief  
2 is due to be filed. The Court of Appeals shall conduct its review in an  
3 expedited manner and shall render the judgment and opinion, if any, as  
4 speedily as possible. During the pendency of an appeal from an order  
5 transferring the case to juvenile court, the juvenile court may enter  
6 temporary orders in the best interests of the juvenile.

7 (4) When the accused was younger than twenty-one ~~eighteen~~ years of  
8 age when an alleged offense was committed, the county attorney or city  
9 attorney shall proceed under section 43-274.

10 (5)(a) A person under twenty-one years of age arraigned in county  
11 court or district court prior to the effective date of this act may file  
12 a motion to transfer the case to juvenile court as provided in subsection  
13 (3) of this section if:

14 (i) Such person is still under twenty-one years of age; and

15 (ii) A conviction has not yet been obtained, whether by trial or  
16 plea of guilty or nolo contendere.

17 (b) This subsection applies regardless of whether a person  
18 previously filed a motion to transfer the case to juvenile court and  
19 regardless of whether the case was previously transferred to county court  
20 or district court from juvenile court.

21 (c) A motion under this subsection shall be filed on or before  
22 December 1, 2021, unless otherwise permitted by the court for good cause  
23 shown.

24 Sec. 6. Section 29-2204, Revised Statutes Cumulative Supplement,  
25 2020, is amended to read:

26 29-2204 (1) Except when a term of life imprisonment is required by  
27 law, in imposing a sentence upon an offender for any class of felony  
28 other than a Class III, IIIA, or IV felony, the court shall fix the  
29 minimum and the maximum terms of the sentence to be served within the  
30 limits provided by law. The maximum term shall not be greater than the  
31 maximum limit provided by law, and:

1 (a) The minimum term fixed by the court shall be any term of years  
2 less than the maximum term imposed by the court; or

3 (b) The minimum term shall be the minimum limit provided by law.

4 (2) When a maximum term of life is imposed by the court for a Class  
5 IB felony, the minimum term fixed by the court shall be:

6 (a) Any term of years not less than the minimum limit provided by  
7 law; or

8 (b) A term of life imprisonment.

9 (3) When a maximum term of life is imposed by the court for a Class  
10 IA felony, the minimum term fixed by the court shall be:

11 (a) A term of life imprisonment; or

12 (b) Any term of years not less than the minimum limit provided by  
13 law after consideration of the mitigating factors in section 28-105.02,  
14 if the defendant was under eighteen years of age at the time he or she  
15 committed the crime for which he or she was convicted.

16 (4) When the court is of the opinion that imprisonment may be  
17 appropriate but desires more detailed information as a basis for  
18 determining the sentence to be imposed than has been provided by the  
19 presentence report required by section 29-2261, the court may commit an  
20 offender to the Department of Correctional Services. During that time,  
21 the department shall conduct a complete study of the offender as provided  
22 in section 29-2204.03.

23 (5) Except when a term of life is required by law, whenever the  
24 defendant was under twenty-one ~~eighteen~~ years of age at the time he or  
25 she committed the crime for which he or she was convicted, the court may,  
26 in its discretion, instead of imposing the penalty provided for the  
27 crime, make such disposition of the defendant as the court deems proper  
28 under the Nebraska Juvenile Code.

29 (6)(a) When imposing an indeterminate sentence upon an offender  
30 under this section, the court shall:

31 (i) Advise the offender on the record the time the offender will

1 serve on his or her minimum term before attaining parole eligibility  
2 assuming that no good time for which the offender will be eligible is  
3 lost; and

4 (ii) Advise the offender on the record the time the offender will  
5 serve on his or her maximum term before attaining mandatory release  
6 assuming that no good time for which the offender will be eligible is  
7 lost.

8 (b) If any discrepancy exists between the statement of the minimum  
9 limit of the sentence and the statement of parole eligibility or between  
10 the statement of the maximum limit of the sentence and the statement of  
11 mandatory release, the statements of the minimum limit and the maximum  
12 limit shall control the calculation of the offender's term.

13 (c) If the court imposes more than one sentence upon an offender or  
14 imposes a sentence upon an offender who is at that time serving another  
15 sentence, the court shall state whether the sentences are to be  
16 concurrent or consecutive.

17 Sec. 7. Section 29-2204.02, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 29-2204.02 (1) Except when a term of probation is required by law as  
20 provided in subsection (2) of this section or except as otherwise  
21 provided in subsection (4) of this section, in imposing a sentence upon  
22 an offender for a Class III, IIIA, or IV felony, the court shall:

23 (a) Impose a determinate sentence of imprisonment within the  
24 applicable range in section 28-105; and

25 (b) Impose a sentence of post-release supervision, under the  
26 jurisdiction of the Office of Probation Administration, within the  
27 applicable range in section 28-105.

28 (2) If the criminal offense is a Class IV felony, the court shall  
29 impose a sentence of probation unless:

30 (a) The defendant is concurrently or consecutively sentenced to  
31 imprisonment for any felony other than another Class IV felony;

1 (b) The defendant has been deemed a habitual criminal pursuant to  
2 section 29-2221; or

3 (c) There are substantial and compelling reasons why the defendant  
4 cannot effectively and safely be supervised in the community, including,  
5 but not limited to, the criteria in subsections (2) and (3) of section  
6 29-2260. Unless other reasons are found to be present, that the offender  
7 has not previously succeeded on probation is not, standing alone, a  
8 substantial and compelling reason.

9 (3) If a sentence of probation is not imposed, the court shall state  
10 its reasoning on the record, advise the defendant of his or her right to  
11 appeal the sentence, and impose a sentence as provided in subsection (1)  
12 of this section.

13 (4) For any sentence of imprisonment for a Class III, IIIA, or IV  
14 felony for an offense committed on or after August 30, 2015, imposed  
15 consecutively or concurrently with (a) a sentence for a Class III, IIIA,  
16 or IV felony for an offense committed prior to August 30, 2015, or (b) a  
17 sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA  
18 felony, the court shall impose an indeterminate sentence within the  
19 applicable range in section 28-105 that does not include a period of  
20 post-release supervision, in accordance with the process set forth in  
21 section 29-2204.

22 (5) For any sentence of imprisonment for a misdemeanor imposed  
23 consecutively or concurrently with a sentence of imprisonment for a Class  
24 III, IIIA, or IV felony for an offense committed on or after August 30,  
25 2015, the court shall impose a determinate sentence within the applicable  
26 range in section 28-106 unless the person is also committed to the  
27 Department of Correctional Services in accordance with section 29-2204  
28 for (a) a sentence of imprisonment for a Class III, IIIA, or IV felony  
29 committed prior to August 30, 2015, or (b) a sentence of imprisonment for  
30 a Class I, IA, IB, IC, ID, II, or IIA felony.

31 (6) If the defendant was under twenty-one ~~eighteen~~ years of age at

1 the time he or she committed the crime for which he or she was convicted,  
2 the court may, in its discretion, instead of imposing the penalty  
3 provided for the crime, make such disposition of the defendant as the  
4 court deems proper under the Nebraska Juvenile Code.

5 (7)(a) When imposing a determinate sentence upon an offender under  
6 this section, the court shall:

7 (i) Advise the offender on the record the time the offender will  
8 serve on his or her term of imprisonment before his or her term of post-  
9 release supervision assuming that no good time for which the offender  
10 will be eligible is lost;

11 (ii) Advise the offender on the record the time the offender will  
12 serve on his or her term of post-release supervision; and

13 (iii) When imposing a sentence following revocation of post-release  
14 supervision, advise the offender on the record the time the offender will  
15 serve on his or her term of imprisonment, including credit for time  
16 served, assuming that no good time for which the offender will be  
17 eligible is lost.

18 (b) If a period of post-release supervision is required but not  
19 imposed by the sentencing court, the term of post-release supervision  
20 shall be the minimum provided by law.

21 (c) If the court imposes more than one sentence upon an offender or  
22 imposes a sentence upon an offender who is at that time serving another  
23 sentence, the court shall state whether the sentences are to be  
24 concurrent or consecutive.

25 (d) If the offender has been sentenced to two or more determinate  
26 sentences and one or more terms of post-release supervision, the offender  
27 shall serve all determinate sentences before being released on post-  
28 release supervision.

29 Sec. 8. Section 29-2270, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 29-2270 Any individual who is less than nineteen years of age and

1 who is subject to the supervision of a ~~juvenile probation officer~~ or an  
2 adult probation officer pursuant to an order of the district court, or  
3 county court, and any individual who is less than twenty-one years of age  
4 and who is subject to the supervision of a juvenile probation officer  
5 pursuant to an order of the ~~or~~ juvenile court, shall, as a condition of  
6 probation, be required to:

7 (1) Attend school to obtain vocational training or to achieve an  
8 appropriate educational level as prescribed by the probation officer  
9 after consultation with the school the individual attends or pursuant to  
10 section 29-2272. If the individual fails to attend school regularly,  
11 maintain appropriate school behavior, or make satisfactory progress as  
12 determined by the probation officer after consultation with the school  
13 and the individual does not meet the requirements of subdivision (2) of  
14 this section, the district court, county court, or juvenile court shall  
15 take appropriate action to enforce, modify, or revoke its order granting  
16 probation; or

17 (2) Attend an on-the-job training program or secure and maintain  
18 employment. If the individual fails to attend the program or maintain  
19 employment and does not meet the requirements of subdivision (1) of this  
20 section, the district court, county court, or juvenile court shall take  
21 appropriate action to enforce, modify, or revoke its order granting  
22 probation.

23 Sec. 9. Section 43-245, Revised Statutes Cumulative Supplement,  
24 2020, is amended to read:

25 43-245 For purposes of the Nebraska Juvenile Code, unless the  
26 context otherwise requires:

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

31 ~~(2) Age of majority means nineteen years of age;~~

1           (2) ~~(3)~~ Alternative to detention means a program or directive that  
2 increases supervision of a youth in the community in an effort to ensure  
3 the youth attends court and refrains from committing a new law violation.  
4 Alternative to detention includes, but is not limited to, electronic  
5 monitoring, day and evening reporting centers, house arrest, tracking,  
6 family crisis response, and temporary shelter placement. Except for the  
7 use of manually controlled delayed egress of not more than thirty  
8 seconds, placements that utilize physical construction or hardware to  
9 restrain a youth's freedom of movement and ingress and egress from  
10 placement are not considered alternatives to detention;

11           (3) ~~(4)~~ Approved center means a center that has applied for and  
12 received approval from the Director of the Office of Dispute Resolution  
13 under section 25-2909;

14           (4) ~~(5)~~ Civil citation means a noncriminal notice which cannot  
15 result in a criminal record and is described in section 43-248.02;

16           (5) ~~(6)~~ Cost or costs means (a) the sum or equivalent expended,  
17 paid, or charged for goods or services, or expenses incurred, or (b) the  
18 contracted or negotiated price;

19           (6) ~~(7)~~ Criminal street gang means a group of three or more people  
20 with a common identifying name, sign, or symbol whose group identity or  
21 purposes include engaging in illegal activities;

22           (7) ~~(8)~~ Criminal street gang member means a person who willingly or  
23 voluntarily becomes and remains a member of a criminal street gang;

24           (8) ~~(9)~~ Custodian means a nonparental caretaker having physical  
25 custody of the juvenile and includes an appointee described in section  
26 43-294;

27           (9) ~~(10)~~ Guardian means a person, other than a parent, who has  
28 qualified by law as the guardian of a juvenile pursuant to testamentary  
29 or court appointment, but excludes a person who is merely a guardian ad  
30 litem;

31           (10) ~~(11)~~ Juvenile means any person under the age of twenty-one



1 years, except that when the context requires it refers to a person under  
2 the age of nineteen years ~~eighteen~~;

3 (11) ~~(12)~~ Juvenile court means the separate juvenile court where it  
4 has been established pursuant to sections 43-2,111 to 43-2,127 and the  
5 county court sitting as a juvenile court in all other counties. Nothing  
6 in the Nebraska Juvenile Code shall be construed to deprive the district  
7 courts of their habeas corpus, common-law, or chancery jurisdiction or  
8 the county courts and district courts of jurisdiction of domestic  
9 relations matters as defined in section 25-2740;

10 (12) ~~(13)~~ Juvenile detention facility has the same meaning as in  
11 section 83-4,125;

12 (13) ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

13 (14) ~~(15)~~ Mental health facility means a treatment facility as  
14 defined in section 71-914 or a government, private, or state hospital  
15 which treats mental illness;

16 (15) ~~(16)~~ Nonoffender means a juvenile who is subject to the  
17 jurisdiction of the juvenile court for reasons other than legally  
18 prohibited conduct, including, but not limited to, juveniles described in  
19 subdivision (3)(a) of section 43-247;

20 (16) ~~(17)~~ Parent means one or both parents or stepparents when the  
21 stepparent is married to a parent who has physical custody of the  
22 juvenile as of the filing of the petition;

23 (17) ~~(18)~~ Parties means the juvenile as described in section 43-247  
24 and his or her parent, guardian, or custodian;

25 (18) ~~(19)~~ Physical custody has the same meaning as in section  
26 43-2922;

27 (19) ~~(20)~~ Except in proceedings under the Nebraska Indian Child  
28 Welfare Act, relative means father, mother, grandfather, grandmother,  
29 brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle,  
30 aunt, first cousin, nephew, or niece;

31 (20) ~~(21)~~ Restorative justice means practices, programs, or services

1 that emphasize repairing the harm caused to victims and the community by  
2 persons who have caused the harm or committed an offense. Restorative  
3 justice practices may include, but are not limited to, victim youth  
4 conferencing, victim-offender mediation, youth or community dialogue,  
5 panels, circles, and truancy mediation;

6 (21) ~~(22)~~ Restorative justice facilitator means a qualified  
7 individual who has been trained to facilitate restorative justice  
8 practices. A qualified individual shall be approved by the referring  
9 county attorney, city attorney, or juvenile or county court judge.  
10 Factors for approval may include, but are not limited to, an individual's  
11 education and training in restorative justice principles and practices;  
12 experience in facilitating restorative justice sessions; understanding of  
13 the necessity to do no harm to either the victim or the person who harmed  
14 the victim; and proven commitment to ethical practices;

15 (22) ~~(23)~~ Seal a record means that a record shall not be available  
16 to the public except upon the order of a court upon good cause shown;

17 (23) ~~(24)~~ Secure detention means detention in a highly structured,  
18 residential, hardware-secured facility designed to restrict a juvenile's  
19 movement;

20 (24) ~~(25)~~ Staff secure juvenile facility means a juvenile  
21 residential facility operated by a political subdivision (a) which does  
22 not include construction designed to physically restrict the movements  
23 and activities of juveniles who are in custody in the facility, (b) in  
24 which physical restriction of movement or activity of juveniles is  
25 provided solely through staff, (c) which may establish reasonable rules  
26 restricting ingress to and egress from the facility, and (d) in which the  
27 movements and activities of individual juvenile residents may, for  
28 treatment purposes, be restricted or subject to control through the use  
29 of intensive staff supervision. Staff secure juvenile facility does not  
30 include any institution operated by the Department of Correctional  
31 Services;

1           ~~(25)~~ ~~(26)~~ Status offender means a juvenile who has been charged with  
2 or adjudicated for conduct which would not be a crime if committed by an  
3 adult, including, but not limited to, juveniles charged under subdivision  
4 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

5           ~~(26)~~ ~~(27)~~ Traffic offense means any nonfelonious act in violation of  
6 a law or ordinance regulating vehicular or pedestrian travel, whether  
7 designated a misdemeanor or a traffic infraction; and

8           ~~(27)~~ ~~(28)~~ Young adult means an individual older than eighteen years  
9 of age but under twenty-one years of age.

10           Sec. 10. Section 43-247, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12           43-247 The juvenile court in each county shall have jurisdiction of:

13           (1) Any juvenile who has committed an act other than a traffic  
14 offense which would constitute a misdemeanor or an infraction under the  
15 laws of this state, or violation of a city or village ordinance, and who,  
16 beginning July 1, 2017, was eleven years of age or older at the time the  
17 act was committed;

18           (2) Any juvenile who has committed an act which would constitute a  
19 felony under the laws of this state and who, beginning July 1, 2017, was  
20 eleven years of age or older at the time the act was committed;

21           (3) Any juvenile under nineteen years of age (a) who is homeless or  
22 destitute, or without proper support through no fault of his or her  
23 parent, guardian, or custodian; who is abandoned by his or her parent,  
24 guardian, or custodian; who lacks proper parental care by reason of the  
25 fault or habits of his or her parent, guardian, or custodian; whose  
26 parent, guardian, or custodian neglects or refuses to provide proper or  
27 necessary subsistence, education, or other care necessary for the health,  
28 morals, or well-being of such juvenile; whose parent, guardian, or  
29 custodian is unable to provide or neglects or refuses to provide special  
30 care made necessary by the mental condition of the juvenile; who is in a  
31 situation or engages in an occupation, including prostitution, dangerous

1 to life or limb or injurious to the health or morals of such juvenile; or  
2 who, beginning July 1, 2017, has committed an act or engaged in behavior  
3 described in subdivision (1), (2), (3)(b), or (4) of this section and who  
4 was under eleven years of age at the time of such act or behavior, (b)(i)  
5 who, until July 1, 2017, by reason of being wayward or habitually  
6 disobedient, is uncontrolled by his or her parent, guardian, or  
7 custodian; who departs himself or herself so as to injure or endanger  
8 seriously the morals or health of himself, herself, or others; or who is  
9 habitually truant from home or school or (ii) who, beginning July 1,  
10 2017, is eleven years of age or older and, by reason of being wayward or  
11 habitually disobedient, is uncontrolled by his or her parent, guardian,  
12 or custodian; who departs himself or herself so as to injure or endanger  
13 seriously the morals or health of himself, herself, or others; or who is  
14 habitually truant from home or school, or (c) who is mentally ill and  
15 dangerous as defined in section 71-908;

16 (4) Any juvenile who has committed an act which would constitute a  
17 traffic offense as defined in section 43-245 and who, beginning July 1,  
18 2017, was eleven years of age or older at the time the act was committed;

19 (5) The parent, guardian, or custodian of any juvenile described in  
20 this section;

21 (6) The proceedings for termination of parental rights;

22 (7) Any juvenile under nineteen years of age who has been  
23 voluntarily relinquished, pursuant to section 43-106.01, to the  
24 Department of Health and Human Services or any child placement agency  
25 licensed by the Department of Health and Human Services;

26 (8) Any juvenile under nineteen years of age who was a ward of the  
27 juvenile court at the inception of his or her guardianship and whose  
28 guardianship has been disrupted or terminated;

29 (9) The adoption or guardianship proceedings for a child, who is  
30 under nineteen years of age, over which the juvenile court already has  
31 jurisdiction under another provision of the Nebraska Juvenile Code;

1           (10) The paternity or custody determination for a child, who is  
2 under nineteen years of age, over which the juvenile court already has  
3 jurisdiction;

4           (11) The proceedings under the Young Adult Bridge to Independence  
5 Act; and

6           ~~(12)(a) Any (12) Except as provided in subdivision (11) of this~~  
7 ~~section,~~ any individual adjudged to be within the provisions of this  
8 section until:

9           (i) For cases in which jurisdiction is under:

10           (A) Subdivisions (1), (2), (4), or (11) of this section, the  
11 individual reaches twenty-one years of the age; of majority or

12           (B) Any other subdivision of this section, the individual reaches  
13 nineteen years of age; or

14           (ii) The the court otherwise discharges the individual from its  
15 jurisdiction.

16           (b) If the juvenile court has jurisdiction over a juvenile based on  
17 multiple subdivisions of this section, such jurisdiction continues until  
18 the juvenile has attained the oldest age limit set forth in this section  
19 or until the court otherwise discharges the juvenile from its  
20 jurisdiction.

21           Notwithstanding the provisions of the Nebraska Juvenile Code, the  
22 determination of jurisdiction over any Indian child as defined in section  
23 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and  
24 the district court shall have exclusive jurisdiction in proceedings  
25 brought pursuant to section 71-510.

26           Sec. 11. Section 43-247.02, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28           43-247.02 (1) Notwithstanding any other provision of Nebraska law,  
29 on and after October 1, 2013, a juvenile court shall not:

30           (a) Place any juvenile adjudicated or pending adjudication under  
31 subdivision (1), (2), (3)(b), or (4) of section 43-247 with the

1 Department of Health and Human Services or the Office of Juvenile  
2 Services, other than as allowed under subsection (2) or (3) of this  
3 section;

4 (b) Commit any juvenile adjudicated or pending adjudication under  
5 subdivision (1), (2), (3)(b), or (4) of section 43-247 to the care and  
6 custody of the Department of Health and Human Services or the Office of  
7 Juvenile Services, other than as allowed under subsection (2) or (3) of  
8 this section;

9 (c) Require the Department of Health and Human Services or the  
10 Office of Juvenile Services to supervise any juvenile adjudicated or  
11 pending adjudication under subdivision (1), (2), (3)(b), or (4) of  
12 section 43-247, other than as allowed under subsection (2) or (3) of this  
13 section; or

14 (d) Require the Department of Health and Human Services or the  
15 Office of Juvenile Services to provide, arrange for, or pay for any  
16 services for any juvenile adjudicated or pending adjudication under  
17 subdivision (1), (2), (3)(b), or (4) of section 43-247, or for any party  
18 to cases under those subdivisions, other than as allowed under subsection  
19 (2) or (3) of this section.

20 (2) Notwithstanding any other provision of Nebraska law, on and  
21 after July 1, 2013, a juvenile court shall not commit a juvenile to the  
22 Office of Juvenile Services for placement at a youth rehabilitation and  
23 treatment center except as part of an order of intensive supervised  
24 probation under subsection (1) of section 43-286.

25 (3) Nothing in this section shall be construed to limit the  
26 authority or duties of the Department of Health and Human Services in  
27 relation to juveniles adjudicated under subdivision (1), (2), (3)(b), or  
28 (4) of section 43-247 who were committed to the care and custody of the  
29 Department of Health and Human Services prior to October 1, 2013, to the  
30 Office of Juvenile Services for community-based services prior to October  
31 1, 2013, or to the Office of Juvenile Services for placement at a youth

1 rehabilitation and treatment center prior to July 1, 2013. The care and  
2 custody of such juveniles with the Department of Health and Human  
3 Services or the Office of Juvenile Services shall continue in accordance  
4 with the Nebraska Juvenile Code and the Juvenile Services Act as such  
5 acts existed on January 1, 2013, until:

6 (a) The juvenile reaches nineteen years of the age of majority;

7 (b) The juvenile is no longer under the care and custody of the  
8 department pursuant to a court order or for any other reason, a guardian  
9 other than the department is appointed for the juvenile, or the juvenile  
10 is adopted;

11 (c) The juvenile is discharged pursuant to section 43-412, as such  
12 section existed on January 1, 2013; or

13 (d) A juvenile court terminates its jurisdiction of the juvenile.

14 Sec. 12. Section 43-248.01, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 43-248.01 All law enforcement personnel or other governmental  
17 officials having custody of any person under twenty-one ~~eighteen~~ years of  
18 age shall inform the person in custody, using developmentally appropriate  
19 language and without unnecessary delay, of such person's right to call or  
20 consult an attorney who is retained by or appointed on behalf of such  
21 person or whom the person may desire to consult and, except when exigent  
22 circumstances exist, shall permit such person to call or consult such  
23 attorney without delay. An attorney shall be permitted to see and consult  
24 with the person in custody alone and in private at the place of custody.

25 Sec. 13. Section 43-252, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 43-252 (1) The fingerprints of any juvenile less than fourteen years  
28 of age, who has been taken into custody in the investigation of a  
29 suspected unlawful act, shall not be taken unless the consent of any  
30 district, county, associate county, associate separate juvenile court, or  
31 separate juvenile court judge has first been obtained.

1 (2) The fingerprints of any juvenile alleged or found to be a  
2 juvenile as described in subdivision (3)(b) of section 43-247 shall not  
3 be taken.

4 (3) If the judge permits the fingerprinting, the fingerprints must  
5 be filed by law enforcement officers in files kept separate from those of  
6 persons twenty-one years of age or older ~~of the age of majority~~.

7 (4) The fingerprints of any juvenile shall not be sent to a state or  
8 federal depository by a law enforcement agency of this state unless: (a)  
9 The juvenile has been convicted of or adjudged to have committed a  
10 felony; (b) the juvenile has unlawfully terminated his or her commitment  
11 to a youth rehabilitation and treatment center; or (c) the juvenile is a  
12 runaway and a fingerprint check is needed for identification purposes to  
13 return the juvenile to his or her parent.

14 Sec. 14. Section 43-274, Revised Statutes Cumulative Supplement,  
15 2020, is amended to read:

16 43-274 (1) The county attorney or city attorney, having knowledge of  
17 a juvenile within his or her jurisdiction who appears to be a juvenile  
18 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 and  
19 taking into consideration the criteria in section 43-276, may proceed as  
20 provided in this section.

21 (2) The county attorney or city attorney may offer pretrial  
22 diversion to the juvenile in accordance with a juvenile pretrial  
23 diversion program established pursuant to sections 43-260.02 to  
24 43-260.07.

25 (3)(a) If a juvenile appears to be a juvenile described in  
26 subdivision (1), (2), (3)(b), or (4) of section 43-247, the county  
27 attorney or city attorney may utilize restorative justice practices or  
28 services as a form of, or condition of, diversion or plea bargaining or  
29 as a recommendation as a condition of disposition, through a referral to  
30 a restorative justice facilitator.

31 (b) For victim-involved offenses, a restorative justice facilitator



1 shall conduct a separate individual intake and assessment session with  
2 each juvenile and victim to determine which, if any, restorative justice  
3 practice is appropriate. All participation by the victim shall be  
4 voluntary. If the victim declines to participate in any or all parts of  
5 the restorative justice practice, a victim surrogate may be invited to  
6 participate with the juvenile. If, after assessment, participation by the  
7 juvenile is deemed inappropriate, the restorative justice facilitator  
8 shall return the referral to the referring county attorney or city  
9 attorney.

10 (c) A victim or his or her parent or guardian shall not be charged a  
11 fee. A juvenile or his or her parent or guardian may be charged a fee  
12 according to the policies and procedures of the restorative justice  
13 facilitator and the referring county attorney or city attorney.  
14 Restorative justice facilitators shall use a sliding fee scale based on  
15 income and shall not deny services based upon the inability of a juvenile  
16 or his or her parent or guardian to pay, if funding is otherwise  
17 available.

18 (d) Prior to participating in any restorative justice practice or  
19 service under this section, the juvenile, the juvenile's parent or  
20 guardian, and the victim, if he or she is participating, shall sign a  
21 consent to participate form.

22 (e) If a reparation plan agreement is reached, the restorative  
23 justice facilitator shall forward a copy of the agreement to the  
24 referring county attorney or city attorney. The terms of the reparation  
25 plan agreement shall specify provisions for reparation, monitoring,  
26 completion, and reporting. An agreement may include, but is not limited  
27 to, one or more of the following:

28 (i) Participation by the juvenile in certain community service  
29 programs;

30 (ii) Payment of restitution by the juvenile to the victim;

31 (iii) Reconciliation between the juvenile and the victim;

1 (iv) Apology, when appropriate, between the juvenile and the victim;  
2 and

3 (v) Any other areas of agreement.

4 (f) The restorative justice facilitator shall give notice to the  
5 county attorney or city attorney regarding the juvenile's compliance with  
6 the terms of the reparation plan agreement. If the juvenile does not  
7 satisfactorily complete the terms of the agreement, the county attorney  
8 or city attorney may:

9 (i) Refer the matter back to the restorative justice facilitator for  
10 further restorative justice practices or services; or

11 (ii) Proceed with filing a juvenile court petition or criminal  
12 charge.

13 (g) If a juvenile meets the terms of the reparation plan agreement,  
14 the county attorney or city attorney shall either:

15 (i) Not file a juvenile court petition or criminal charge against  
16 the juvenile for the acts for which the juvenile was referred for  
17 restorative justice practice or services when referred as a diversion or  
18 an alternative to diversion; or

19 (ii) File a reduced charge as previously agreed when referred as a  
20 part of a plea negotiation.

21 (4) The county attorney or city attorney shall file the petition in  
22 the court with jurisdiction as outlined in section 43-246.01.

23 (5) When a transfer from juvenile court to county court or district  
24 court is authorized because there is concurrent jurisdiction, the county  
25 attorney or city attorney may move to transfer the proceedings. Such  
26 motion shall be filed with the juvenile court petition unless otherwise  
27 permitted for good cause shown. The juvenile court shall schedule a  
28 hearing on such motion within fifteen days after the motion is filed. The  
29 county attorney or city attorney has the burden by a preponderance of the  
30 evidence to show why such proceeding should be transferred. The juvenile  
31 shall be represented by counsel at the hearing and may present the

1 evidence as to why the proceeding should be retained. After considering  
2 all the evidence and reasons presented by both parties, the juvenile  
3 court shall retain the proceeding unless the court determines that a  
4 preponderance of the evidence shows that the proceeding should be  
5 transferred to the county court or district court. The court shall make a  
6 decision on the motion within thirty days after the hearing. The juvenile  
7 court shall set forth findings for the reason for its decision.

8 An order granting or denying transfer of the case from juvenile  
9 court to county or district court shall be considered a final order for  
10 the purposes of appeal. Upon the entry of an order, any party may appeal  
11 to the Court of Appeals within ten days. Such review shall be advanced on  
12 the court docket without an extension of time granted to any party except  
13 upon a showing of exceptional cause. Appeals shall be submitted,  
14 assigned, and scheduled for oral argument as soon as the appellee's brief  
15 is due to be filed. The Court of Appeals shall conduct its review in an  
16 expedited manner and shall render the judgment and opinion, if any, as  
17 speedily as possible. During the pendency of any such appeal, the  
18 juvenile court may continue to enter temporary orders in the best  
19 interests of the juvenile pursuant to section 43-295.

20 If the proceeding is transferred from juvenile court to the county  
21 court or district court, the county attorney or city attorney shall file  
22 a criminal information in the county court or district court, as  
23 appropriate, and the accused shall be arraigned as provided for a person  
24 twenty-one ~~eighteen~~ years of age or older in subdivision (1)(b) of  
25 section 29-1816.

26 Sec. 15. Section 43-285, Revised Statutes Cumulative Supplement,  
27 2020, is amended to read:

28 43-285 (1) When the court awards a juvenile to the care of the  
29 Department of Health and Human Services, an association, or an individual  
30 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless  
31 otherwise ordered, become a ward and be subject to the legal custody and

1 care of the department, association, or individual to whose care he or  
2 she is committed. Any such association and the department shall have  
3 authority, by and with the assent of the court, to determine the care,  
4 placement, medical services, psychiatric services, training, and  
5 expenditures on behalf of each juvenile committed to it. Any such  
6 association and the department shall be responsible for applying for any  
7 health insurance available to the juvenile, including, but not limited  
8 to, medical assistance under the Medical Assistance Act. Such custody and  
9 care shall not include the guardianship of any estate of the juvenile.

10 (2)(a) Following an adjudication hearing at which a juvenile is  
11 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the  
12 court may order the department to prepare and file with the court a  
13 proposed plan for the care, placement, services, and permanency which are  
14 to be provided to such juvenile and his or her family. The health and  
15 safety of the juvenile shall be the paramount concern in the proposed  
16 plan.

17 (b) The department shall provide opportunities for the child, in an  
18 age or developmentally appropriate manner, to be consulted in the  
19 development of his or her plan as provided in the Nebraska Strengthening  
20 Families Act.

21 (c) The department shall include in the plan for a child who is  
22 fourteen years of age or older and subject to the legal care and custody  
23 of the department a written independent living transition proposal which  
24 meets the requirements of section 43-1311.03 and, for eligible children,  
25 the Young Adult Bridge to Independence Act. The juvenile court shall  
26 provide a copy of the plan to all interested parties before the hearing.  
27 The court may approve the plan, modify the plan, order that an  
28 alternative plan be developed, or implement another plan that is in the  
29 child's best interests. In its order the court shall include a finding  
30 regarding the appropriateness of the programs and services described in  
31 the proposal designed to help the child prepare for the transition from

1 foster care to a successful adulthood. The court shall also ask the  
2 child, in an age or developmentally appropriate manner, if he or she  
3 participated in the development of his or her plan and make a finding  
4 regarding the child's participation in the development of his or her plan  
5 as provided in the Nebraska Strengthening Families Act. Rules of evidence  
6 shall not apply at the dispositional hearing when the court considers the  
7 plan that has been presented.

8 (d) The last court hearing before jurisdiction pursuant to  
9 subdivision (3)(a) of section 43-247 is terminated for a child who is  
10 sixteen years of age or older or pursuant to subdivision (8) of section  
11 43-247 for a child whose guardianship or state-funded adoption assistance  
12 agreement was disrupted or terminated after he or she had attained the  
13 age of sixteen years shall be called the independence hearing. In  
14 addition to other matters and requirements to be addressed at this  
15 hearing, the independence hearing shall address the child's future goals  
16 and plans and access to services and support for the transition from  
17 foster care to adulthood consistent with section 43-1311.03 and the Young  
18 Adult Bridge to Independence Act. The child shall not be required to  
19 attend the independence hearing, but efforts shall be made to encourage  
20 and enable the child's attendance if the child wishes to attend,  
21 including scheduling the hearing at a time that permits the child's  
22 attendance. An independence coordinator as provided in section 43-4506  
23 shall attend the hearing if reasonably practicable, but the department is  
24 not required to have legal counsel present. At the independence hearing,  
25 the court shall advise the child about the bridge to independence  
26 program, including, if applicable, the right of young adults in the  
27 bridge to independence program to request a court-appointed, client-  
28 directed attorney under subsection (1) of section 43-4510 and the  
29 benefits and role of such attorney and to request additional permanency  
30 review hearings in the bridge to independence program under subsection  
31 (5) of section 43-4508 and how to request such a hearing. The court shall

1 also advise the child, if applicable, of the rights he or she is giving  
2 up if he or she chooses not to participate in the bridge to independence  
3 program and the option to enter such program at any time between nineteen  
4 and twenty-one years of age if the child meets the eligibility  
5 requirements of section 43-4504. The department shall present information  
6 to the court regarding other community resources that may benefit the  
7 child, specifically information regarding state programs established  
8 pursuant to 42 U.S.C. 677. The court shall also make a finding as to  
9 whether the child has received the documents as required by subsection  
10 (9) of section 43-1311.03.

11 (3)(a) Within thirty days after an order awarding a juvenile to the  
12 care of the department, an association, or an individual and until the  
13 juvenile reaches twenty-one years of the age of majority, the department,  
14 association, or individual shall file with the court a report stating the  
15 location of the juvenile's placement and the needs of the juvenile in  
16 order to effectuate the purposes of subdivision (1) of section 43-246.  
17 The department, association, or individual shall file a report with the  
18 court once every six months or at shorter intervals if ordered by the  
19 court or deemed appropriate by the department, association, or  
20 individual. Every six months, the report shall provide an updated  
21 statement regarding the eligibility of the juvenile for health insurance,  
22 including, but not limited to, medical assistance under the Medical  
23 Assistance Act. The department shall also concurrently file a written  
24 sibling placement report as described in subsection (3) of section  
25 43-1311.02 at these times.

26 (b) The department, association, or individual shall file a report  
27 and notice of placement change with the court and shall send copies of  
28 the notice to all interested parties, including all of the child's  
29 siblings that are known to the department, at least seven days before the  
30 placement of the juvenile is changed from what the court originally  
31 considered to be a suitable family home or institution to some other

1 custodial situation in order to effectuate the purposes of subdivision  
2 (1) of section 43-246. The department, association, or individual shall  
3 afford a parent or an adult sibling the option of refusing to receive  
4 such notifications. The court, on its own motion or upon the filing of an  
5 objection to the change by an interested party, may order a hearing to  
6 review such a change in placement and may order that the change be stayed  
7 until the completion of the hearing. Nothing in this section shall  
8 prevent the court on an ex parte basis from approving an immediate change  
9 in placement upon good cause shown. The department may make an immediate  
10 change in placement without court approval only if the juvenile is in a  
11 harmful or dangerous situation or when the foster parents request that  
12 the juvenile be removed from their home. Approval of the court shall be  
13 sought within twenty-four hours after making the change in placement or  
14 as soon thereafter as possible.

15 (c) The department shall provide the juvenile's guardian ad litem  
16 with a copy of any report filed with the court by the department pursuant  
17 to this subsection.

18 (4) The court shall also hold a permanency hearing if required under  
19 section 43-1312.

20 (5) When the court awards a juvenile to the care of the department,  
21 an association, or an individual, then the department, association, or  
22 individual shall have standing as a party to file any pleading or motion,  
23 to be heard by the court with regard to such filings, and to be granted  
24 any review or relief requested in such filings consistent with the  
25 Nebraska Juvenile Code.

26 (6) Whenever a juvenile is in a foster care placement as defined in  
27 section 43-1301, the Foster Care Review Office or the designated local  
28 foster care review board may participate in proceedings concerning the  
29 juvenile as provided in section 43-1313 and notice shall be given as  
30 provided in section 43-1314.

31 (7) Any written findings or recommendations of the Foster Care

1 Review Office or the designated local foster care review board with  
2 regard to a juvenile in a foster care placement submitted to a court  
3 having jurisdiction over such juvenile shall be admissible in any  
4 proceeding concerning such juvenile if such findings or recommendations  
5 have been provided to all other parties of record.

6 (8) The executive director and any agent or employee of the Foster  
7 Care Review Office or any member of any local foster care review board  
8 participating in an investigation or making any report pursuant to the  
9 Foster Care Review Act or participating in a judicial proceeding pursuant  
10 to this section shall be immune from any civil liability that would  
11 otherwise be incurred except for false statements negligently made.

12 Sec. 16. Section 43-289, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 43-289 In no case shall a juvenile committed under the terms of the  
15 Nebraska Juvenile Code be confined after he or she reaches twenty-one  
16 years of the age of majority. The court may, when the health or condition  
17 of any juvenile adjudged to be within the terms of such code shall  
18 require it, cause the juvenile to be placed in a public hospital or  
19 institution for treatment or special care or in an accredited and  
20 suitable private hospital or institution which will receive the juvenile  
21 for like purposes. Whenever any juvenile has been committed to the  
22 Department of Health and Human Services, the department shall follow the  
23 court's orders, if any, concerning the juvenile's specific needs for  
24 treatment or special care for his or her physical well-being and healthy  
25 personality. If the court finds any such juvenile to be a person with an  
26 intellectual disability, the court may, upon attaching a physician's  
27 certificate and a report as to the mental capacity of such person, commit  
28 such juvenile directly to an authorized and appropriate state or local  
29 facility or home.

30 The marriage of any juvenile committed to a state institution under  
31 the age of nineteen years shall not make such juvenile of the age of



1 majority.

2 A juvenile committed to any such institution shall be subject to the  
3 control of the superintendent thereof, and the superintendent, with the  
4 advice and consent of the Department of Health and Human Services, shall  
5 adopt and promulgate rules and regulations for the promotion, paroling,  
6 and final discharge of residents such as shall be considered mutually  
7 beneficial for the institution and the residents. Upon final discharge of  
8 any resident, such department shall file a certified copy of the  
9 discharge with the court which committed the resident.

10 Sec. 17. Section 43-2,108.01, Revised Statutes Cumulative  
11 Supplement, 2020, is amended to read:

12 43-2,108.01 (1) Sections 43-2,108.01 to 43-2,108.05 apply only to  
13 persons who were under the age of twenty-one ~~eighteen~~ years when the  
14 offense took place and, after being taken into custody, arrested, cited  
15 in lieu of arrest, or referred for prosecution without citation, the  
16 county attorney or city attorney:

17 (a) Declined to file a juvenile petition or criminal complaint;

18 (b) Offered juvenile pretrial diversion, mediation, or restorative  
19 justice to the juvenile under the Nebraska Juvenile Code;

20 (c) Filed a juvenile court petition describing the juvenile as a  
21 juvenile described in subdivision (1), (2), (3)(b), or (4) of section  
22 43-247;

23 (d) Filed a criminal complaint in county court against the juvenile  
24 under state statute or city or village ordinance for misdemeanor or  
25 infraction possession of marijuana or misdemeanor or infraction  
26 possession of drug paraphernalia;

27 (e) Filed a criminal complaint in county court against the juvenile  
28 for any other misdemeanor or infraction under state statute or city or  
29 village ordinance, other than for a traffic offense when all offenses in  
30 the case are waivable offenses; or

31 (f) Filed a criminal complaint in county or district court for a

1 felony offense under state law or a city or village ordinance that was  
2 subsequently transferred to juvenile court for ongoing jurisdiction.

3 (2) The changes made by Laws 2019, LB354, to the relief set forth in  
4 sections 43-2,108.03 to 43-2,108.05 shall apply to all persons described  
5 in this section, as amended by Laws 2019, LB354, and Laws 2020, LB1148,  
6 for offenses occurring prior to, on, or after September 1, 2019.

7 (3) The changes made by this legislative bill to this section and  
8 sections 43-2,108.02 and 43-2,108.03 apply to all persons described in  
9 this section, regardless of when the offense was committed.

10 Sec. 18. Section 43-2,108.02, Revised Statutes Cumulative  
11 Supplement, 2020, is amended to read:

12 43-2,108.02 (1) By January 1, 2020, the Supreme Court shall  
13 promulgate a written notice that:

14 (a) States in developmentally appropriate language that, for a  
15 juvenile described in section 43-2,108.01, the juvenile's record will be  
16 automatically sealed if (i) no charges are filed as a result of the  
17 determination of the prosecuting attorney, (ii) the charges are  
18 dismissed, (iii) the juvenile has satisfactorily completed the diversion,  
19 mediation, restorative justice, probation, supervision, or other  
20 treatment or rehabilitation program provided under the Nebraska Juvenile  
21 Code, or (iv) the juvenile has satisfactorily completed the county court  
22 diversion program, probation ordered by the court, or sentence ordered by  
23 the court;

24 (b) States in developmentally appropriate language that, if the  
25 record is not sealed as provided in subdivision (1)(a) of this section,  
26 the juvenile or the juvenile's parent or guardian may file a motion to  
27 seal the record with the court when the juvenile reaches twenty-one years  
28 of the age of~~majority~~ or six months have passed since the case was  
29 closed, whichever occurs sooner; and

30 (c) Explains in developmentally appropriate language what sealing  
31 the record means.

1 (2) For a juvenile described in section 43-2,108.01, the county  
2 attorney or city attorney shall attach a copy of the notice to any  
3 juvenile petition or criminal complaint.

4 Sec. 19. Section 43-2,108.03, Revised Statutes Cumulative  
5 Supplement, 2020, is amended to read:

6 43-2,108.03 (1)(a) If a juvenile described in section 43-2,108.01  
7 was taken into custody, arrested, cited in lieu of arrest, or referred  
8 for prosecution without citation but no juvenile petition or criminal  
9 complaint was filed against the juvenile with respect to the arrest or  
10 custody, the county attorney or city attorney shall notify the government  
11 agency responsible for the arrest, custody, citation in lieu of arrest,  
12 or referral for prosecution without citation that no criminal charge or  
13 juvenile court petition was filed. The county attorney or city attorney  
14 shall provide written notification to the juvenile that no juvenile  
15 petition or criminal complaint was filed and provide the juvenile with  
16 the notice described in section 43-2,108.02.

17 (b) If a juvenile described in subdivision (1)(a) of this section  
18 discovers that his or her record was not automatically sealed, such  
19 juvenile may notify the county attorney, who shall cause the record to be  
20 sealed by providing the notice required by subdivision (1)(a) of this  
21 section.

22 (2)(a) If the county attorney or city attorney offered and a  
23 juvenile described in section 43-2,108.01 has agreed to pretrial  
24 diversion, mediation, or restorative justice, the county attorney or city  
25 attorney shall notify the government agency responsible for the arrest or  
26 custody when the juvenile has satisfactorily completed the resulting  
27 diversion, mediation, or restorative justice. At the time the juvenile is  
28 offered diversion, mediation, or restorative justice, the county attorney  
29 or city attorney shall provide the notice described in section  
30 43-2,108.02 to the juvenile. The county attorney or city attorney shall  
31 also provide written notification to the juvenile of his or her

1 satisfactory or unsatisfactory completion of diversion, mediation, or  
2 restorative justice.

3 (b) If a juvenile who was satisfactorily discharged from diversion,  
4 mediation, or restorative justice discovers that his or her record was  
5 not automatically sealed, the juvenile may notify the county attorney,  
6 who shall cause the record to be sealed by providing the notice required  
7 by subdivision (2)(a) of this section.

8 (3)(a) If the juvenile was taken into custody, arrested, cited in  
9 lieu of arrest, or referred for prosecution without citation and charges  
10 were filed but the case was dismissed by the court, the court shall seal  
11 the record as set forth in section 43-2,108.05.

12 (b) If a juvenile described in subdivision (3)(a) discovers that his  
13 or her record was not automatically sealed, the juvenile may notify the  
14 court, which shall seal the record as set forth in section 43-2,108.05.

15 (4)(a) If a juvenile described in section 43-2,108.01 has  
16 satisfactorily completed the probation, supervision, or other treatment  
17 or rehabilitation program provided under the Nebraska Juvenile Code or if  
18 the juvenile has satisfactorily completed the probation or sentence  
19 ordered by a county court, the court shall seal the records as set forth  
20 in section 43-2,108.05.

21 (b) If a juvenile described in subdivision (4)(a) discovers that his  
22 or her record was not automatically sealed, the juvenile may notify the  
23 court, which shall seal the record as set forth in section 43-2,108.05.

24 (5) A government agency or court that receives notice under  
25 subdivision (1)(a) or (2)(a) of this section shall, upon such receipt,  
26 immediately seal all records housed at that government agency or court  
27 pertaining to the citation, arrest, record of custody, complaint,  
28 disposition, diversion, mediation, or restorative justice.

29 (6) When a juvenile described in section 43-2,108.01 whose records  
30 have not been automatically sealed as provided in subsection (1), (2),  
31 (3), or (4) of this section reaches twenty-one years of the age of

1 majority or six months have passed since the case was closed, whichever  
2 occurs sooner, such juvenile or his or her parent or guardian may file a  
3 motion in the court of record asking the court to seal the record  
4 pertaining to the offense which resulted in disposition, adjudication, or  
5 diversion in juvenile court or diversion or sentence of the county court.  
6 The motion shall set forth the facts supporting the argument that the  
7 individual who is the subject of the juvenile petition or criminal  
8 complaint has been satisfactorily rehabilitated.

9 Sec. 20. Section 43-412, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 43-412 (1) Every juvenile committed to the Office of Juvenile  
12 Services pursuant to the Nebraska Juvenile Code shall remain committed  
13 until he or she attains the age of twenty-one ~~nineteen~~ or is legally  
14 discharged.

15 (2) Upon attainment of the age of twenty-one ~~nineteen~~ or absent a  
16 continuing order of intensive supervised probation, discharge of any  
17 juvenile pursuant to the rules and regulations shall be a complete  
18 release from all penalties incurred by conviction or adjudication of the  
19 offense for which he or she was committed.

20 (3) The Office of Juvenile Services shall provide the committing  
21 court, Office of Probation Administration, county attorney, defense  
22 attorney, if any, and guardian ad litem, if any, with written  
23 notification of the juvenile's discharge within thirty days prior to a  
24 juvenile being discharged from the care and custody of the office.

25 (4) The changes made to this section by this legislative bill do not  
26 apply to juveniles described in subsection (3) of section 43-247.02.

27 Sec. 21. Section 43-905, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 43-905 (1) The Department of Health and Human Services shall have  
30 legal custody of all children committed to it. The department shall  
31 afford temporary care and shall use special diligence to provide suitable

1 homes for such children. The department shall make reasonable efforts to  
2 accomplish joint-sibling placement or sibling visitation or ongoing  
3 interaction between siblings as provided in section 43-1311.02. The  
4 department is authorized to place such children in suitable families for  
5 adoption, foster care, or guardianship or, in the discretion of the  
6 department, on a written contract.

7 (2) The contract shall provide (a) for the children's education in  
8 the public schools or otherwise, (b) for teaching them some useful  
9 occupation, and (c) for kind and proper treatment as members of the  
10 family in which they are placed.

11 (3) Whenever any child who has been committed to the department  
12 becomes self-supporting, the department shall declare that fact and the  
13 legal custody and care of the department shall cease. Thereafter the  
14 child shall be entitled to his or her own earnings. Legal custody and  
15 care of and services by the department shall never extend beyond the age  
16 of majority, or for juveniles committed pursuant to the Nebraska Juvenile  
17 Code, the age of twenty-one years except that (a) services by the  
18 department to a child shall continue until the child reaches the age of  
19 twenty-one if the child is in the bridge to independence program as  
20 provided in the Young Adult Bridge to Independence Act and (b) coverage  
21 for health care and related services under medical assistance in  
22 accordance with section 68-911 shall be extended as provided under the  
23 federal Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)  
24 (10)(A)(i)(IX), as such act and section existed on January 1, 2013, for  
25 medicaid coverage for individuals under twenty-six years of age as  
26 allowed pursuant to such act.

27 (4) Whenever the parents of any ward, whose parental rights have not  
28 been terminated, have become able to support and educate their child, the  
29 department shall restore the child to his or her parents if the home of  
30 such parents would be a suitable home. The legal custody and care of the  
31 department shall then cease.

1 (5) Whenever permanent free homes for the children cannot be  
2 obtained, the department may provide subsidies to adoptive and  
3 guardianship families subject to a hearing and court approval. The  
4 department may also provide and pay for the maintenance of the children  
5 in foster care, in boarding homes, or in institutions for care of  
6 children.

7 Sec. 22. Section 43-2402, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 43-2402 For purposes of the Juvenile Services Act:

10 (1) Coalition means the Nebraska Coalition for Juvenile Justice  
11 established pursuant to section 43-2411;

12 (2) Commission means the Nebraska Commission on Law Enforcement and  
13 Criminal Justice;

14 (3) Commission Grant Program means grants provided to eligible  
15 applicants under section 43-2406;

16 (4) Community-based Juvenile Services Aid Program means aid to  
17 counties and federally recognized or state-recognized Indian tribes  
18 provided under section 43-2404.02;

19 (5) Eligible applicant means a community-based agency or  
20 organization, political subdivision, school district, federally  
21 recognized or state-recognized Indian tribe, or state agency necessary to  
22 comply with the federal act;

23 (6) Federal act means the Juvenile Justice and Delinquency  
24 Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the act existed on  
25 January 1, 2013;

26 (7) Juvenile means a person who is under twenty-one ~~eighteen~~ years  
27 of age; and

28 (8) Office of Juvenile Services means the Office of Juvenile  
29 Services created in section 43-404.

30 Sec. 23. Section 43-2404.02, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

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

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

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



1 Juvenile Justice Institute, to assess the effectiveness of the Community-  
2 based Juvenile Services Aid Program.

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

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

25 (e) The remaining funds in the annual General Fund appropriation to  
26 the Community-based Juvenile Services Aid Program shall be apportioned as  
27 aid in accordance with a formula established in rules and regulations  
28 adopted and promulgated by the commission. The formula shall be based on  
29 the total number of residents per county and federally recognized or  
30 state-recognized Indian tribe who are twelve years of age through twenty-  
31 one ~~eighteen~~ years of age and other relevant factors as determined by the

1 commission. The commission may require a local match of up to forty  
2 percent from the county, multiple counties, federally recognized or  
3 state-recognized Indian tribe or tribes, or any combination of the three  
4 which is receiving aid under such program. Any local expenditures for  
5 community-based programs for juveniles may be applied toward such match  
6 requirement.

7 (3)(a) In distributing funds provided under the Community-based  
8 Juvenile Services Aid Program, aid recipients shall prioritize programs  
9 and services that will divert juveniles from the juvenile justice system,  
10 reduce the population of juveniles in juvenile detention and secure  
11 confinement, and assist in transitioning juveniles from out-of-home  
12 placements.

13 (b) Funds received under the Community-based Juvenile Services Aid  
14 Program shall be used exclusively to assist the aid recipient in the  
15 implementation and operation of programs or the provision of services  
16 identified in the aid recipient's comprehensive juvenile services plan,  
17 including programs for local planning and service coordination;  
18 screening, assessment, and evaluation; diversion; alternatives to  
19 detention; family support services; treatment services; truancy  
20 prevention and intervention programs; pilot projects approved by the  
21 commission; payment of transportation costs to and from placements,  
22 evaluations, or services; personnel when the personnel are aligned with  
23 evidence-based treatment principles, programs, or practices; contracting  
24 with other state agencies or private organizations that provide evidence-  
25 based treatment or programs; preexisting programs that are aligned with  
26 evidence-based practices or best practices; and other services that will  
27 positively impact juveniles and families in the juvenile justice system.

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

30 (i) To convert an existing juvenile detention facility or other  
31 existing structure for use as an alternative to detention as defined in

1 section 43-245;

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

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

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

9 (i) Construction of secure detention facilities, secure youth  
10 treatment facilities, or secure youth confinement facilities;

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

13 (iii) Programs, services, treatments, evaluations, or other  
14 preadjudication services that are not based on or grounded in evidence-  
15 based practices, principles, and research, except that the commission may  
16 approve pilot projects that authorize the use of such aid; or

17 (iv) Office equipment, office supplies, or office space.

18 (e) Any aid not distributed to counties under this subsection shall  
19 be retained by the commission to be distributed on a competitive basis  
20 under the Community-based Juvenile Services Aid Program for a county,  
21 multiple counties, federally recognized or state-recognized Indian tribe  
22 or tribes, or any combination of the three demonstrating additional need  
23 in the funding areas identified in this subsection.

24 (f) If a county, multiple counties, or a federally recognized or  
25 state-recognized Indian tribe or tribes is denied aid under this section  
26 or receives no aid under this section, the entity may request an appeal  
27 pursuant to the appeal process in rules and regulations adopted and  
28 promulgated by the commission. The commission shall establish appeal and  
29 hearing procedures by December 15, 2014. The commission shall make appeal  
30 and hearing procedures available on its web site.

31 (4)(a) Any recipient of aid under the Community-based Juvenile

1 Services Aid Program shall electronically file an annual report as  
2 required by rules and regulations adopted and promulgated by the  
3 commission. Any program funded through the Community-based Juvenile  
4 Services Aid Program that served juveniles shall report data on the  
5 individual youth served. Any program that is not directly serving youth  
6 shall include program-level data. In either case, data collected shall  
7 include, but not be limited to, the following: The type of juvenile  
8 service, how the service met the goals of the comprehensive juvenile  
9 services plan, demographic information on the juveniles served, program  
10 outcomes, the total number of juveniles served, and the number of  
11 juveniles who completed the program or intervention.

12 (b) Any recipient of aid under the Community-based Juvenile Services  
13 Aid Program shall be assisted by the University of Nebraska at Omaha,  
14 Juvenile Justice Institute, in reporting in the common data set, as set  
15 forth in the rules and regulations adopted and promulgated by the  
16 commission. Community-based aid utilization and evaluation data shall be  
17 stored and maintained by the commission.

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

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

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

27 (5) The commission shall report annually to the Governor and the  
28 Legislature on the distribution and use of funds for aid appropriated  
29 under the Community-based Juvenile Services Aid Program. The report shall  
30 include, but not be limited to, an aggregate report of the use of the  
31 Community-based Juvenile Services Aid Program funds, including the types

1 of juvenile services and programs that were funded, whether any  
2 recipients used the funds for a purpose described in subdivision (3)(c)  
3 of this section, demographic information on the total number of juveniles  
4 served, program success rates, the total number of juveniles sent to  
5 secure juvenile detention or residential treatment and secure  
6 confinement, and a listing of the expenditures of all counties and  
7 federally recognized or state-recognized Indian tribes for detention,  
8 residential treatment, and secure confinement. The report submitted to  
9 the Legislature shall be submitted electronically.

10 (6) The commission shall adopt and promulgate rules and regulations  
11 for the Community-based Juvenile Services Aid Program in consultation  
12 with the Director of the Community-based Juvenile Services Aid Program,  
13 the Director of Juvenile Diversion Programs, the Office of Probation  
14 Administration, the Nebraska Association of County Officials, and the  
15 University of Nebraska at Omaha, Juvenile Justice Institute. The rules  
16 and regulations shall include, but not be limited to:

17 (a) The required elements of a comprehensive juvenile services plan  
18 and planning process;

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

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

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

26 (e) A reporting process for aid recipients;

27 (f) A reporting process for the commission to the Governor and  
28 Legislature. The report shall be made electronically to the Governor and  
29 the Legislature; and

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

31 Sec. 24. Section 83-4,125, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 83-4,125 For purposes of sections 83-4,124 to 83-4,134.02:

3 (1) Criminal detention facility means any institution operated by a  
4 political subdivision or a combination of political subdivisions for the  
5 careful keeping or rehabilitative needs of adult or juvenile criminal  
6 offenders or those persons being detained while awaiting disposition of  
7 charges against them. Criminal detention facility does not include any  
8 institution operated by the Department of Correctional Services. Criminal  
9 detention facilities shall be classified as follows:

10 (a) Type I Facilities means criminal detention facilities used for  
11 the detention of persons for not more than twenty-four hours, excluding  
12 nonjudicial days;

13 (b) Type II Facilities means criminal detention facilities used for  
14 the detention of persons for not more than ninety-six hours, excluding  
15 nonjudicial days; and

16 (c) Type III Facilities means criminal detention facilities used for  
17 the detention of persons beyond ninety-six hours;

18 (2)(a) (2) Juvenile detention facility means an institution operated  
19 by a political subdivision or political subdivisions for the secure  
20 detention and treatment of persons:

21 (i) Younger younger than twenty-one eighteen years of age, ~~including~~  
22 ~~persons~~ under the jurisdiction of a juvenile court, ~~who are serving a~~  
23 ~~sentence pursuant to a conviction in a county or district court~~ or who  
24 are detained while waiting disposition of charges against them; or -

25 (ii) Younger than eighteen years of age who are serving a sentence  
26 pursuant to a conviction in a county or district court.

27 (b) Juvenile detention facility does not include any institution  
28 operated by the department;

29 (3) Juvenile facility means a residential child-caring agency as  
30 defined in section 71-1926, a juvenile detention facility or staff secure  
31 juvenile facility as defined in this section, a facility operated by the

1 Department of Correctional Services that houses youth under nineteen  
2 years of the age of majority, or a youth rehabilitation and treatment  
3 center;

4 (4) Room confinement means the involuntary restriction of a juvenile  
5 placed alone in a cell, alone in a room, or alone in another area,  
6 including a juvenile's own room, except during normal sleeping hours,  
7 whether or not such cell, room, or other area is subject to video or  
8 other electronic monitoring; and

9 (5) Staff secure juvenile facility means a juvenile residential  
10 facility operated by a political subdivision (a) which does not include  
11 construction designed to physically restrict the movements and activities  
12 of juveniles who are in custody in the facility, (b) in which physical  
13 restriction of movement or activity of juveniles is provided solely  
14 through staff, (c) which may establish reasonable rules restricting  
15 ingress to and egress from the facility, and (d) in which the movements  
16 and activities of individual juvenile residents may, for treatment  
17 purposes, be restricted or subject to control through the use of  
18 intensive staff supervision. Staff secure juvenile facility does not  
19 include any institution operated by the department.

20 Sec. 25. Original sections 28-801, 29-401, 29-2204.02, 29-2270,  
21 43-247, 43-248.01, 43-252, 43-289, 43-412, 43-905, and 43-2402, Reissue  
22 Revised Statutes of Nebraska, and sections 24-517, 28-1204.05, 29-1816,  
23 29-2204, 43-245, 43-247.02, 43-274, 43-285, 43-2,108.01, 43-2,108.02,  
24 43-2,108.03, 43-2404.02, and 83-4,125, Revised Statutes Cumulative  
25 Supplement, 2020, are repealed.