

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 471

Introduced by Coash, 27.

Read first time January 22, 2013

Committee:

A BILL

1 FOR AN ACT relating to juveniles; to amend section 43-413, Reissue
2 Revised Statutes of Nebraska; to change provisions
3 relating to commitment evaluations; and to repeal the
4 original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-413, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-413 (1) A court may, pursuant to section 43-281, place
4 a juvenile with the Office of Juvenile Services or the Department of
5 Health and Human Services for an evaluation to aid the court in the
6 disposition.

7 (2) A juvenile convicted as an adult shall be placed with
8 the Office of Juvenile Services for evaluation prior to sentencing as
9 provided by subsection (3) of section 29-2204.

10 (3) All juveniles shall be evaluated prior to commitment
11 to the Office of Juvenile Services unless the court finds that (a)
12 there has been a substantially equivalent evaluation within the last
13 twelve months that makes reevaluation unnecessary or (b) an addendum
14 to a previous evaluation rather than a reevaluation would be
15 appropriate. The court shall not commit such juvenile to the
16 temporary custody of the Office of Juvenile Services prior to
17 disposition. The office may place a juvenile in residential or
18 nonresidential community-based evaluation services for purposes of
19 evaluation to assist the court in determining the initial level of
20 treatment for the juvenile.

21 (4) During any period of detention or evaluation prior to
22 disposition:

23 (a) Except as provided in subdivision (4)(b) of this
24 section, the county in which the case is pending is responsible for
25 all detention costs incurred before and after an evaluation period

1 prior to disposition, the cost of delivering the juvenile to the
2 facility or institution for an evaluation, and the cost of returning
3 the juvenile to the court for disposition; and

4 (b) The state is responsible for (i) the costs incurred
5 during an evaluation unless otherwise ordered by the court pursuant
6 to section 43-290 and (ii) the preevaluation detention costs for any
7 days over the first ten days from the date the evaluation is ordered
8 by the court.

9 (5) The Office of Juvenile Services and the Department of
10 Health and Human Services are not responsible for predisposition
11 costs except as provided in subdivision (4)(b) of this section.

12 Sec. 2. Original section 43-413, Reissue Revised Statutes
13 of Nebraska, is repealed.