

ONE HUNDRED SEVENTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 412

Introduced by DeBoer, 10.

PURPOSE: In 1996, Nebraska voters approved an amendment to the Constitution of the State of Nebraska that provided for crime victims to have certain rights. Following the voters' approval of the amendment, the Legislature enacted a number of statutes to provide victims and survivors of criminal offenses with some procedural and substantive protections. These protections include the duty of prosecutors to notify certain victims of charges and plea agreements, the opportunity for victims to provide a statement to a court regarding imposition of sentences, requirements that victims be notified when certain offenders are released from custody, and other provisions.

Prior to the constitutional amendment providing victims with such rights, the Legislature had created the Nebraska Crime Victim's Reparations Act. The act provides for financial compensation to innocent victims and survivors of crimes for certain expenses and monetary losses related to such crimes. Compensation for victims and survivors under the act is funded through the federal Victims of Crime Act of 1984, state General Fund appropriations, and cash funds. Unfortunately, in recent years the funds in the Nebraska Crime Victim's Reparations Act have not been sufficient to provide for adequate compensation to all victims and survivors who seek compensation.

Additionally, the Criminal Justice Reinvestment Working Group which met with various stakeholders in the Nebraska criminal justice system in 2021 and 2022 found various issues with corrections operations and the court system. Among the recommended solutions for the Legislature to consider was a suggestion that state law be amended to provide for a priority of payment of restitution to victims and survivors of crimes.

This study shall examine if existing statutory rights and protections

relating to victims and survivors are adequate or whether and how such rights and protections can be modified and improved so that victims and survivors are adequately and meaningfully protected and empowered.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.