

## LEGISLATIVE BILL 680

Approved by the Governor April 28, 1971

Introduced by Terry Carpenter, 48th District

AN ACT relating to criminal procedure; to provide for administration of probation in district, county, and juvenile courts, other than separate juvenile courts; to define terms; to create the Nebraska District Court Judges Association and to provide for its powers, duties, and responsibilities; to create the Office of Probation Administration and to provide for its operation, powers, and responsibilities; to create the Field Probation Service and to provide for its operation, powers, and responsibilities; to provide for the probation, revocation of probation, and discharge from probation of offenders; to provide additional duties for the Parole Administration and parole officers; to provide duties for certain officers as prescribed; to amend section 29-2219, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2209, 29-2215, 29-2216, 83-1,102, 83-1,103, and 83-1,104, Revised Statutes Supplement, 1969; and to repeal the original sections, and also sections 29-2210, 29-2217, 29-2218, 29-2223, 29-2225, 29-2226, 29-2227, 29-2228, 29-2229, 29-2230, 29-2231, 29-2232, 29-2233, 29-2234, 29-2235, 29-2236, 29-2238, and 29-2239, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2224, 29-2237, 29-2240, 29-2241, 29-2242, 29-2243, 29-2244, and 29-2245, Revised Statutes Supplement, 1969.

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

Section 1. As used in this act, unless the context otherwise requires:

(1) Association shall mean the Nebraska District Court Judges Association;

(2) Court shall mean a district court, county court, or juvenile court except a separate juvenile court established pursuant to sections 43-228 to 43-239;

(3) Office shall mean the Office of Probation Administration;

(4) Probation shall mean a sentence under which a person found guilty of a crime upon verdict or plea, or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed by the court and subject to supervision;

(5) Probationer shall mean a person sentenced to probation;

(6) Probation officer shall mean any person who supervises probationers, except unpaid volunteers from the community;

(7) Service shall mean the Field Probation Service; and

(8) Administrator shall mean the probation administrator.

Sec. 2. The Nebraska District Court Judges Association is hereby created which shall consist of all the active judges of the district courts of this state and their successors in office. The association shall:

(1) Meet at least once during each calendar year;

(2) Select from its membership officers thereof; and

(3) Adopt such by-laws and rules as may be necessary or proper for the conduct of its meetings, the exercise of its powers, and the performance of its duties and delegate to one or more of its members such powers as the association deems necessary to carry out its responsibilities.

Sec. 3. The association shall:

(1) Supervise and administer the office;

(2) Encourage development and implementation of uniform criteria for sentencing criminals;

(3) Convene from time to time for the purpose of holding institutes and seminars for all judges in this state who sentence criminals or juveniles to discuss problems related to sentencing criminals or juveniles;

(4) Conduct, from time to time, orientation programs for new judges, such programs to include discussions of sentencing alternatives, procedures, and

purposes:

(5) Visit from time to time correctional facilities of this state:

(6) Encourage creation and development of community resources of value to the probation system:

(7) Conduct such other programs of whatever nature of interest to its members: and

(8) Exercise all powers and perform all duties necessary and proper to carry out its responsibilities.

Sec. 4. The Office of Probation Administration is hereby created within the judicial branch of government and directly responsible to the association. The office shall consist of the probation administrator, the Field Probation Service, and such other employees as may be necessary to carry out its functions.

Sec. 5. The office shall:

(1) Supervise and administer the service:

(2) Establish, with the concurrence of the association, probation policies and standards for the service: and

(3) Supervise offenders placed on probation in another state who are within the state pursuant to the provisions of section 29-2637.

Sec. 6. The association shall appoint a probation administrator who shall be a person with appropriate experience in the field of probation or with training in relevant disciplines at a recognized college or university, and who shall serve at the pleasure of the association.

Sec. 7. The administrator shall:

(1) Supervise and administer the office:

(2) Establish and maintain, with the concurrence of the association, policies, standards, and procedures for the service:

(3) Prescribe and furnish such forms for records and reports for the service as shall be deemed necessary for uniformity, efficiency, and statistical accuracy:

(4) Establish minimum qualifications for employment as a probation officer in this state and establish and maintain such additional qualifications as he deems appropriate for appointment to the service;

(5) Establish and maintain advanced periodic in-service training requirements for the service;

(6) Cooperate with all agencies, public or private, which are concerned with treatment or welfare of persons on probation;

(7) Organize and conduct training programs for probation officers;

(8) Collect, develop, and maintain statistical information concerning probationers, probation practices, and the operation of the probation system;

(9) Interpret the probation program to the public with a view toward developing a broad base of public support;

(10) Conduct research for the purpose of evaluating and improving the effectiveness of the probation system;

(11) Adopt such rules and regulations as may be necessary or proper for the operation of the office or service;

(12) Appoint an advisory committee of county court judges, juvenile court judges, and other appropriate officials to advise him and the association on matters relating to probation in county and juvenile courts;

(13) Transmit annually to the association and the advisory committee a report of the operation of the office for the preceding calendar year, which report shall be transmitted by the association to the Governor and the Legislature; and

(14) Exercise all powers and perform all duties necessary and proper to carry out his responsibilities.

Sec. 8. (1) The administrator, with the concurrence of the association, shall divide the state into probation districts and may from time to time alter the boundaries of such districts in order to maintain the most economical, efficient, and effective utilization of the service.

(2) The administrator shall, with the concurrence of a majority of the district judges within each probation district, appoint for such district a district probation officer, deputy probation officers, if required, and such other employees as may be required to provide adequate probation services for such district, and set the salaries thereof.

(3) The administrator may direct a probation officer of one probation district to temporarily act as probation officer for a court in another probation district and such probation officer while so serving shall have all the powers and responsibilities as if he were serving in the probation district to which he was originally appointed.

(4) The administrator, with the concurrence of the association, shall designate the location of the principal office of the service within each probation district.

Sec. 9. The officer appointed by the Governor pursuant to section 29-2637 shall delegate to the administrator authority and responsibility for:

(1) Implementation and administration of section 29-2637 as it affects probationers; and

(2) Supervision of probationers either sentenced to probation within the state and supervised in another state or placed on probation in another state and supervised within this state pursuant to section 29-2637.

Sec. 10. (1) Nothing in sections 1 to 23 of this act shall be construed to prohibit any county or juvenile court from appointing probation officers in addition to those provided by the service. Such officers shall:

(a) Hold office at the pleasure of the appointing court;

(b) Meet the minimum qualifications established by the administrator for employment as a probation officer;

(c) Serve in accordance with the general policies and standards established for probation by the office;

(d) Exercise the power of arrest as provided in

section 21 of this act:

(e) Exercise such other powers as are provided in sections 1 to 23 of this act for probation officers: and

(f) Be responsible to and under the direction of the appointing court.

(2) The salary set by the appointing court and necessary expenses of any person appointed under this section shall be paid by the county or counties which he serves.

Sec. 11. Nothing in sections 1 to 23 of this act shall be construed to prohibit any court or probation office from utilizing volunteers from the community for probation supervision; Provided, the volunteer program is supervised by a full-time probation officer who meets the minimum qualifications established by the office.

Sec. 12. There is hereby created within the office the Field Probation Service, consisting of district probation officers and deputy probation officers. The service shall be responsible for presentence and other probation investigations and for the direct supervision of persons placed on probation by a court as defined in section 1 of this act. The service shall be sufficient in size to assure that no probation officer carries a case load larger than is compatible with adequate probation investigation or supervision.

Sec. 13. A district probation officer shall:

(1) Make presentence and other investigations, as may be required by law or directed by a court in which he is serving;

(2) Supervise probationers in accordance with the rules and regulations of the office and the directions of the sentencing court:

(3) Advise the sentencing court, in accordance with the provisions of sections 1 to 23 of this act and such rules and regulations of the office, of violations of the conditions of probation by individual probationers:

(4) Advise the sentencing court, in accordance with the rules and regulations of the office and the

direction of the court, when the situation of a probationer may require a modification of the conditions of probation, or when a probationer's adjustment is such as to warrant termination of probation:

(5) Provide each probationer with a statement of the period and conditions of his probation:

(6) Whenever necessary, exercise the power of arrest as provided in section 21 of this act:

(7) Establish procedures for the direction and guidance of deputy probation officers under his jurisdiction and advise such officers in regard to the most effective performance of their duties:

(8) Supervise and evaluate deputy probation officers under his jurisdiction:

(9) Delegate such duties and responsibilities to a deputy probation officer as he deems appropriate:

(10) Make such reports as required by the administrator, the judges of the probation district in which he serves, or the association:

(11) Keep accurate and complete accounts of all money or property collected or received from probationers and give receipts therefor:

(12) Cooperate fully with and render all reasonable assistance to other probation officers:

(13) Perform such other duties not inconsistent with the provisions of sections 1 to 23 of this act or the rules and regulations of the office as a court may from time to time direct: and

(14) Exercise all powers and perform all duties necessary and proper to carry out his responsibilities.

Sec. 14. (1) The salaries, actual and necessary expenses, and expenses incident to the conduct and maintenance of the office shall be paid by the state.

(2) The salaries and actual and necessary travel expenses of the service shall be paid by the state.

(3) The expenses incident to the conduct and maintenance of the principal office within each probation district shall in the first instance be paid

by the county in which it is located but such county shall be reimbursed for such expenses by all other counties within the probation district to the extent and in the proportions determined by the district judges of the probation district based upon population, number of investigations and probation cases handled, or upon such other basis as the judges deem fair and equitable.

(4) Each county shall provide office space and necessary facilities for probation officers performing their official duties and shall bear the costs incident to maintenance of such offices, other than salaries and travel expenses.

(5) The probation administrator shall prepare a budget and request for appropriations for the office and shall submit such request to the association and with its approval to the appropriate authority in accordance with law.

Sec. 15. (1) Whenever a person is adjudicated delinquent or in need of special supervision as defined in section 43-201, his disposition shall be governed by the provisions of Chapter 43, article 2.

(2) Whenever a court considers sentence for an offender convicted of either a misdemeanor or a felony, the court may withhold sentence of imprisonment unless, having regard to the nature and circumstances of the crime and the history, character and condition of the offender, the court finds that imprisonment of the offender is necessary for protection of the public because:

(a) The risk is substantial that during the period of probation the offender will engage in additional criminal conduct;

(b) The offender is in need of correctional treatment that can be provided most effectively by commitment to a correctional facility; or

(c) A lesser sentence will depreciate the seriousness of the offender's crime or promote disrespect for law.

(3) The following grounds, while not controlling the discretion of the court, shall be accorded weight in favor of withholding sentence of imprisonment:

(a) The crime neither caused nor threatened serious harm;



(b) The offender did not contemplate that his crime would cause or threaten serious harm;

(c) The offender acted under strong provocation;

(d) Substantial grounds were present tending to excuse or justify the crime, though failing to establish a defense;

(e) The victim of the crime induced or facilitated commission of the crime;

(f) The offender has compensated or will compensate the victim of his crime for the damage or injury the victim sustained;

(g) The offender has no history of prior delinquency or criminal activity and has led a law-abiding life for a substantial period of time before the commission of the crime;

(h) The crime was the result of circumstances unlikely to recur;

(i) The character and attitudes of the offender indicate that he is unlikely to commit another crime;

(j) The offender is likely to respond affirmatively to probationary treatment; and

(k) Imprisonment of the offender would entail excessive hardship to his dependents.

(4) When an offender who has been convicted of a crime is not sentenced to imprisonment, the court may sentence him to probation.

Sec. 16. (1) Unless it is impractical to do so, when an offender has been convicted of a felony, the court shall not impose sentence without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation.

(2) A court may order a presentence investigation in any case.

(3) The presentence investigation and report shall include, where available, an analysis of the circumstances attending the commission of the crime, the offender's history of delinquency or criminality, physical and mental condition, family situation and

background, economic status, education, occupation and personal habits and any other matters that the probation officer deems relevant or the court directs to be included.

(4) Before imposing sentence, the court may order the offender to submit to psychiatric observation and examination for a period of not exceeding sixty days or such longer period as the court determines to be necessary for that purpose. The offender may be remanded for this purpose to any available clinic or mental hospital, or the court may appoint a qualified psychiatrist to make the examination. The report of the examination shall be submitted to the court.

(5) Any presentence report or psychiatric examination shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge, probation officers to whom an offender's file is duly transferred, or others entitled by law to receive such information. The court may permit inspection of the report or examination of parts thereof by the offender or his attorney, or other person having a proper interest therein, whenever the court finds it is in the best interest of a particular offender. The court may allow fair opportunity for an offender to provide additional information for the court's consideration.

(6) If an offender is sentenced to imprisonment, a copy of the report of any presentence investigation or psychiatric examination shall be transmitted forthwith to the Division of Corrections or, when the defendant is committed to the custody of a specific institution, to such institution.

Sec. 17. (1) When a court sentences an offender to probation, it shall attach such reasonable conditions as it deems necessary or likely to insure that the offender will lead a law-abiding life.

(2) The court, as a condition of its sentence, may require the offender:

(a) To refrain from unlawful conduct;

(b) To meet his family responsibilities;

(c) To devote himself to a specific employment or occupation;

(d) To undergo medical or psychiatric treatment

and to enter and remain in a specified institution for that purpose:

(e) To pursue a prescribed secular course of study or vocational training;

(f) To attend or reside in a facility established for the instruction, recreation or residence of persons on probation;

(g) To refrain from frequenting unlawful or disreputable places or consorting with disreputable persons;

(h) To have in his possession no firearm or other dangerous weapon unless granted written permission;

(i) To make restitution of the fruits of his crime or to make such reparation as the court determines to be appropriate for the loss or damage caused thereby;

(j) To remain within the jurisdiction of the court and to notify the court or the probation officer of any change in his address or his employment;

(k) To report as directed to the court or a probation officer and to permit the officer to visit his home;

(l) To pay a fine in one or more payments, as ordered; or

(m) To satisfy any other conditions reasonably related to the rehabilitation of the offender.

Sec. 18. (1) When a court has sentenced an offender to probation, the court shall specify the term of such probation which shall be not more than five years upon conviction of a felony or two years upon conviction of a misdemeanor. The court, on application of a probation officer or of the offender or on its own motion, may discharge an offender at any time.

(2) During the term of probation, the court on application of a probation officer or of the offender, or its own motion, may modify or eliminate any of the conditions imposed on the offender or add further conditions authorized by section 17 of this act.

(3) Upon completion of the term of probation, or the earlier discharge of the offender, the offender

shall be relieved of any obligations imposed by the order of the court and shall have satisfied his sentence for his crime.

(4) Whenever a probationer disappears or leaves the jurisdiction of the court without permission, the time during which he keeps his whereabouts hidden or remains away from the jurisdiction of the court shall be added to the original term of probation.

Sec. 19. (1) Whenever any person is placed on probation by a court and satisfactorily completes the conditions of his probation for the entire period thereof or who is discharged from probation prior to the termination of the period thereof, the sentencing court shall issue an order releasing the offender from probation and such order shall in all felony cases restore the offender's civil rights the same as though a pardon had been issued.

(2) Whenever any person is convicted of a crime and is placed on probation by the court, he may, after satisfactory fulfillment of the conditions of his probation for the entire period thereof, or after discharge from probation prior to the termination of the period thereof, petition the sentencing court to set aside the conviction.

(3) In determining whether to set aside the conviction, the court shall consider:

(a) The behavior of the offender while on probation;

(b) The likelihood that the offender will not engage in further criminal activity; and

(c) Any other information the court considers relevant.

(4) The court may grant the offender's petition and issue an order setting aside the conviction when in the opinion of the court the order will be in the best interest of the offender and consistent with the public welfare. Such order shall:

(a) Nullify the conviction; and

(b) Remove all civil disabilities and disqualifications imposed as a result of the conviction the same as though a pardon had been issued.

(5) The setting aside of a conviction in accordance with the provisions of sections 1 to 23 of this act shall not:

(a) Require the reinstatement of any office, employment, or position which was previously held and lost or forfeited as a result of the conviction;

(b) Preclude proof of a plea of guilty whenever such plea is relevant to the determination of an issue involving the rights or liabilities of someone other than the offender;

(c) Preclude proof of the conviction as evidence of the commission of a crime, whenever the fact of its commission is relevant for the purpose of impeaching the offender as a witness, except that the order setting aside the conviction may be introduced in evidence;

(d) Preclude use of the conviction for the purpose of determining sentence on any subsequent conviction of a criminal offense;

(e) Preclude the proof of the conviction as evidence of the commission of a crime in the event an offender is charged with a subsequent offense and the penalty provided by law is increased if the prior conviction is proved; or

(f) Preclude the proof of the conviction to determine whether an offender is eligible to have a subsequent conviction set aside in accordance with the provisions of sections 1 to 23 of this act.

(6) This section shall be retroactive in application and shall apply to all persons, otherwise eligible in accordance with the provisions of this section, whether convicted prior to or subsequent to the effective date of this act.

Sec. 20. (1) Whenever an offender is placed on probation and will reside in a location outside the jurisdiction of the sentencing court, the sentencing court may:

(a) Retain jurisdiction over the probationer and the subject matter of the action; or

(b) Transfer jurisdiction over the probationer and the subject matter of the action to an appropriate court in the judicial district in which the probationer will reside.

(2) When a court determines to transfer jurisdiction under subdivision (1) (b) of this section, it shall:

(a) Obtain the concurrence of the court to which transfer is to be made:

(b) File a certified transcript of the action out of which the probationer's conviction arose with the clerk of the court to which jurisdiction is transferred; and

(c) Furnish the probation officer of the district in which the probationer will reside with a copy of any presentence investigation.

(3) Upon the filing of the transcript in accordance with subdivision (2) (b) of this section, the court making the transfer shall have no further jurisdiction of the subject matter of the action or over the probationer. The court to which jurisdiction is transferred shall immediately enter an order placing the transferred probationer on probation under such conditions as it may deem appropriate in accordance with the provisions of sections 1 to 23 of this act; and

(4) When a court retains jurisdiction under subdivision (1) (a) of this section and the probationer will reside in a different probation district from that of the sentencing court, the court may notify the district probation officer in the probation district in which the probationer will reside to supervise such probationer under the terms of the probation order and in accordance with the provisions of sections 1 to 23 of this act.

Sec. 21. (1) Whenever a probation officer has reasonable cause to believe that a probationer has violated or is about to violate a condition of his probation, but that the probationer will not attempt to leave the jurisdiction, and will not place lives or property in danger, the probation officer shall submit a written report to the sentencing court with a copy to the county attorney of the county where probation was imposed. The court may, on the basis of such report and such further investigation as it may deem appropriate:

(a) Suspend any further proceedings:

(b) Instruct the probation officer to handle the matter informally without instituting formal revocation procedures: or

(c) Refer the matter to the county attorney.

(2) Whenever a probation officer has a reasonable cause to believe that a probationer has violated or is about to violate a condition of his probation and that the probationer will attempt to leave the jurisdiction or will place lives or property in danger, the probation officer shall arrest the probationer without a warrant and may call on any peace officer to assist him. Whenever a probationer is arrested, with or without a warrant, he shall be detained in a jail or other detention facility.

(3) Immediately after such arrest and detention, the probation officer shall notify the county attorney of the county where probation was imposed and submit a written report of the reason for such arrest. After prompt consideration of such written report, the county attorney shall:

(a) Order the probationer's release from confinement; or

(b) File with the sentencing court a motion or information to revoke the probation.

(4) Whenever a county attorney receives a report from a probation officer that a probationer has violated a condition of his probation, he may file a motion or information to revoke probation.

Sec. 22. Whenever a motion or information to revoke probation is filed, the probationer shall be entitled to a prompt consideration of such charge by the sentencing court. The court shall not revoke probation or increase the requirements imposed thereby on the probationer, except after a hearing upon proper notice where the violation of probation is established by clear and convincing evidence. The probationer shall have the right to receive, prior to the hearing, a copy of the information or written notice of the grounds on which the information is based. The probationer shall have the right to hear and controvert the evidence against him, to offer evidence in his defense and to be represented by counsel.

Sec. 23. (1) If the court finds that the probationer did violate a condition of his probation, it may revoke the probation and impose on the offender such new sentence as might have been imposed originally for the crime of which he was convicted.

(2) If the court finds that the probationer did violate a condition of his probation, but is of the opinion that revocation of probation is not appropriate, the court may order that:

(a) The probationer receive a reprimand and warning;

(b) Probation supervision and reporting be intensified;

(c) The probationer be required to conform to one or more additional conditions of probation which may be imposed in accordance with the provisions of sections 1 to 23 of this act; and

(d) The probationer's term of probation be extended, subject to the provisions of section 18 of this act.

Sec. 24. That section 29-2219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2219. (1) ~~When any court suspends sentence and places a municipal court may suspend sentence, place a defendant on probation it shall and determine the conditions and period of probation, which period shall not exceed, in the case of any defendant convicted of an offense less than a felony, two years, and in the case of any defendant convicted of a felony, five years.~~

(2) The conditions of probation, as referred to in subsection (1) of this section, shall be such as the court shall in its discretion prescribe. Such probationary conditions may include, among other conditions, any or several of the following: That the probationer shall: (a) ~~shall~~ ~~indulge~~ Indulge in no unlawful, disorderly, injurious, or vicious habits; (b) ~~shall~~ avoid places or persons of disreputable or harmful character; (c) ~~shall~~ report to the probation officer as directed by the court or probation officer; (d) ~~shall~~ permit the probation officer to visit him in a reasonable manner at his place of abode or elsewhere; (e) ~~shall~~ answer any reasonable inquiries on the part of the probation officer concerning his conduct or condition; (f) ~~shall~~ work faithfully at suitable employment; (g) ~~shall~~ remain or reside within a specified place or locality; (h) ~~shall~~ abstain from the use of alcoholic beverages if the use of the same contributed to his offense; (i) ~~shall~~ pay in one or several sums a fine imposed at the time of being placed



on probation; (j) shall make reparation or restitution to the aggrieved parties for actual damage or losses caused by his offense; and (k) shall support his wife or children.

(3) The court or a magistrate thereof may (a) modify the conditions and the period of probation referred to in subsections (1) and (2) of this section, (b) in case of the violation of such probationary conditions, upon motion and showing by affidavit of the county prosecuting attorney, issue a warrant for the arrest of the probationer, (c) at any time discharge the probationer, and (d) in case of the violation of such probationary conditions, impose any penalty which it might have imposed before placing the defendant on probation; Provided, if committed, he be committed to an institution authorized by law to receive commitments.

(4) If a probationer without permission disappears, or departs from the jurisdiction of the court, the time during which he keeps his whereabouts hidden or remains away from the jurisdiction of the court may be added to the original period of probation provided for by subsection (1) of this section.

Sec. 25. That section 29-2209, Revised Statutes Supplement, 1969, be amended to read as follows:

29-2209. The judges of all municipal and county courts in the state may from time to time appoint a person or persons to perform the duties of probation officer or officers, as defined by law, within the jurisdiction of the courts of such judges and under the direction of such judges, to hold office during the pleasure of the judge or judges making such appointment; and one copy of the order of appointment must shall be delivered to the officer so appointed, ~~and one copy filed with the county clerk, if appointment is made for the county court, and one copy filed with the city clerk, if appointment is made for the municipal court.~~ Any officer or member of the police force of any city or incorporated village who may be detailed to do duty in such court, or any constable or peace officer may be appointed as probation officer upon the order of any magistrate. No probation officer appointed under the provisions of this section shall receive any compensation for his services as such probation officer except as provided by law; but this shall not be construed to deprive any officer or member of the police force, or any constable or peace officer, appointed probation officer as herein provided, from receiving the

salary attached to his official employment; Provided, that any full-time probation officer appointed by the judges of a municipal court of a city of the metropolitan or primary class shall receive compensation for his services from funds to be appropriated by the city council.

Sec. 26. That section 29-2215, Revised Statutes Supplement, 1969, be amended to read as follows:

29-2215. Every municipal court probation officer, when so directed by the court in which he is serving, shall inquire into the antecedents, character and circumstances of any person or persons accused within the jurisdiction of such court, and into the mitigating and aggravating circumstances of the offense of such person, and shall report thereon in writing to such court or judge. The term probationer shall mean a person placed on probation. It shall be the duty of every such probation officer to (1) furnish all persons placed on probation under his supervision a statement of the period and conditions of their probation, and to instruct them concerning the same; (2) keep informed concerning their condition and conduct; (3) aid and encourage them by friendly advice and admonition, and by such other measures, not inconsistent with the conditions imposed by the court, as may seem most suitable to bring about improvement in their condition and conduct; (4) report in writing at least monthly concerning their conduct and condition to the court having jurisdiction over such probationers, or to a magistrate thereof; (5) keep records of their work; (6) keep accurate and complete accounts of all money collected from probationers, to give receipts therefor, and to make at least monthly returns thereof; and (7) perform such other duties in connection with such probationers as the court or magistrate may direct. ~~Any probation-officer-may-act-as-parole-officer-for-any state-penit-or-reformatory-institution, or-for-the-board of-pardons-when-so-requested-in-writing-by-the authorities-thereof, and-approved-in-writing-by-the presiding-judge-of-the-probation-district-involved. In such-cases-the-probation-officer-shall-be-furnished-with a-certified-copy-of-the-order-of-parole-setting-out-in full-the-terms-thereof.~~

Sec. 27. That section 29-2216, Revised Statutes Supplement, 1969, be amended to read as follows:

29-2216. Every municipal court probation

officer may require such reports by probationers under his care as are reasonable and necessary and not inconsistent with the conditions imposed by the court or magistrate. Every probation officer shall have, as to persons placed on probation in his care, the powers of a peace officer. Every probation officer may, with or without warrant or other process, rearrest and detain any person placed on probation under his custody, in addition to any other powers such probation officer may have.

Sec. 28. That section 83-1,102, Revised Statutes Supplement, 1969, be amended to read as follows:

83-1,102. The Parole Administrator shall:

(1) Supervise and administer the Office of Parole Administration;

(2) Establish and maintain policies, standards and procedures for the field parole service;

(3) Divide the state into parole districts and appoint district parole officers, deputy parole officers, if required, and such other employees as may be required to carry out adequate parole supervision of all parolees, adequate probation supervision of probationers as ordered by district judges, prescribe their powers and duties, and obtain office quarters for staff in each district as may be necessary;

(4) Cooperate with the Board of Parole, the courts, and all other agencies, public and private, which are concerned with the treatment or welfare of persons on parole;

(5) Provide the Board of Parole and district judges with any record of a parolee or probationer which it may require;

(6) Make recommendations to the Board of Parole or district judge in cases of violation of the conditions of parole or probation, issue warrants for the arrest of parole or probation violators when so instructed by the board or district judge, notify the Director of Corrections of determinations made by the board, and upon instruction of the board, issue certificates of parole and of parole revocation to the facilities, and certificates of discharge from parole to parolees;

(7) Organize and conduct training programs for the district parole officers and other employees; and

(8) Exercise all powers and perform all duties necessary and proper in carrying out his responsibilities.

Sec. 29. That section 83-1,103, Revised Statutes Supplement, 1969, be amended to read as follows:

83-1,103. The field parole service, consisting of district parole officers and deputy parole officers working under the direction of the Parole Administrator or district judge, shall be responsible for the investigation, supervision, and assistance of parolees or probationers. The field parole service shall be sufficient in size to assure that no district parole officer carries a ~~caseload~~ case load larger than is compatible with adequate parole investigation or supervision.

Sec. 30. That section 83-1,104, Revised Statutes Supplement, 1969, be amended to read as follows:

83-1,104. A district parole officer shall:

(1) Make investigations, prior to a committed offender's release on parole, in cooperation with institutional caseworkers and the Board of Parole to determine the adequacy of parole plans and make reasonable advance preparation for release on parole;

(2) Assist parolees or probationers to comply with the conditions of parole or probation and to make a successful adjustment in the community;

(3) Supervise parolees or probationers by keeping informed of their conduct and condition;

(4) Make such reports as required by the Parole Administrator or district judge to determine the effectiveness of the parole system or the progress of an individual parolee or probationer;

(5) Cooperate with social welfare agencies;

(6) Observe the work of any deputy parole officer under his supervision from time to time;

(7) Inform the Parole Administrator when, in his

opinion, any eligible parolee's conduct and attitude warrant his discharge from supervision, or when any parolee's or probationer's violation of the conditions of parole or probation is of sufficient seriousness to require action by the Board of Parole or district judge and whenever necessary exercise the power of arrest as provided in section 83-1,119;

(8) Delegate in his discretion any of the above responsibilities to a deputy parole officer if provided for his district; and

(9) Exercise all powers and perform all duties necessary and proper in carrying out his responsibilities.

Sec. 31. Sections 1 to 23 of this act may be cited as the Nebraska Probation Administration Act.

Sec. 32. That original section 29-2219, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2209, 29-2215, 29-2216, 83-1,102, 83-1,103, and 83-1,104, Revised Statutes Supplement, 1969, and also sections 29-2210, 29-2217, 29-2218, 29-2223, 29-2225, 29-2226, 29-2227, 29-2228, 29-2229, 29-2230, 29-2231, 29-2232, 29-2233, 29-2234, 29-2235, 29-2236, 29-2238, and 29-2239, Reissue Revised Statutes of Nebraska, 1943, and sections 29-2224, 29-2237, 29-2240, 29-2241, 29-2242, 29-2243, 29-2244, and 29-2245, Revised Statutes Supplement, 1969, are repealed.