

LEGISLATIVE BILL 436

Approved by the Governor March 25, 1994

Introduced by Pirsch, 10; Hohenstein, 17; Rasmussen, 20

AN ACT relating to juveniles; to amend section 43-281, Reissue Revised Statutes of Nebraska, 1943, and sections 83-465 and 83-469, Revised Statutes Supplement, 1993; to require an evaluation prior to commitment of a juvenile to a Youth Development Center; to harmonize provisions; and to repeal the original sections.

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

Section 1. That section 43-281, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-281. Following an adjudication of jurisdiction and prior to final disposition, the court may place the juvenile for evaluation in either a any facility or an institution for evaluation under the control of the State of Nebraska, except an adult penal institution as provided in section 43-258, or in a community facility or institution.

Sec. 2. That section 83-465, Revised Statutes Supplement, 1993, be amended to read as follows:

83-465. When a juvenile of sane mind, twelve years of age or older but under the age of eighteen years, has been found guilty of any crime except murder or manslaughter in any court of record in this state, the court may order that the juvenile be committed to the Youth Development Center-Kearney or the Youth Development Center-Geneva. Prior to such commitment, the court shall require an evaluation pursuant to section 43-258 or 43-281. A copy of the order under the seal of the court shall be sufficient warrant for delivering the juvenile to the center and committing him or her to the custody of the superintendent.

Sec. 3. That section 83-469, Revised Statutes Supplement, 1993, be amended to read as follows:

83-469. Either the party to whom the order provided for in section 83-467 was addressed or a guardian ad litem shall be present at the hearing, at which time the judge shall make a voluntary examination of the juvenile and hear the testimony in relation to the case that is produced. Prior to a commitment to the youth development center, the court shall require an evaluation pursuant to section 43-258 or 43-281. If the judge finds that the juvenile should be committed to the Youth Development Center-Kearney or the Youth Development Center-Geneva, then the judge shall issue a warrant of commitment.

Sec. 4. That original section 43-281, Reissue Revised Statutes of Nebraska, 1943, and sections 83-465 and 83-469, Revised Statutes Supplement, 1993, are repealed.