

JUDICIARY COMMITTEE

**One-Hundredth Nebraska Legislature
Second Session**

2008

SUMMARY AND DISPOSITION OF BILLS



Senator Brad Ashford, Chairperson
Senator Steve Lathrop, Vice-Chairperson
Senator Dwite Pedersen
Senator Ernie Chambers
Senator Diana Schimek
Senator Pete Pirsch
Senator Vicki McDonald
Senator Amanda McGill

Committee Staff: Stacey Trout, Committee Counsel
LaMont Rainey, Committee Counsel

TABLE OF CONTENTS

SUBJECT INDEX.....	2
INDEX OF BILLS BY SUBJECT	3
INDEX OF BILLS	16
BILLS PASSED	30
BILLS ADVANCED TO SELECT FILE	56
BILLS ADVANCED TO GENERAL FILE	59
BILLS HELD IN COMMITTEE	67
BILLS INDEFINATELY POSTPONED	83
INTERIM STUDY RESOLUTIONS.....	91

SUBJECT INDEX

CHILDREN/CHILD VISITATION AND CUSTODY

CIVIL PROCEDURE

CONTROLLED SUBSTANCES

CORRECTIONS/COMMUNITY CORRECTIONS

COURTS

CRIMINAL OFFENSES AND PENALTIES

CRIMINAL PROCEDURE

DEATH PENALTY

DOMESTIC ABUSE

EMPLOYMENT

FIREARMS

JUVENILES

LAW ENFORCEMENT

LIABILITY

MARRIAGE/DIVORCE

MEDICAL ETHICS

MISCELLANEOUS

PROPERTY, REAL ESTATE AND PROBATE

STATE AGENCIES

SEX OFFENDER STATUTES

TECHNOLOGY

TOBACCO

INDEX OF BILLS BY SUBJECT

CHILDREN/CHILD VISITATION AND CUSTODY

LB 6 (*Pahls*) Adopt the Nebraska Safe Haven Act

LB 75 (*Hudkins*) Provide powers and duties to the juvenile court regarding the placement and custody of juveniles

LB 76 (*Hudkins*) Change provisions governing physical and legal custody arrangements of a minor child

LB 92 (*Cornett*) Change provisions relating to foreign national minors

LB 157 (*Stuthman*) Provide for leaving an infant with a firefighter or hospital staff member

LB 257 (*Lathrop*) Adopt the Public Guardianship Act

LB 341 (*Schimek*) Change Uniform Child Custody Jurisdiction Act provisions

LB 457 (*Hanson*) Change provisions governing court review of foster care placement

LB 478 (*Johnson*) Change provisions relating to adoption procedures

LB 554 (*Flood*) Adopt a new Parenting Act

LB 556 (*Ashford*) Change Juvenile Code provisions relating to counsel and guardian ad litem

LB 571 (*Kruse*) Provide for adoption by two adult persons jointly

LB 606 (*Ashford*) Provide for court referral to mediation or other alternative dispute resolution

LB 620 (*Pirsch*) Change provisions relating to child support collection, bad debts, and the State Disbursement Unit

LB 682 (*Wightman*) Change provisions relating to use of the Supreme Court child support guidelines

LB 774 (*Wightman*) Change provisions relating to filing for modification of child support orders

LB 1085 (*Flood*) Change Parenting Act and other domestic relations

LB 1142 (*Johnson*) Provide for postsecondary education subsidy court orders for child support

LB 1159 (*Ashford*) Change provisions relating to truancy and parenting plans authorize citations issued to parents, and provide for mediation

CIVIL PROCEDURE

LB 19 (*Mines*) Authorize disposition of an abandoned mobile home as personal property

LB 67 (*Stuthman*) Permit service of summons of proposed jurors by first-class mail

LB 99 (*Wightman*) Change provisions relating to the appointment of receivers by the district court

LB 221 (*Lathrop*) Change legal procedure complaint and notice provisions

LB 225 (*Friend*) Provide for acknowledgment of satisfaction of judgment and unsworn certification

LB 259 (*Friend*) Change provisions relating to service of process for garnishment

LB 306 (*Stuthman*) Provide for the protection of social security numbers in support orders

LB 335 (*Kruse*) Change provisions relating to civil protective custody

LB 384 (*Wightman*) Prohibit certain actions by judgment creditors

LB 449 (*Ashford*) Change provisions on how judicial records are proved

LB 522 (*Aguilar*) Change civil procedure costs and attorney's fees

LB 526 (*Aguilar*) Change civil procedure plaintiff's costs

CONSTITUTIONAL AMENDMENTS

LR 4CA (*Avery*) Constitutional amendment to provide grounds for impeachment

LR 233 CA (*Christensen*) Constitutional amendment to prohibit discrimination or preferential treatment by the state, state agencies, and political subdivisions

CONTROLLED SUBSTANCES

LB 15 (*Mines*) Include parks as a prohibited area for controlled substances

LB 217 (*Ashford*) Change provisions relating to unlawful acts involving drug substances

LB 218 (*Burling*) Change provisions relating to the acquisition of certain drug products

LB 840 (McDonald) Regulate Salvia Divinorum and Salvinorin A under the Uniform Controlled Substances Act

LB 902 (Pankonin) Change provisions relating to controlled substances schedules and inventory

CORRECTIONS/COMMUNITY CORRECTIONS

LB 83 (*Synowiecki*) Provide for Board of Parole recommendations relating to incarceration work camps

LB 96 (*Flood*) Redefine a term under the Nebraska Probation Administration Act

LB 406 (*Pedersen*) Provide for presumptive parole release dates

LB 467 (*Chambers*) Grant the Ombudsman authority with respect to county jails

LB 540 (*Synowiecki*) Adopt the Probation and Parole Services Merger Act

LB 541 (*Synowiecki*) Provide a duty for the Community Corrections Council

LB 669 (*Hudkins*) Adopt the Nebraska Behavioral Health Jail Diversion Planning and Coordination Advisory Council Act

LB 671 (*Pedersen*) Adopt the Office of Probation and Parole Administration

LB 680 (*Pedersen*) Authorize contracts for keeping prisoners for cities of the metropolitan class

LB 942 (Pedersen) Require substantial evidence of parole violation in order to revoke parole

LB 943 (Pedersen) Provide for release of driver's license pictures to parole and probation officers

LB 1130 (Synowiecki) Provide for the merger of adult probation and parole services

LB 1167 (Pedersen) Provide for a statewide 24/7 sobriety program

COURTS

LB 36 (*Hudkins*) Change the number of county court judges

LB 37 (*Hudkins*) Change the number of district court judges

LB 38 (*Hudkins*) Change the number of separate juvenile court judges

LB 45 (*Gay*) Change provisions relating to district court fees

LB 154 (*Burling*) Eliminate certain exemptions from jury service

LB 213 (*Ashford*) Change provisions relating to preserving testimony

LB 214 (*Ashford*) Change acting county attorney compensation, provide for court judge interchange, and eliminate an obsolete procedure

LB 243 (*Flood*) Change provisions relating to jurors

LB 290 (*Pirsch*) Change judicial nominating commission provisions

LB 377 (*Ashford*) Reallocate district court judgeships

LB 533 (*Heidemann*) Remove a requirement of consent and waiver of physical appearance for audiovisual court appearances

LB 552 (*Flood*) Increase the salaries of Supreme Court judges

LB 659 (*Pedersen*) Increase the salaries of Supreme Court judges

LB 693 (*Hudkins*) Require use of driver's license numbers for preparation of juror lists

LB 772 (*Hudkins*) Provide for state payment for county and district courtroom security

LB 773 (*Hudkins*) Change unclassified county service position provisions relating to bailiffs

LB 775 (*Wightman*) Change deputy court clerks provisions

LB 804 (*Burling*) Permit jurors to take notes

LB 816 (*Avery*) Change the number of district court judges

LB 828 (*Ashford*) Change provisions that limit jurisdiction to Lancaster County District Court

LB 933 (*Ashford*) Change clerk magistrate provisions

LB 935 (*Ashford*) Change provision relating to service or delivery of court documents

LB 1014 (*Ashford*) Change provisions relating to judicial vacancies and judicial resources

LB 1107 (*Synowiecki*) Provide for problem-solving courts

CRIMINAL OFFENSES AND PENALTIES

LB 8 (*Priester*) Increase penalty for accumulation of junk

LB 47 (*Hudkins*) Create the offense of interference with child visitation

LB 141 (*Flood*) Change provisions relating to burglary

LB 142 (*Friend*) Change provisions relating to intimidation through the use of communication devices

LB 176 (*Cornett*) Redefine police animal for certain crimes

LB 180 (*Kruse*) Provide a penalty with respect to keg identification numbers

LB 201 (*Fischer*) Change the penalty for false information relating to motor vehicle registration

LB 215 (*Ashford*) Change provisions relating to life imprisonment

LB 227 (*Cornett*) Create offense of intentional abandonment of an animal

LB 242 (*Flood*) Change provisions relating to assault by a confined person and create an offense of assault on an officer with bodily fluids

LB 258 (*Lathrop*) Change provisions relating to minors' violations under the Nebraska Liquor Control Act

LB 260 (*Kruse*) Change provisions relating to implied consent violations

LB 261 (*Kruse*) Eliminate provisions relating to religious uses of alcoholic liquor and minors' activities at permanent place of residence

LB 336 (*Kruse*) Change penalties for violation of certain liquor laws relating to minors

LB 337 (*Kruse*) Provide for confiscation of identification of minors attempting to purchase alcohol

LB 407 (*Pedersen*) Change driving under the influence penalty provisions with respect to ignition interlock devices

LB 413 (*Flood*) Change provisions governing children born out of wedlock and the offense of violation of custody

LB 424 (*Adams*) Prohibit the breathing, inhaling, or drinking of certain compounds

LB 553 (*Flood*) Impound an operator's license as prescribed with respect to bail and eliminate certain administrative license revocation procedures

LB 624 (*Pirsch*) Change provisions relating to operating a motor vehicle to avoid arrest

LB 685 (*Karpisek*) Change provisions relating to the possession of alcohol by minors

LB 736 (*Fulton*) Change certain driving under the influence penalties and provide indigent assistance for ignition interlock devices

LB 764 (*Cornett*) Prohibit certain treatment of bovines and equines

LB 769 (*Cornett*) Change provisions relating to offenses against animals

LB 787 (*Gay*) Create degrees of offenses of assault on an emergency services provider or a health care provider

LB 794 (*McGill*) Change provisions relating to the criminal responsibility of intoxicated persons and the insanity defense

LB 808 (*Synowiecki*) Change penalty provisions relating to motor vehicle homicide

LB 844 (*Karpisek*) Change certain drug and alcohol penalty provisions

LB 872 (*Pirsch*) Change penalty provisions for motor vehicle homicide and motor vehicle homicide of an unborn child

LB 909 (*Pirsch*) Provide for aggregation of amounts for certain forgery crimes

LB 929 (*Chambers*) Prohibit hunting, trapping and fishing

- LB 934 (Ashford) Change provisions relating to use of a deadly weapon by a felon
- LB 950 (Pirsch) Change penalty provisions for failure to stop at the scene of an accident
- LB 1032 (Rogert) Prohibit acts relating to ticket scalping
- LB 1042 (Howard) Adopt the resale of tickets to entertainment acts and provide penalties
- LB 1054 (Karpisek) Create the offense of unlawful sexual intercourse
- LB 1084 (Flood) Change provisions relating to assault of an officer
- LB 1106 (Pirsch) Create the offense of intimidation by electronic communication device

CRIMINAL PROCEDURE

- LB 143 (*Mcdonald*) Prohibit government officials from requiring a polygraph examination of a victim of a sex offense
- LB 179 (*Lathrop*) Require electronic recording of custodial interrogations
- LB 376 (*Ashford*) Change felony complaint procedures
- LB 474 (*Chambers*) Provide for certain misconduct by school teachers, school nurses, and police officers to be a public record
- LB 623 (*Pirsch*) Change provisions relating to speedy trial
- LB 1025 (McGill) Change domestic assault sentencing and protection order provisions
- LB 1077 (Rogert) Provide for collection of DNA Samples upon arrest for certain offenses

DEATH PENALTY

- LB 476 (*Chambers*) Change penalty from death to life imprisonment without possibility of parole and provide for restitution
- LB 1063 (Chambers) Change penalty from death to life imprisonment without possibility of parole and provide for restitution

EMPLOYMENT

LB 450 (*Ashford*) Provide immunity for employer disclosure of certain employee information

LB 475 (*Chambers*) Prohibit discrimination based upon sexual orientation or marital status

LB 674 (*Lathrop*) Prohibit use of social security numbers by employers as prescribed and provide a penalty

LB 1170 (*White*) Create a cause of action against employers of illegal immigrants

FIREARMS

LB 491 (*Harms*) Change provisions relating to concealed handguns

LB 692 (*Hudkins*) Prohibit intentional discharge of firearm within two hundred yards of a dwelling

LB 695 (*Christiansen*) Limit the power of cities to regulate the carrying of concealed handguns

LB 826 (*Christensen*) Change the concealed handgun permit act to provide a residency exception for members of the armed forces

LB 958 (*Ashford*) Change provisions relating to firearms

LB 1076 (*Rogert*) Prohibit additional restrictions of firearms and ammunition

JUVENILES

LB 29 (*Friend*) Provide for court orders to direct financially able parents to pay for costs of care for wards of the state

LB 68 (*Hudkins*) Create the Office of Guardian Ad Litem Services

LB 104 (*Erdman*) Change age of majority from nineteen to eighteen

LB 112 (*Erdman*) Provide for the judicial emancipation of minors

LB 280 (*Stuthman*) Provide for jurisdiction over custody proceedings of juveniles as prescribed

LB 535 (*Schimek*) Create the juvenile legal services division of the Commission on Public Advocacy and eliminate a council

LB 843 (*Pedersen*) Change sentencing requirements with respect to certain minors

LB 1160 (*Ashford*) Change Nebraska Juvenile Code jurisdiction and jurisdiction determination provisions and provide for facilitated conferencing

LAW ENFORCEMENT

LB 216 (*Ashford*) Change provisions relating to violence on a service dog

LB 428 (*Synowiecki*) Adopt the Peace Officer Employer - Employee Relations Act

LB 465 (*Chambers*) Change provisions relating to jailhouse informants

LB 470 (*Chambers*) Change provisions relating to dissemination of records of arrest

LB 525 (*Aguilar*) Modify provisions relating to liability involved in vehicular pursuits

LB 532 (*Nantkes*) Change provisions relating to the Nebraska Police Standards Council

LB 1097 (*Pahls*) Authorize federal law enforcement agencies to obtain undercover drivers licenses and license plates

LIABILITY

LB 65 (*Stuthman*) Change the statute of repose for the Nebraska Hospital - Medical Liability Act

LB 78 (*Nantkes*) Change amounts recoverable under the Political Subdivisions Tort Claims Act

LB 152 (*Pankonin*) Change insurer reporting requirements regarding professional liability claims

LB 197 (*Schimek*) Change the Political Subdivisions Tort Claims Act

LB 228 (*Synowiecki*) Repeals statutes limiting liability of owners or operators of motor vehicles and aircraft for damages to guests or invitees

LB 274 (*McDonald*) Require a warning label on liquefied petroleum gas tanks and provide a limitation on liability

LB 373 (*Schimek*) Provide for the inadmissibility of apologies regarding medical care as evidence

LB 448 (*Ashford*) Change limitation of action provisions under the Political Subdivisions Tort Claims Act

LB 564 (*Friend*) Change the Recreational Liability Act

LB 566 (*Louden*) Adopt the Public Recreational Liability Act

LB 567 (*Louden*) Change the Recreational Liability Act

LB 573 (*Kruse*) Adopt the Alcoholic Liquor Liability Act

LB 625 (*Engel*) Prohibit civil actions based upon weight gain

LB 673 (*Lathrop*) Modify the definition of malpractice or professional neglect to include sexual abuse, misconduct, or exploitation

LB 810 (*Kruse*) Adopt the Alcoholic Liquor Liability Act

LB 901 (*Johnson*) Provide immunity for emergency management workers as prescribed

LB 1015 (*Nantkes*) Change contributory negligence provisions

MARRIAGE

LB 132 (*Nantkes*) Provide for revocation of a legal separation decree

LB 696 (*Christensen*) Provide a fee increase and a waiting period for marriage licenses if marriage education requirements are not met

MEDICAL ETHICS

LB 599 (*Aguillar*) Permit the filing of voluntary acknowledgement of parentage in cases of gestational surrogacy

LB 700 (*Christensen*) Adopt the Human Cloning Prohibition Act

MISCELLANEOUS

LB 97 (*Flood*) Repeal terminated provisions relating to settlement escrow funds

LB 151 (*Gay*) Provide a statute of limitations for certificate of deposit obligations as prescribed

LB 164 (*Fischer*) Change provisions of the Relocation Assistance Act

LB 246 (*Johnson*) Provide requirements for coroners relating to the procurement of anatomical gifts and provide for civil and criminal immunity

LB 254 (*Aguillar*) Change child passenger restraint system and occupant protection system provisions

LB 293 (*Pedersen*) Redefine public safety official with respect to infectious disease exposure

LB 363 (*Ashford*) Adopt the Legal Education for Public Service Loan Repayment Act

LB 382 (*Pahls*) Change provisions relating to notaries public

LB 639 (*Raikes*) Change powers and duties of county attorneys

LB 668 (*Hudkins*) Eliminate provisions relating to gift cards and gift certificates

LB 766 (*Cornett*) Regulate scrap metal recyclers

LB 781 (*Rogert*) Change Uniform Deceptive Trade Practices Act

LB 832 (*Lathrop*) Adopt the Uniform Foreign-Country Money Judgments Recognition Act

LB 839 (*Pedersen*) Change provisions relating to fireworks

LB 868 (*Nantkes*) Prohibit delayed deposit services

LB 932 (*Ashford*) Create the Aging Prison Population Task Force

LB 1128 (*Ashford*) Change tenancy termination provisions under the Nebraska Housing Agency Act

LR 224 (*Fulton*) Encourage law enforcement agencies in Nebraska to enter into a Memoranda of Agreement with the Secretary of Homeland Security to perform immigration law enforcement functions

LR 234 (*Chambers*) Retrocede Jurisdiction over the Omaha Indian Reservation

LR 284 (*Pedersen*) Recognize slavery in the history of Nebraska

PROPERTY, REAL ESTATE AND PROBATE

LB 20 (*Mines*) Change provisions related to public recreational access to water Projects

LB 102 (*Erdman*) Provide for notice of appointment of a personal representative under the Nebraska Probate Code

LB 137 (*Flood*) Change provisions relating to inheritance tax liens

LB 220 (*Dierks*) Provide for medical liens for chiropractors

LB 237 (*Pahls*) Change the homestead exemption amount for judgments and Execution

LB 586 (*Cornett*) Change medical lien provisions

LB 672 (*Lathrop*) Change eminent domain provisions relating to municipal utilities

LB 847 (*Erdman*) Provide for notice of appointment of a personal representative to the Department of Health and Human Services

SEX OFFENDER STATUTES

LB 81 (*Schimek*) Create the offense of school trespass and prohibit certain activities of registered sex offenders

LB 138 (*Flood*) Provide penalties and change other provisions relating to sex offenders

LB 735 (*Fulton*) Rename the Sexual Predator Residency Restriction Act and provide certain employment restrictions

LB 930 (*Cornett*) Change provision relating to dangerous sex offender evaluations

LB 957 (*Ashford*) Change the Sex Offender Registration Act

LB 1078 (*Pirsch*) Provide name change court orders to child abuse and sex offender registries

STATE AGENCIES

LB 107 (*Pedersen*) Create a deputy public counsel for institutions and facilities operated by the Department of Health and Human Services

LB 618 (*Pirsch*) Authorize State Treasurer to collect certain bad debt fees electronically

LB 619 (*Pirsch*) Change provisions relating to bad debt charges by the State Treasurer

LB 952 (*Lathrop*) Change provisions relating to administrative subpoena powers

LB 963 (*Friend*) Require verification of lawful presence in the United States to receive public benefits

LB 1024 (*Karpisek*) Provide for listing maintained by the Secretary of State to facilitate filings and service of process under the Political Subdivisions Tort Claims Act

TOBACCO

LB 580 (*Priester*) Change provisions relating to tobacco product manufacturers

LB 585 (*Priester*) Change provisions relating to the dispensing of cigarettes or other tobacco products

INDEX OF BILLS (2008 Legislative Session)

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	FINAL DISPOSITION	COMMENTS
LR 4CA	Avery	Constitutional amendment to provide grounds for impeachment	2/15	General File	Indefinitely Postponed	Judiciary Committee's 2008 priority bill
LB 6	Pahls	Adopt the Nebraska Safe Haven Act	1/17	Held in Committee	Indefinitely Postponed	
LB 8	Preister	Increase penalty for accumulation of junk	1/17	General File	Governor Approved	
LB 15	Mines	Include parks as a prohibited area for controlled substances	1/17	Indefinitely Postponed	Indefinitely Postponed	
LB 19	Mines	Authorize disposition of an abandoned mobile home as personal property	1/18	Indefinitely Postponed	Indefinitely Postponed	
LB 20	Mines	Change provisions related to public recreational access to water projects	2/14	General file	Indefinitely Postponed	
LB 29	Friend	Provide for court orders to direct financially able parents to pay for costs of care for wards of the state	1/26	Held in Committee	Indefinitely Postponed	
LB 36	Hudkins	Change the number of county court judges	2/28	Held in Committee	Indefinitely Postponed	
LB 37	Hudkins	Change the number of district court judge	2/28	Held in Committee	Indefinitely Postponed	
LB 38	Hudkins	Change the number of separate juvenile court judges	2/28	Held in Committee	Indefinitely Postponed	
LB 45	Gay	Change provisions relating to district court fees	3/14	Held in Committee	Indefinitely Postponed	
LB 47	Hudkins	Create the offense of interference with child visitation	3/8	Held in Committee	Indefinitely Postponed	
LB 65	Stuthman	Change the statute of repose for the Nebraska Hospital - Medical Liability Act	2/21	Held in Committee	Indefinitely Postponed	
LB 67	Stuthman	Permit service of summons of proposed jurors by first-class mail	1/18	General File, Amended	Governor Approved	
LB 68	Hudkins	Create the Office of Guardian ad Litem Services	2/23	Held in Committee	Indefinitely Postponed	

LB 75	Hudkins	Provide powers and duties to the juvenile court regarding the placement and custody of juveniles	2/23	Held in Committee	Indefinitely Postponed	
LB 76	Hudkins	Change provisions governing physical and legal custody arrangements of a minor child	3/8	Held in Committee	Indefinitely Postponed	
LB 78	Nantkes	Change amounts recoverable under the Political Subdivisions Tort Claims Act	2/7	Held in Committee	Indefinitely Postponed	
LB 81	Schimek	Create the offense of school trespass and prohibit certain activities of registered sex offenders	2/2	Indefinitely Postponed	Indefinitely Postponed	
LB 83	Synowiecki	Provide for Board of Parole recommendations relating to incarceration work camps	1/25	General File	Governor Approved	
LB 92	Cornett	Change provisions relating to foreign national minors	1/24	General File	Governor Approved	
LB 96	Flood	Redefine a term under the Nebraska Probation Administration Act	1/25	Held in Committee	Indefinitely Postponed	
LB 97	Flood	Repeal terminated provisions relating to settlement escrow funds	1/26	General File	Governor Approved	LB 491 was amended into LB 97 by AM 1495
LB 99	Wightman	Change provisions relating to the appointment of receivers by the district court	1/18	General File	Governor Approved	
LB 102	Erdman	Provide for notice of appointment of a personal representative under the Nebraska Probate Code	1/26	Indefinitely Postponed	Indefinitely Postponed	
LB 104	Erdman	Change age of majority from nineteen to eighteen	3/20	Held in Committee	Indefinitely Postponed	
LB 107	Pedersen	Create a deputy public counsel for institutions and facilities operated by the Department of Health and Human Services	2/15	General File	Indefinitely Postponed	Provisions/portions of LB107 amended into LB467 by AM484
LB 112	Erdman	Provide for the judicial emancipation of minors	3/20	General File	Indefinitely Postponed	2007 Speaker Priority Bill
LB 132	Nantkes	Provide for revocation of a legal separation decree	1/24	General File, Amended	Governor Approved	
LB 137	Flood	Change provisions relating to inheritance tax liens	2/1	Held in Committee	Indefinitely Postponed	
LB 138	Flood	Provide penalties and change other provisions relating to sex offenders	2/2	Held in Committee	Indefinitely Postponed	
LB 141	Flood	Change provisions relating to	1/17	Held in Committee	Indefinitely	

		burglary			postponed	
LB 142	Friend	Change provisions relating to intimidation through the use of communication devices	2/15	General File, amended	Governor Approved	Senator Friend's 2007 Priority Bill
LB 143	McDonald	Prohibit government officials from requiring a polygraph examination of a victim of a sex offense	2/2	General File	Governor Approved	Senator McDonald's 2007 Priority Bill
LB 151	Gay	Provide a statute of limitations for certificate of deposit obligations as prescribed	3/20	General File w/ AM 539	Governor Approved	2008 Consent Calander
LB 152	Pankonin	Change insurer reporting requirements regarding professional liability claims	2/1	General File	Governor Approved	
LB 154	Burling	Eliminate certain exemptions from jury service	1/18	Indefinitely Postponed	Indefinitely Postponed	
LB 157	Stuthman	Provide for leaving an infant with a firefighter or hospital staff member	1/17	General File, amended	Governor Approved	Senator Stuthman's 2007 Priority Bill
LB 164	Fischer	Change provisions of the Relocation Assistance Act	3/20	Held in Committee	Indefinitely Postponed	
LB 176	Cornett	Redefine police animal for certain crimes	1/19	Held in Committee	Indefinitely Postponed	
LB 179	Lathrop	Require electronic recording of custodial interrogations	2/8	General File, Amended	Governor Approved	
LB 180	Kruse	Provide a penalty with respect to keg identification numbers	1/19	Indefinitely Postponed	Governor Approved	(Provisions/portions of LB 180 amended into LB 573 by AM1195)
LB 197	Schimek	Change the Political Subdivisions Tort Claims Act	2/7	Held in Committee	Indefinitely Postponed	
LB 201	Fischer	Change the penalty for false information relating to motor vehicle registration	1/25	Indefinitely Postponed	Indefinitely Postponed	
LB 213	Ashford	Change provisions relating to preserving testimony	1/18	General File	Governor Approved	
LB 214	Ashford	Change acting county attorney compensation, provide for county judge interchange, and eliminate an obsolete procedure	2/28	General File	Governor Approved	
LB 215	Ashford	Change provisions relating to life imprisonment	1/31	Indefinitely Postponed	Indefinitely Postponed	
LB 216	Ashford	Change provisions relating to violence on a service dog	1/19	Held in Committee	Indefinitely Postponed	

LB 217	Ashford	Change provisions relating to unlawful acts involving drug substances	1/19	Held in Committee	Indefinitely Postponed	
LB 218	Burling	Change provisions relating to the acquisition of certain drug products	2/22	General File	Governor Approved	Senator Burling's 2007 Priority Bill
LB 220	Dierks	Provide for medical liens for chiropractors	2/1	Indefinitely Postponed	Indefinitely Postponed	
LB 221	Lathrop	Change legal procedure complaint and notice provisions	2/14	General File	Governor Approved	
LB 225	Friend	Provide for acknowledgment of satisfaction of judgment and unsworn certification	2/14	Held in Committee	Indefinitely Postponed	
LB 227	Cornett	Create offense of intentional abandonment of an animal	1/19	General File, Amended	Governor Approved	
LB 228	Synowiecki	Repeals statutes limiting liability of owners or operators of motor vehicles and aircraft for damages to guests or invitees	2/7	Held in Committee	Indefinitely Postponed	
LB 237	Pahls	Change the homestead exemption amount for judgments and execution	1/24	General File	Governor Approved	
LB 242	Flood	Change provisions relating to assault by a confined person and create an offense of assault on an officer with bodily fluids	2/8	Held in Committee	Indefinitely Postponed	
LB 243	Flood	Change provisions relating to jurors	3/14	Held in Committee	Indefinitely Postponed	
LB 246	Johnson	Provide requirements for coroners relating to the procurement of anatomical gifts and provide for civil and criminal immunity	2/15	General File, Amended	Governor Approved	2007 Speaker Priority Bill
LB 254	Aguilar	Change child passenger restraint system and occupant protection system provisions	2/23	Held in Committee	Indefinitely Postponed	
LB 257	Lathrop	Adopt the Public Guardianship Act	2/23	Held in Committee	Indefinitely Postponed	
LB 258	Lathrop	Change provisions relating to minors' violations under the Nebraska Liquor Control Act	3/21	Held in Committee	Indefinitely Postponed	
LB 259	Friend	Change provisions relating to service of process for garnishment	1/24	Held in Committee	Indefinitely Postponed	
LB 260	Kruse	Change provisions relating to	2/22	General File	Indefinitely	(Provisions/portions of

		implied consent violations			Postponed	LB 260 amended into LB 578 by <u>AM779</u>)
LB 261	Kruse	Eliminate provisions relating to religious uses of alcoholic liquor and minors' activities at permanent place of residence	3/21	Held in Committee	Indefinitely Postponed	
LB 274	McDonald	Require a warning label on liquefied petroleum gas tanks and provide a limitation on liability	2/7	General File, Amended	Governor Approved	2007 Speaker Priority Bill
LB 280	Stuthman	Provide for jurisdiction over custody proceedings of juveniles as prescribed	2/23	General File	Governor Approved	
LB 290	Pirsch	Change judicial nominating commission provisions	1/26	General File	Governor Approved	
LB 293	Pedersen	Redefine public safety official with respect to infectious disease exposure	3/7	Held in Committee	Indefinitely Postponed	
LB 306	Stuthman	Provide for the protection of social security numbers in support orders	1/26	Held in Committee	Indefinitely Postponed	
LB 335	Kruse	Change provisions relating to civil protective custody	1/25	General File, Amended	Indefinitely Postponed	
LB 336	Kruse	Change penalties for violation of certain liquor laws relating to minors	3/21	Held in Committee	Indefinitely Postponed	
LB 337	Kruse	Provide for confiscation of identification of minors attempting to purchase alcohol	3/21	Held in Committee	Indefinitely Postponed	
LB 341	Schimek	Change Uniform Child Custody Jurisdiction Act provisions	1/25	General File, Amended	Governor Approved	
LB 363	Ashford	Adopt the Legal Education for Public Service Loan Repayment Act	3/7	Held in Committee	Indefinitely Postponed	Included in AM 2107 to LB 1014
LB 373	Schimek	Provide for the inadmissibility of apologies regarding medical care as evidence	2/7	General File, Amended	Governor Approved	Senator Ashford's 2007 Priority Bill
LB 376	Ashford	Change felony complaint procedures	3/7	Held in Committee	Indefinitely Postponed	
LB 377	Ashford	Reallocate district court judgeships	2/28, *3/30	General File, Amended	Governor Approved	2007 Judiciary Committee Priority Bill

						*A second hearing was held for AM 832
LB 382	Pahls	Change provisions relating to notaries public	3/14	General File	Governor Approved	
LB 384	Wightman	Prohibit certain actions by judgment creditors	2/1	Held in Committee	Indefinitely Postponed	
LB 406	Pedersen	Provide for presumptive parole release dates	3/15	Held in Committee	Indefinitely Postponed	
LB 407	Pedersen	Change driving under the influence penalty provisions with respect to ignition interlock devices	2/22	Held in Committee	Indefinitely Postponed	
LB 413	Flood	Change provisions governing children born out of wedlock and the offense of violation of custody	3/8	Held in Committee	Indefinitely Postponed	
LB 424	Adams	Prohibit the breathing, inhaling, or drinking of certain compounds	2/22	General File	Governor Approved	
LB 428	Synowiecki	Adopt the Peace Officer Employer - Employee Relations Act	2/28	General File	Indefinitely Postponed	
LB 448	Ashford	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	2/7	Held in Committee	Indefinitely Postponed	
LB 449	Ashford	Change provisions on how judicial records are proved	3/14	General File	Governor Approved	
LB 450	Ashford	Provide immunity for employer disclosure of certain employee information	2/21	Held in Committee	Indefinitely Postponed	
LB 457	Hanson	Change provisions governing court review of foster care placement	2/21	General File	Governor Approved	Senator Hansen's 2007 Priority Bill
LB 465	Chambers	Change provisions relating to jailhouse informants	1/31	General File, Amended	Governor Approved	
LB 467	Chambers	Grant the Ombudsman authority with respect to county jails	2/15	General File, Amended	Governor Approved	Provisions/portions of LB107 amended into LB467 by AM4
LB 470	Chambers	Change provisions relating to dissemination of records of arrest	1/31	General File	Governor Approved	
LB 474	Chambers	Provide for certain misconduct by school teachers, school nurses, and police officers to be a public record	2/8	General File, Amended	Indefinitely Postponed	
LB 475	Chambers	Prohibit discrimination based upon	2/15	General File,	Indefinitely	2007 Judiciary

		sexual orientation or marital status		Amended	Postponed	Committee Priority Bill
LB 476	Chambers	Change penalty from death to life imprisonment without possibility of parole and provide for restitution	1/31	General File, Amended	Indefinitely Postponed	Senator Chambers' 2007 Priority Bill
LB 478	Johnson	Change provisions relating to adoption procedures	3/20	General File, Amended	Governor Approved	LB 478 was amended into LB 247 by AM 1391
LB 491	Harms	Change provisions relating to concealed handguns	2/2	General File, Amended	Indefinitely Postponed	(Provisions/portions of LB 491 amended into LB 97 by <u>AM1485</u>)
LB 522	Aguilar	Change civil procedure costs and attorney's fees	3/14	Held in Committee	Indefinitely Postponed	
LB 525	Aguilar	Modify provisions relating to liability involved in vehicular pursuits	2/8	Indefinitely Postponed	Indefinitely Postponed	
LB 526	Aguilar	Change civil procedure plaintiff's costs	3/14	Held in Committee	Indefinitely Postponed	
LB 532	Nantkes	Change provisions relating to the Nebraska Police Standards Council	2/8	Held in Committee	Indefinitely Postponed	
LB 533	Heidemann	Remove a requirement of consent and waiver of physical appearance for audiovisual court appearances	2/28	General File	Indefinitely Postponed	Senator Heidemann's 2008 priority Bill
LB 535	Schimek	Create the juvenile legal services division of the Commission on Public Advocacy and eliminate a council	3/8	Indefinitely Postponed	Indefinitely Postponed	
LB 540	Synowiecki	Adopt the Probation and Parole Services Merger Act	3/15	General File, Amended	Governor Approved	2007 Speaker Priority Bill
LB 541	Synowiecki	Provide a duty for the Community Corrections Council	3/15	Held in Committee	Indefinitely Postponed	
LB 552	Flood	Increase the salaries of Supreme Court judges	2/28	Indefinitely Postponed	Indefinitely Postponed	
LB 553	Flood	Impound an operator's license as prescribed with respect to bail and eliminate certain administrative license revocation procedures	2/22	Held in Committee	Indefinitely Postponed	
LB 554	Flood	Adopt a new Parenting Act	3/8	General File, Amended	Governor Approved	Senator Schimek's 2007 Priority Bill
LB 556	Ashford	Change Juvenile Code provisions relating to counsel and guardian ad litem	2/23	Held in Committee	Indefinitely Postponed	
LB 564	Friend	Change the Recreational Liability Act	2/14	General File,	Governor	Senator Aguilar's 2007

				Amended	Approved	Priority Bill
LB 566	Louden	Adopt the Public Recreational Liability Act	2/14	Indefinitely Postponed	Indefinitely Postponed	
LB 567	Louden	Change the Recreational Liability Act	2/14	Indefinitely Postponed	Indefinitely Postponed	
LB 571	Kruse	Provide for adoption by two adult persons jointly	3/20	Held in Committee	Indefinitely Postponed	
LB 573	Kruse	Adopt the Alcoholic Liquor Liability Act	2/22	General File, Amended	Governor Approved	Senator Kruse's 2007 Priority Bill
LB 580	Preister	Change provisions relating to tobacco product manufacturers	3/21	General File, Amended	Governor Approved	
LB 585	Preister	Change provisions relating to the dispensing of cigarettes or other tobacco products	3/21	General File	Indefinitely Postponed	
LB 586	Cornett	Change medical lien provisions	2/1	General File, Amended	Governor Approved	
LB 599	Aguilar	Permit the filing of voluntary acknowledgement of parentage in cases of gestational surrogacy	3/7	Held in Committee	Indefinitely Postponed	
LB 606	Ashford	Provide for court referral to mediation or other alternative dispute resolution	2/21	General File w/ AM 1884	Governor Approved	Original provisions amended into LB 1014 and LB 606 became the stem cell compromise bill
LB 618	Pirsch	Authorize State Treasurer to collect certain bad debt fees electronically	2/1	Indefinitely Postponed	Indefinitely Postponed	
LB 619	Pirsch	Change provisions relating to bad debt charges by the State Treasurer	2/1	General File	Governor Approved	
LB 620	Pirsch	Change provisions relating to child support collection, bad debts, and the State Disbursement Unit	2/1	General File	Governor Approved	
LB 623	Pirsch	Change provisions relating to speedy trial	3/7	General File	Governor Approved	
LB 624	Pirsch	Change provisions relating to operating a motor vehicle to avoid arrest	2/22	General File	Governor Approved	
LB 625	Engel	Prohibit civil actions based upon weight gain	3/7	Held in Committee	Indefinitely Postponed	
LB 639	Raikes	Change powers and duties of county attorneys	2/15	General File, Amended	Indefinitely Postponed	
LB 659	Pedersen	Increase the salaries of Supreme	2/28	General File	Governor	LB 659 was amended

		Court judges			Approved	into LB 377 by AM 1099
LB 668	Hudkins	Eliminate provisions relating to gift cards and gift certificates	3/7	General File	Governor Approved	
LB 669	Hudkins	Adopt the Nebraska Behavioral Health Jail Diversion Planning and Coordination Advisory Council Act	3/15	Held in Committee	Indefinitely Postponed	
LB 671	Pedersen	Adopt the Office of Probation and Parole Administration	3/15	Held in Committee	Indefinitely Postponed	
LB 672	Lathrop	Change eminent domain provisions relating to municipal utilities	2/21	General File, Amended	Indefinitely Postponed	
LB 673	Lathrop	Modify the definition of malpractice or professional neglect to include sexual abuse, misconduct, or exploitation	2/21	Held in Committee	Indefinitely Postponed	
LB 674	Lathrop	Prohibit use of social security numbers by employers as prescribed and provide a penalty	1/31	General File, Amended	Governor Approved	Senator Lathrop's 2007 Priority Bill
LB 680	Pedersen	Authorize contracts for keeping prisoners for cities of the metropolitan class	3/15	Held in Committee	Indefinitely Postponed	
LB 682	Wightman	Change provisions relating to use of the Supreme Court child support guidelines	3/8	General File, Amended	Governor Approved	LB 682 was amended into LB 554 by AM 1359
LB 685	Karpisek	Change provisions relating to the possession of alcohol by minors	3/21	Held in Committee	Indefinitely Postponed	
LB 692	Hudkins	Prohibit intentional discharge of firearm within two hundred yards of a dwelling	2/2	General File	Indefinitely Postponed	
LB 693	Hudkins	Require use of driver's license numbers for preparation of juror lists	3/14	Held in Committee	Indefinitely Postponed	
LB 695	Christensen	Limit the power of cities to regulate the carrying of concealed handguns	2/2	Indefinitely Postponed	Indefinitely Postponed	
LB 696	Christensen	Provide a fee increase and a waiting period for marriage licenses if marriage education requirements are not met	3/20	Held in Committee	Indefinitely Postponed	
LB 700	Christensen	Adopt the Human Cloning Prohibition Act	3/7	Indefinitely Postponed	Indefinitely Postponed	

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	FINAL DISPOSITION	COMMENTS
LB 735	Fulton	Rename the Sexual Predator Residency Restriction Act and provide certain employment restrictions	1/30	Held in Committee	Indefinitely Postponed	
LB 736	Fulton	Change certain driving under the influence penalties and provide indigent assistance for ignition interlock devices.	1/24	General File, amended	Governor Approved	Senator Carlson's 2008 priority bill
LB 764	Cornett	Prohibit certain treatment of bovines and equines.	2/13	General File, amended	Governor Approved	
LB 766	Cornett	Regulate scrap metal recyclers.	1/23	General File, amended	Governor Approved	Senator Cornett's 2008 priority bill
LB 769	Cornett	Change provisions relating to offenses against animals.	2/13	General File	Indefinitely Postponed	Provisions/portions of LB769 amended into LB1055 by AM2444
LB 772	Hudkins	Provide for state payment for county and district courtroom security	1/23	Held in Committee	Indefinitely Postponed	
LB 773	Hudkins	Change unclassified county service position provisions relating to bailiffs	1/23	Held in Committee	Indefinitely Postponed	
LB 774	Wightman	Change provisions relating to filing for modification of child support orders	1/23	General File	Indefinitely Postponed	AM 2175 into LB 1014 on Select File
LB 775	Wightman	Change deputy court clerks provisions	1/23	General File	Governor Approved	
LB 781	Rogert	Change Uniform Deceptive Trade Practices Act	2/20	General File w/ AM 2097	Governor Approved	2008 Speaker Priority
LB 787	Gay	Create degrees of offenses of assault on an emergency services provider or a health care provider.	1/31	Held in Committee	Indefinitely Postponed	
LB 794	McGill	Change provisions relating to the criminal responsibility of intoxicated persons and the insanity defense.	1/24	Held in Committee	Indefinitely Postponed	
LB 804	Burling	Permit jurors to take notes	1/23	General File	Indefinitely Postponed	AM 2006 to LB 1014
LB 808	Synowiecki	Change penalty provisions relating to motor vehicle homicide.	1/24	Held in committee	Indefinitely Postponed	

LB 810	Kruse	Adopt the alcoholic liquor liability act.	1/24	General File, amended	Indefinitely Postponed	Senator Kruse's 2008 priority bill
LB 816	Avery	Change the number of district court judges	2/6	Held in Committee	Indefinitely Postponed	
LB 826	Christensen	Change the concealed handgun permit act to provide a residency exemption for members of the armed forces.	1/25	General File	Indefinitely Postponed	
LB 828	Ashford	Change provisions that limit jurisdiction to Lancaster County District Court	2/6	Indefinitely postponed	Indefinitely Postponed	
LB 832	Lathrop	Adopt the Uniform Foreign-Country Money Judgments Recognition Act	2/22	Held in Committee	Indefinitely Postponed	
LB 839	Pedersen	Change provisions relating to fireworks.	2/1	Indefinitely postponed	Indefinitely Postponed	
LB 840	McDonald	Regulate Salvia Divinorum and Salvinorin A under the Uniformed Controlled Substances Act.	1/30	General File, amended	Indefinitely Postponed	
LB 843	Pedersen	Change sentencing requirements with respect to certain minors	2/20	Held in Committee	Indefinitely Postponed	Senator Pedersen's 2008 priority bill
LB 844	Karpisek	Change certain drug and alcohol penalty provisions.	1/24	General File, amended	Governor Approved	Senator Karpisek's 2008 priority bill
LB 847	Erdman	Provide for notice of appointment of a personal representative to the Department of Health and Human Services	1/31	General File w/ AM 1745	Indefinitely Postponed	LB 847 was amended in LB 928
LB 868	Nantkes	Prohibit delayed deposit services	2/20	General File w/ AM 2178	Indefinitely Postponed	
LB 872	Pirsch	Change penalty provisions for motor vehicle homicide and motor vehicle homicide of an unborn.	1/25	Held in Committee	Indefinitely Postponed	
LB 901	Johnson	Provide immunity for emergency management workers as prescribed	1/31	Held in Committee	Indefinitely Postponed	
LB 902	Pankonin	Change provisions relating to controlled substances schedules and inventory.	1/30	General File	Governor Approved	2007 Speaker Priority Bill
LB 909	Pirsch	Provide for aggregation of amounts for certain forgery crimes.	2/20	Held in committee	Indefinitely Postponed	
LB 929	Chambers	Prohibit hunting, trapping, and fishing and provide penalties.	1/25	Indefinitely Postponed	Indefinitely Postponed	
LB 930	Cornett	Change provision relating to dangerous sex offender evaluations	1/30	Held in Committee	Indefinitely	

					Postponed	
LB 932	Ashford	Create the Aging Prison Population Task Force	2/7	Held in Committee	Indefinitely Postponed	
LB 933	Ashford	Change clerk magistrate provisions	2/6	Held in Committee	Indefinitely Postponed	AM 2006 into LB 1014
LB 934	Ashford	Change provisions relating to use of a deadly weapon by a felon.	1/25	Held in committee	Indefinitely Postponed	
LB 935	Ashford	Change provision relating to service or delivery of court documents	2/6	Held in Committee	Indefinitely Postponed	AM 2006 into LB 1014
LB 942	Pedersen	require substantial evidence of parole violation in order to revoke parole.	2/22	Held in committee	Indefinitely Postponed	
LB 943	Pedersen	Provide for release of driver's license pictures to parole and probation officers.	2/22	General File	Indefinitely Postponed	
LB 950	Pirsch	Change penalty provisions for failure to stop at the scene of an accident.	1/25	Held in committee	Indefinitely Postponed	
LB 952	Lathrop	Change provisions relating to administrative subpoena powers	1/31	General File	Governor Approved	
LB 957	Ashford	Change the Sex Offender Registration Act	1/30	Indefinitely postponed	Indefinitely Postponed	
LB 958	Ashford	Change provisions relating to firearms.	1/25	General File, amended	Indefinitely Postponed	Sen. Ashford's 2008 priority bill
LB 963	Friend	Require verification of lawful presence in the United States to receive public benefits	2/27	Indefinitely postponed	Indefinitely Postponed	Senator Friend's 2008 priority
LB 1014	Ashford	Change provisions relating to judicial vacancies and judicial resources	2/6	General File w/ AM 2006	Governor Approved	Judiciary Committee 2008 priority
LB 1015	Nantkes	Change contributory negligence provisions	2/22	Held in Committee	Indefinitely Postponed	
LB 1024	Karpisek	Provide for listing maintained by the Secretary of State to facilitate filings and service of process under the Political Subdivisions Tort Claims Act	1/31	Held in Committee	Indefinitely Postponed	
LB 1025	McGill	Change domestic assault sentencing and protection orders.	2/22	General File	Indefinitely Postponed	Provisions/portions of LB1025 amended into LB1014 by AM2231
LB 1032	Rogert	Prohibit acts relating to ticket scalping.	2/13	Held in Committee	Indefinitely	

					Postponed	
LB 1042	Howard	Adopt the resale of tickets to entertainment act and provide for penalties.	2/13	Held in Committee	Indefinitely Postponed	
LB 1054	Karpisek	Create the offense of unlawful sexual intercourse.	2/21	Held in Committee	Indefinitely Postponed	
LB 1055	McDonald	Change provisions relating to dangerous dogs and dogs running at large.	2/13	General File, amended	Governor Approved	Senator McDonald's 2008 Priority Bill
LB 1063	Chambers	Change penalty from death to life imprisonment without possibility of parole.	2/1	General File, amended	Indefinitely Postponed	Senator Chamber's 2008 priority bill
LB 1076	Rogert	Prohibit additional restrictions on firearms and ammunition.	2/21	Held in committee	Indefinitely Postponed	
LB 1077	Rogert	Provide for the collection of DNA samples upon arrest for certain offenses	2/21	Held in Committee	Indefinitely Postponed	
LB 1078	Pirsch	Provide name change court orders to child abuse and sex offender registries	2/21	Held in Committee	Indefinitely Postponed	
LB 1084	Flood	Change provisions relating to assault of an officer.	2/21	Held in Committee	Indefinitely Postponed	
LB 1085	Flood	Change Parenting Act and other domestic relations	2/6	Held in Committee	Indefinitely Postponed	AM 2006 into LB 1014
LB 1097	Pahls	Authorize federal law enforcement agencies to obtain undercover drivers licenses and license plates.	2/21	Held in Committee	Indefinitely Postponed	
LB 1106	Pirsch	Create the offense of intimidation by electronic communication device.	2/14	Held in Committee	Indefinitely Postponed	
LB 1107	Synowiecki	Provide for problem-solving courts	2/14	Held in Committee	Indefinitely Postponed	AM 2006 into LB 1014
LB 1128	Ashford	Change tenancy termination provisions under the Nebraska Housing Agency Act	2/20	General File	Indefinitely Postponed	
LB 1130	Synowiecki	Provide for the merger of adult probation and parole services	2/14	General File, amended	Indefinitely Postponed	Senator Synowiecki's 2008 priority bill
LB 1142	Johnson	Provide for postsecondary education subsidy court orders for child support	2/14	Held in Committee	Indefinitely Postponed	
LB 1159	Ashford	Change provisions relating to truancy and parenting plans authorize citations issued to parents,	2/14	Held in Committee	Indefinitely Postponed	AM 2006 into LB 1014

		and provide for mediation				
LB 1160	Ashford	Change Nebraska Juvenile Code jurisdiction and jurisdiction determination provisions and provide for facilitated conferencing	2/14	Held in Committee	Indefinitely Postponed	AM 2006 into LB 1014
LB 1167	Pedersen	Provide for a statewide sobriety monitoring program.	2/13	Held in Committee	Indefinitely Postponed	
LB 1170	White	Create a cause of action against employers of illegal immigrants	2/27	Held in Committee	Indefinitely Postponed	
LR 224	Fulton	Encourage law enforcement agencies in Nebraska to enter into a Memoranda of Agreement with the Secretary of Homeland Security to perform immigration law enforcement functions	2/27	Indefinitely postponed	Indefinitely Postponed	
LR 233CA	Christensen	Constitutional amendment to prohibit discrimination or preferential treatment by the state, state agencies, and political subdivisions	No hearing	Withdrawn		
LR 234	Chambers	Retrocede Jurisdiction over the Omaha Indian Reservation	2/20	Held in Committee	Indefinitely Postponed	
LR 284	Pedersen	Recognize slavery in the history of Nebraska	4/7	General File w/ AM 2750	Indefinitely Postponed	

**BILLS PASSED DURING
THE 2008 LEGISLATIVE SESSION**

LB 92 (Cornett) Change provisions relating to foreign national minors

Legislative Bill 92 amends N.R.S. §43-3801-10 to change references to minors who have citizenship status in more than one country from minors “holding dual citizenship,” to minors “having multiple nationalities.”

LB 92 was advanced by the Judiciary Committee and placed on general file on February 26, 2007 with 7 yes votes and 1 member absent. LB 92 was passed by the Legislature with a vote of 43-1-5 and signed by the Governor on February 7, 2008.

LB 151 (Gay) Provide a statute of limitations for certificate of deposit obligations as prescribed

Legislative Bill 151 amends N.R.S. §3-118 of the Uniform Commercial Code to clarify the statute of limitations to enforce payment on a certificate of deposit (CD). Under the bill, the statute runs from the earlier of:

1. The time that an action to enforce an obligation under 3-118 of the Uniform Commercial Code must be commenced, if the CD is subject to such section; or
2. Six years after the later of:
 - a. The maturity date of the CD;
 - b. The due date of the CD indicated in the depository institution’s last written notice of renewal of the CD, if any;
 - c. The date of the last written communication from the depository institution recognizing the depository institution’s obligation with respect to the CD; or
 - d. The day of the taxable year for which the owner of a CD last reported interest earned on the CD on a federal or state income tax return.

Committee Amendment 539 extends the alternative statute of limitations proposed under LB 151 to seven years. By changing the statute of limitations from six to seven years, the provisions of the bill will correspond with the record retention period for state banks and the unclaimed property retention period for automatically renewable CDs, which are both seven years.

LB 151 was passed with an emergency clause by a vote of 43-0-6 and signed by the Governor on April 16, 2008.

LB 157 (Stuthman) Provide for leaving an infant with a firefighter or hospital staff member.

Legislative Bill 157 would allow a parent to leave an infant with an on duty firefighter or hospital staff member within seventy-two hours of the infant's birth. The on duty firefighter or hospital staff member would then have four hours to report the incident to law enforcement. LB 157 also directs the Department of Health and Human Services to maintain and update on a monthly basis a report of the number of children who have been abandoned, and to place the infant with a potential adoptive parent as soon as possible. LB 157 directs the Department of Health and Human Services to terminate the parental rights of the parent that leaves the child with a firefighter or hospital staff member.

LB 157 was amended on Select File by AM 1696 which struck the original sections and all amendments previously adopted and replaced them with the following provision: "No person shall be prosecuted for any crime based solely upon the act of leaving a child in the custody of an employee on duty at a hospital licensed by the State of Nebraska. The hospital shall promptly contact appropriate authorities to take custody of the child."

LB 157 was passed by a 41-1-7 vote and signed by the Governor on February 13, 2008.

LB 179 (*Lathrop*) Require electronic recording of custodial interrogations

Legislative Bill 179 requires that all custodial interrogations by law enforcement which occur at a place of detention be electronically recorded. If there is a failure to electronically record a custodial interrogation, any statements a defendant makes shall be suppressed, unless:

1. An accused person testifies contrary to the unrecorded admission or statement, then such an admission or statement may be used for impeachment of the accused person's testimony if it is shown the statement was voluntarily made; or
2. The prosecution proves by a preponderance of the evidence that there is a reasonable excuse for not recording the statement;

Reasonable excuse is defined to include situations where it was not practicable to record the statement, recording equipment could not be obtained, the accused person refused consent to being recorded, or the recording equipment malfunctioned.

LB 179 also contains provisions which allow the use of admissions or statements obtained in another state or by federal law enforcement officers even if no electronic recording took place. Statements or admissions made by a defendant in another state are admissible if they were obtained in compliance with the laws of that state, and statements obtained by federal officers are admissible so long as the federal officer complied with federal law and did not take the statement in an attempt to circumvent the provisions of the act. Lastly, the bill allows the use of evidence derived from a statement or admission which is suppressed due to the lack of electronic recording if the court determines that the evidence in question is otherwise admissible.

The committee amendment, AM 583, makes the following changes to the bill as introduced:

1. The definition of “Place of detention” is amended to limit its coverage to buildings under the permanent control of law enforcement and to remove health care facility from the list of included locations.
2. Adds a new exception to the electronic recording requirement for situations in which the law enforcement officer reasonably believed that the crime for which the person was taken into custody was not a crime for which recording was required by the act.
3. Limits the requirement to record statements made during a custodial interrogation at a place of detention to those statements made during the investigation of crimes involving death or felonies involving sexual assault, kidnapping, child abuse, or strangulation and offenses being investigated as part of the same course of conduct of one of the above listed offenses.
4. Replaces the requirement that a court must suppress statements which are not recorded with a requirement that the court shall instruct the jury that an adverse inference may be drawn from the failure of law enforcement to comply with the recording requirement. A jury instruction is not required if the prosecution proves by a preponderance of the evidence that there is a reasonable exception for the failure to record the statement.

LB 179 was passed by a 47-1-1 vote and signed by the Governor on April 11, 2008.

LB 246 (*Johnson*) Provide requirements for coroners relating to the procurement of anatomical gifts and provide for civil and criminal immunity

Legislative Bill 246 proposes to adopt new procedures for the handling of organ donation by deceased individuals who are under the jurisdiction of the coroner with the intent of increasing the availability of organs and tissues for medical transplantation.

Specifically, the bill establishes a procedure whereby a coroner or a physician designated by the coroner is required to undertake a preliminary investigation of any deceased individual under the coroner’s jurisdiction who is an organ donor to determine if any of the organs to be donated contain evidence of the proximate cause or means of death. This preliminary investigation is required to be conducted within a time period which would allow the donation of any organs not found to contain evidence of the cause of death. Any organs which the coroner does not reasonably believe contain evidence of the cause of death must be released for donation. If a coroner fails to conduct or complete the preliminary investigation required by the act within a reasonable time period, the organ(s) or tissue shall be donated as if the donor was not under the jurisdiction of the coroner.

After completing the preliminary investigation, if a coroner reasonably believes that an organ or tissue scheduled for donation contains evidence of the cause of death, the coroner or a designee is required to attend the removal procedure and make a final determination that:

1. The organ does not contain evidence of the cause of death, and allow the donation to proceed;
2. Request a biopsy be performed on the organ or tissue in question; or
3. Forbid removal of an organ which the coroner has determined contains evidence of the proximate cause or means of death.

If a coroner forbids removal of an organ or tissue, the coroner shall file a written report stating the reasons for such denial within 10 days with the federally designated organ procurement organization for Nebraska. When an organ or tissue is released by the coroner for donation, the coroner may request a sample of the organ or tissue be taken and that copies of any photographs or other documentation made at the time of removal be provided. Additionally, physicians removing an organ for donation are required to provide a report to the coroner covering the removal procedure and any known relationship between the donated organ and tissue to the cause of death. Lastly, the bill provides both civil and criminal immunity for removal of an organ or tissue to any coroner or his or her designee, hospital staff, authorized recovery personnel, and any other person acting in good faith in compliance with the provisions of this bill.

The committee amendment to LB 246, AM 800, replaces the green copy of the bill and makes the following changes to the bill as introduced:

- Adds a definition of decedent to the act and amends the definition of donor to remove the portion of the definition relating to potential donors. This change was made to address concerns regarding the harvesting of organs from individuals not yet deceased.
- Removes the civil immunity language from the bill as there is already immunity provided for individuals involved in the organ donation process in section 71-4810. The amendment does not remove the immunity from criminal liability for complying with the terms of the act.

Reorganizes the bill to split it into separate sections so that it is easier to read and understand without changing the substantive provisions in the bill.

AM 1519 was adopted to add an emergency clause to the bill.

LB 246 was passed with an emergency clause, by a 48-0-1 vote and signed by the Governor on February 7, 2008.

LB 280 (Stuthman) Provide for jurisdiction over custody proceedings of juveniles as prescribed

Under current law, juvenile courts have no statutory authority to issue final custody determinations unless the question of custody in an original divorce case is transferred from district court. Furthermore, many district courts interpret the holding in *Ponseigo v. Mary W.* (267 Neb. 72) to mean that a district court cannot make a final custody determination if the child is already under the jurisdiction of the juvenile court. Therefore, in cases of divorce modification and paternity/custody cases where the parents were never married that involve the custody of a child that is already under the jurisdiction of the juvenile court, there is no court that has the authority to make a permanent custody decision. The Department of Health and Human Services estimates that 5% of all children's cases are affected by this issue.

Legislative Bill 280 amends N.R.S. §§ 24-517, 25-2740 and 43-247 to give juvenile courts the authority to enter final custody orders in cases already subject to the juvenile court's jurisdiction regardless of how the case was filed.

LB 280 was passed by a vote of 44-0-5 and signed by the Governor on April 16, 2008.

LB 465 (*Chambers*) Change provisions relating to jailhouse informants

Legislative Bill 465 proposes to amend the statutes regulating the use of testimony from a jailhouse informer in criminal proceedings. Currently, a jailhouse informer is defined as a person in custody as: An accused defendant, a convicted defendant awaiting sentencing, a convicted defendant serving a sentence, or a criminal suspect. LB 465 expands this definition to include individuals detained for questioning, and clarifies that physical presence in a jail is not required for an informant to be considered "in custody" under this definition.

LB 465 also amends the sections of law requiring certain disclosures to be made to defense counsel before the testimony of a jailhouse informer is admissible in court. All investigations in which the informer was involved in any manner are added to the following list of required disclosures which must be made ten days prior to trial:

- The informant's known criminal history;
- Any deal, inducement, inducement or benefit which has been made or may be made in the future to the informant;
- The specific statements allegedly made by the person against who the informant will testify; and
- All cases in which the jailhouse informant testified or offered statements against a person but was not called as a witness.

The committee amendment to LB 465, AM 485, makes two changes to the bill as introduced.

1. Clarifies that the expansion of the definition of jailhouse informer to include persons detained for questioning only applies to persons detained for questioning

who were offered or received any deal, promise, inducement or benefit in exchange for their participation in the investigation.

2. Limits the requirement in section 2, subsection 4 that a prosecutor turn over information on all investigations in which a jailhouse informer was involved in any manner to only those situations where a deal or other inducement was offered by striking the language “in any manner” and adding “during the course of which the jailhouse informer was offered or received any deal, promise, inducement or benefit.”

LB 465 was passed by a 31-10-8 vote and signed by the Governor on February 13, 2008.

LB 467 (*Chambers*) Grant the Ombudsman authority with respect to county jails

Legislative Bill 467 proposes to expand the scope of the investigative authority of the Office of Public Counsel to include county correctional facilities and their employees by redefining the term administrative agency to include county correctional and jail facilities. Currently the Public Counsel has authority to investigate any administrative agency. Administrative agency is currently defined to apply only to entities affiliated with state government and explicitly excludes political subdivisions.

The committee amendment to LB 467, AM 484, incorporates the provisions of LB 107 and makes no other changes to the bill as introduced. LB 107, introduced by Senator Dwite Pedersen, directs the Public Counsel, commonly referred to as the state ombudsman, to appoint a deputy public counsel for institutions. The authority of the deputy public counsel for institutions covers mental health and veterans institutions operated by the Department of Health and Human Services (HHS) and complaints relating to the rights of individuals placed within those institutions. Current law already authorizes the Public Counsel to hire such assistants and employees as are necessary to carry out the duties of the office and the powers of the public counsel currently include investigation of institutions operated by HHS.

LB 467 was amended by AM 1585 and 1624 which provides that the Office of the Public Counsel may investigate claims pertaining to the treatment that individuals receive while staying at county and municipal correctional/ jail facility and also allows the Public Counsel to investigate claims from individuals or their guardians in relation to the type of service and care that they receive from a regional or community behavioral health service provider.

LB 467 passed by a 44-0-5 vote and signed by the Governor on April 11, 2008.

LB 586 (*Cornett*) Change medical lien provisions

Legislative Bill 586 amends N.R.S. §52-401 to reduce the dollar amount of medical liens asserted against persons with Medicare, Medicaid or medical insurance coverage. The

bill requires the amount of the lien to be reduced by the discount that would have been applied if the claim had been submitted for reimbursement.

Committee Amendment 402 was advanced from the Judiciary Committee by a vote of 6-1-1 and incorporates the provisions of LB 220. The amendment gives chiropractors the authority to assert medical liens as doctors, nurses and hospitals do currently. The amendment also removes Medicaid and Medicare from the discount provision. This was considered a good faith offer to the medical community because the discount applied to claims filed with Medicaid and Medicare get reimbursed at below cost. Committee Amendment 402 was adopted on general file.

Amendment 1742 was adopted to the E & R amendments on select file. Amendment 1742 clarifies the application of the new limitation on medical lien amounts applies only to private medical insurance and private health benefit plans. Furthermore, the applicable discount will be that set out in the contract with the medical insurer or the administrator of the health benefit plan. Finally, the amendment provides that damages for medical expenses in personal injury cases will be measured according to the private party rate, not the discounted amount.

LB 586, as amended, was passed with an emergency clause by a vote of 47-0-2 and signed by the Governor on March 10, 2008.

LB 606 (Ashford) Adopt the Stem Cell Research Act

The original provisions of Legislative Bill 606 were amended into LB 1014 as part of AM 2006 on general file.

Committee Amendment 1805 was adopted on general file and replaced all provisions in the green copy of LB 606. Committee Amendment 1805 is a bill creating the Stem Cell Research Act which provides the following:

- Creates the Stem Cell Research Advisory Committee and describes its membership. The committee will have 6 members including: the deans of both Creighton University Medical Center and the University of Nebraska Medical Center. The other 4 members will be scientists from outside Nebraska who are conducting human stem cell research with funding from the National Institute of Health. The selection of the 4 scientists will begin with 3 nominations from the deans of both Creighton University Medical Center and the University of Nebraska Medical Center. The Chief Medical Officer of Nebraska will select and appoint 2 from each set of the 3 nominees. The appointments will be approved by the Legislature. The committee will meet at least twice a year and be reimbursed for expenses. Members not employed by the medical schools of Nebraska will receive a stipend for their service.
- The committee will set up and administer a grant process to fund nonembryonic stem cell research projects conducted by Nebraska institutions or researchers. The committee will report annually to the Legislature on the grant process and the

projects being funded. After three years the committee will report on the progress of the projects funded under this act.

- Creates the Stem Cell Research Cash Fund. The money in the fund will be given to researchers or institutions conducting stem cell research in Nebraska. The money will be distributed on a dollar-for-dollar matching basis up to five hundred thousand dollars per fiscal year. State funds will match funds received by the researchers or institutions from other sources. No one institution may receive more than 70 % of the funds available for distribution under this section on an annual basis. Up to 3% of the money in the fund will be available to the Division of Public Health of the Department of Health and Human Services to cover administrative costs, including stipends and reimbursements.
- No state facilities or state money shall be used to destroy human embryos for the purpose of research. No state facilities or state money shall be used to create a human embryo by somatic cell nuclear transfer.
- Five hundred thousand dollars of the settlement payments received by the state from tobacco-related litigation will be credited to the Stem Cell Research Cash Fund annually for three years.
- Repeals the current Nebraska Tobacco Settlement Trust Fund statute.
- Emergency clause.

LB 606, as amended, was passed with an emergency clause by a vote of 48-0-1 and signed by the Governor on March 25, 2008.

LB 619 (*Pirsch*) Change provisions relating to bad debt charges by the State Treasurer

Legislative Bill 619 amends N.R.S. §84-617 to make charges assessed to payors of bad checks by state agencies available to the state agency to reimburse the agency for the assessments and administrative costs incurred by the agency. The charges assessed by the State Treasurer would go to the Treasury Management Cash Fund to offset the cost of collecting on state agency bad debt.

Committee Amendment 360 imposes a thirty dollar cap on the charges assessed by the State Treasurer or a state agency for returned checks or unaccepted electronic payments. The amendment was adopted on general file. Also on general file, two amendments, AM 1576 and AM 1610, were adopted to harmonize the bill with other statutory language and change the depository for bad debt charges from the Treasury Management Cash Fund to the General Fund. Both amendments were stricken by AM 1652 which was adopted on select file to change the depository again from the General Cash fund to the State Treasurer Administrative Fund.

LB 619 was advanced by the Judiciary Committee and placed on general file on February 28, 2007 with 7 yes votes and 1 member absent. LB 619 was passed by the Legislature as amended, with a vote of 41-1-7 and signed by the Governor on March 19, 2008.

LB 620 (*Pirsch*) Change provisions relating to child support collection, bad debts, and the State Disbursement Unit

Legislative Bill 620 amends N.R.S. §43-3342.03 to create the State Disbursement Unit Cash Fund (SDU) as a place for fees collected for returned checks to be remitted. The fees shall be used to offset expenses incurred in collecting child support bad debt. The SDU will use electronic processes to streamline the collection and disbursement of support payments.

Under current law, a payor can make 3 bad payments to the SDU (Child Support Processing Center) before the state requires the payor to pay by money order, cashier's check, or certified check. This bill limits the payor to 2 bad payments before the state can refuse to accept payment by check. Additionally, the bill provides that employers with more than 50 employees including an employee with a child support order, must remit child support payments electronically.

Committee Amendment 361 creates the authority, with state agency approval, for the State Treasurer to collect fees electronically for the processing of returned checks and/or unaccepted payments. The fees cannot exceed thirty dollars and go to the Treasury Management Cash Fund to offset the cost of collecting on bad debt. Under the amendment, if a payor makes two bad debt payments to the state within a year, the state may refuse to accept their future payments by check. AM 361 also imposes a thirty dollar cap on the fees collected by the State Disbursement Unit for returned checks or unaccepted electronic payments.

On select file, AM 1715 was adopted to change the depository for bad debt fees from the Treasury Management Cash Fund to the State Treasurer Administrative Fund. The amendment also provides that the State Treasurer may charge a fee equal to the cost of processing the returned checks and/or unaccepted electronic payments.

LB 620 was advanced by the Judiciary Committee and placed on general file on February 28, 2007 with 7 yes votes and 1 member absent. LB 620 was passed by the Legislature with a vote of 45-1-3 and signed by the Governor on March 19, 2008.

LB 623 (*Pirsch*) Change provisions relating to speedy trial

Legislative Bill 623 proposes to amend Nebraska criminal procedure statutes relating to the right to a speedy trial. Nebraska Revised Statutes section 29-1207 provides that a defendant has a right to have his or her trial begin within 6 months. This 6 month period currently begins on the date when the criminal information charging the individual with a crime is filed. LB 623 creates an exception to this rule for misdemeanor domestic assault offences, and provides that in such cases the period begins on the date the individual is arrested on a complaint as part of a warrant for arrest. LB 623 also makes several technical corrections to section 29-1207 to make it gender neutral.

The bill references the term intimate partner, which a statutorily defined term is relating to the criminal offense of domestic assault:

28-323 (7) For purposes of this section, intimate partner means a spouse; a former spouse; persons who have a child in common whether or not they have been married or lived together at any time; and persons who are or were involved in a dating relationship. For purposes of this subsection, dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement, but does not include a casual relationship or an ordinary association between persons in a business or social context.

LB 623 passed by a 45-0-4 vote and signed by the Governor on March 10, 2008.

LB 624 (*Pirsch*) Change provisions relating to operating a motor vehicle to avoid arrest

Legislative Bill 624 proposes to amend the crime of operation of a motor vehicle to avoid arrest to eliminate the current felony enhancement language and replace it with a list of factors which if proved will enhance the penalty for a conviction for operation of a motor vehicle to avoid arrest from a class I misdemeanor to a class IV felony.

Currently, section 28-905 defines the offenses of misdemeanor and felony operation of a motor vehicle to avoid arrest. The distinction between the two crimes is the type of underlying offense from which the person is fleeing arrest. Persons fleeing arrest for a misdemeanor offense are punished with a class I misdemeanor while persons fleeing arrest for a felony offense receive a class IV felony.

LB 624 removes all references to the severity of the underlying offense and creates a single crime of operation of a motor vehicle to avoid arrest with a penalty enhancement if certain additional facts are present. The base penalty for the offense under LB 624 is punishable as a class I misdemeanor unless one of the following enhancement factors are proved, in which case the penalty is enhanced to a class IV felony:

- The person has a prior conviction for operation of a motor vehicle to avoid arrest;
- The flight results in the death or injury to any person; or
- The flight involves the willful reckless operation of the motor vehicle.

LB 624 also amends the mandatory license revocation period imposed on persons convicted for operation of a motor vehicle to avoid arrest. Currently, a two year license revocation period is required for both the misdemeanor and felony versions of the offense. LB 624 reduces the mandatory license revocation period to one year for persons receiving a misdemeanor penalty and retains the two year revocation period for persons who receive the enhanced felony penalty under the bill.

LB 624 was amended by AM 1842 which provided that under the enhancement provisions of this bill, a person who flees to avoid arrest and the flight to avoid arrest

results directly and proximately in the death of or injury to any person and death or injury is caused directly and proximately by the vehicle being driven by the person fleeing to avoid arrest, such flight to avoid arrest is punishable as a Class IV Felony.

LB 624 was passed by a 46-0-3 vote and signed by the Governor on March 10, 2008.

LB 668 (*Hudkins*) Eliminate provisions relating to gift cards and gift certificates

Legislative Bill 668 proposes to amend Nebraska law regarding gift cards and gift certificates to prohibit unredeemed gift cards which are over \$100 in value and do not contain any post sale finance charges or fees, from being presumed abandoned after three years. Current law provides that gift cards over \$100 in value and those less than \$100 which contain an expiration date or any type of post-sale finance charge or fee are presumed to be abandoned property if not redeemed within three years of issuance. Abandoned property escheats to the state and current law requires retailers to turn over to the state treasurer the face value of any gift cards over \$100 in value which are not redeemed within three years of issuance.

LB 668 was passed by a 46-0-3 vote and signed by the Governor on March 10, 2008.

LB 736 (*Fulton*) Change certain driving under the influence penalties and provide indigent assistance for ignition interlock devices.

LB 736 requires, in addition to license revocation, the installation of an ignition interlock device upon conviction of driving under the influence for both a first and second offense. Upon conviction, the court shall order the following under §60-6,197.03:

First Offense: sixty day license revocation or impoundment, followed by an ignition interlock restricted license period of one hundred twenty days.

Second Offense or First Offense with a .15 BAC: one hundred twenty days license revocation or impoundment, followed by an ignition interlock restricted license period of two hundred forty-five days.

LB 736 also amends §60-6,197.01 to account for the required installation of an interlock ignition device for a second conviction of driving under the influence. In addition, §60-6,211.05 is amended to ensure that the costs associated with installing ignition interlock devices are paid by non-indigent defendants.

LB 736 was amended by Judiciary Committee Amendment 2148 in the following ways:

Section 1. Amends 60-480 and creates an Ignition Interlock Permit (IIP). States that an IIP cannot be used to operate a commercial motor vehicle.

Section 2. Amends 60-497.01 to provide that a person who has a probationary order from a court requiring the installation of an ignition interlock device and obtaining an IIP, in a

DUI case will not be assessed points on his or her driver record upon presentation of sufficient evidence that he or she has the probationary order, installed the ignition interlock device and has obtained the ignition interlock permit.

Section 3. Provides eligibility for an ignition interlock permit for persons subject to an administrative license revocation (ALR) who have failed a chemical test. Upon presentation of a probationary order from the court in the DUI case for the same arrest, a person with a 90-day ALR may apply for an ignition interlock permit after 30 days of no driving, or if a person has a one-year ALR, a person may apply for an ignition interlock permit after 60 days of no driving. Driving with an interlock permit is limited to driving to school, to work, to alcohol treatment, or to an interlock facility. No interlock permits available for persons who refuse the test.

Section 4. Provides that the fee for an interlock permit will be \$45. \$40 goes to general fund and \$5 goes to DMV. This is the same fee as for a work permit and medical hardship permit. Also creates a \$5 fee for a replacement or duplicate permit and for any change of class, restriction, or endorsement for an employment, medical hardship, or ignition interlock permit.

Section 5. This section tells the DMV to issue an interlock permit after receiving a copy of an order from a court or the Board of Pardons, proof of installation of the ignition interlock permit, and payment of the permit fee. Provides that the permit indicates how it may be used and that it is not valid for operating a commercial motor vehicle. Also provides that a person who is a repeat offender cannot be issued an ignition interlock permit until after one year of revocation has passed.

Section 6. Adds section 11 to the Rules of the Road.

Section 7. Allows issuance of an ignition interlock permit to a repeat offender after one year of revocation has passed.

Section 8. Amends the DUI penalty section so that a person who is convicted of DUI 1st offense may have an ignition interlock permit for operating a motor vehicle with an ignition interlock device. If the person is under .15 BAC the court may order an impoundment with no driving for 6 months or order a six month revocation with eligibility for an ignition interlock permit after 30 days of no driving. If the person is at .15 BAC or over, a convicted person's license is revoked for one year, but he or she may apply for an ignition interlock permit after 60 days of no driving. Also clarifies that if the court orders probation for a DUI at any level of DUI offense, the court shall order the person to obtain an ignition interlock permit to operate a motor vehicle equipped with an ignition interlock device. Repeat DUI offenders would need to serve at least one year of revocation with no driving as provided in Section 7.

Section 9. Amends the section allowing the Board of Pardons to end a fifteen-year license revocation by either reinstating the person's operator's license or ordering a

reprieve. The Board of Pardons may place conditions on either the reprieve or the reinstatement.

Section 10. Amends the interlock provision of statute to provide that an ignition interlock permit, not a Class O license with an interlock restriction, will be issued after an order from either the court for a DUI or the Board of Pardons. Provides that the person must obtain an ignition interlock permit and have an ignition interlock device installed on any motor vehicle the person operates. Provides that a court-ordered interlock is limited to operation of a motor vehicle equipped with an ignition interlock to go to work, to school, to alcohol treatment or to an interlock facility. If the Board of Pardons issues an Ignition Interlock permit, the Board may decide the conditions of the reprieve. Provides that a person who is ordered to have an ignition interlock permit is responsible for the costs.

Section 11. Creates an Ignition Interlock Fund under the authority of the Office of Probation Administration to help the indigent with installation of ignition interlock devices on vehicles. Provides for collection of a fee not to exceed \$50 from ignition interlock dealers to be remitted to the Office of Probation and the Fund each quarter.

Section 12. Harmonizes provisions to provide that if the Board of Pardons issues a reprieve, the Board shall order the person to obtain an ignition interlock permit for operation of a motor vehicle with an ignition interlock device which shall be issued as provided in Section 5 above. Adds a violation of operating an ignition interlock equipped vehicle without the ignition interlock permit.

Section 13. Added an effective date of January 1, 2009.

Section 14. Repealer.

LB 736 was also amended by AM 2606 and AM 2722 to provide that the \$45 cost for the Ignition Interlock Device as provided under section 4 of AM 2148, shall be divided between the Department of Motor vehicles (\$5) and the Ignition Interlock Fund (\$40) and provides the process for these funds to be submitted to the State Treasurer to be deposited into the requisite cash funds.

LB 736 was passed by a 44-0-5 vote and signed by the Governor on April 16, 2008.

LB 764 (Cornett) Prohibit certain treatment of bovines and equines.

LB 764 adds the definitions of a bovine and equine to the statute 28-1008. A bovine means a cow, an ox, or a bison and equine means a horse, pony, donkey, mule, hinny, or llama. It also adds that any person who intentionally trips or cause to fall, lasso or rope the legs of any equine by any means for the purpose of entertainment, sport, practice, or contest is guilty of a Class I misdemeanor. Another addition to the statute is that no person shall intentionally trip, cause to fall, or drag any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest is guilty of a Class I misdemeanor.

LB 764 was amended by Judiciary Committee Amendment 1592 which added the following sections:

Sec. 6. The intentional tripping or causing to fall, or lassoing or roping the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.

Sec. 7. The intentional tripping, causing to fall, or dragging of any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.

LB 764 was passed by a 43-0-6 vote and signed by the Governor on April 16, 2008.

LB 766 (Cornett) Regulate scrap metal recyclers.

LB 766 requires a scrap metal business to maintain a record of all purchases involving regulated metals and forward such records to law enforcement.

For transactions involving regulated metals, the following information must be recorded:

- Name and address of the recycler
- Name and signature of the individual entering the information
- Date and time of transaction
- Weight and grade of the regulated metal purchased
- Description of metal purchased
- Amount of consideration (must be in the form of a check, no cash accepted)
- Name, signature, date of birth, and address of the vendor of the metal
- Operator's license number, state identification card number or other government issued identification card number of the person delivering the regulated metal
- Photocopy of the identification card
- Fingerprint from the person delivering the regulated metal
- Photograph or video of the regulated metal

The scrap metal business is required to keep the information for not less than one year after the date of purchase. Law enforcement would retain the right to inspect the regulated metal property or records maintained. No purchases of regulated metal could be made from any person under the age of majority, any person who appears to be under the influence of alcohol or drugs, any person who does not possess a valid form of identification, or property which the serial numbers have been defaced.

LB 766 exempts purchases from a manufacturing, industrial, or commercial vendor, property in the form of beverage or food cans, and certain recycling programs.

LB 766 was amended on select file to require the following changes for the purchase of certain scrap metals by scrap metal dealers:

- a photo and description of the metal being purchased;
- fingerprints of sellers of copper and catalytic converters;
- the amount of payment;
- the name, signature and address of the vendor; and
- the transaction date and time.

Businesses failing to comply with these provisions will be guilty of a Class II misdemeanor. Recycled items exempted from the bill include food and beverage cans, items collected through community recycling programs and items collected from businesses that generate or sell scrap metals in the ordinary course of business.

LB 766 passed by a 44-5-0 vote and signed by the Governor on April 11, 2008.

LB 775 (Wightman) Change deputy court clerks provisions

Under current law, deputies appointed by the clerks of the district courts must be residents of the counties in and for which they act.

LB 775 removes that requirement and provides that clerks of the county courts may appoint deputies.

LB 775 was passed by a vote of 44-0-5 and signed by the Governor on April 16, 2008.

LB 781 (Rogert) Change Uniform Deceptive Trade Practices Act

Legislative Bill 781 amends the Uniform Deceptive Trade Practices Act in the following ways:

- Expands the definition of deceptive trade practice:
 - To include a provision to prohibit schemes devised to defraud consumers with false or fraudulent pretenses, representations or promises to obtain money or property, as well as, to sell, distribute, supply, furnish or procure property for the purpose of furthering such schemes;
 - To prohibit the use of unsolicited promotional or incentive checks that obligate the endorser to pay for goods and services if cashed or deposited; and
 - To prohibit the use of unsolicited billing statements or invoices that appear to obligate the consumer to pay for goods or services he or she did not order.
- Clarifies that the act applies to deceptive trade practices conducted in whole or in part within the state against residents and nonresidents of Nebraska and to any deceptive trade practices conducted outside the state against residents of the state if there is a direct connection to deceptive trade practices conducted in whole or in part within the state.

Committee Amendment 2097 amends the provision that prohibits the use of schemes devised to obtain money or property with false or fraudulent pretenses, representations or promises by making knowledge a material element of the prohibited act. In other words, a person engages in deceptive trade practices under proposed Section 87-303(15)(i) if he or she acts with intent and awareness of the probable consequences of his or her actions.

LB 781 was passed by a vote of 46-0-3 and signed by the Governor on April 21, 2008.

LB 844 (Karpisek) Change certain drug and alcohol provisions.

LB 844 would change the penalties for knowingly or intentionally possessing marijuana in the following instances:

- Possessing marijuana weighing more than one ounce but not more than one pound would go from the current Class IIIA Misdemeanor to a Class II Misdemeanor and,
- Possessing marijuana weighing one ounce or less would go from an infraction and a \$100 fine, to a Class III Misdemeanor.

LB 844 would also amend section 28-441(2) of the statutes, by making the penalty for a violation of this section a Class IIIA Misdemeanor which is an increase from the current penalty of an infraction.

Finally, LB 844 would section 29-433, by adding section 53-180.01 to 53-180.03 to the section that allows a judge to require the convicted individual to attend a course of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances, if the judge believes it is in the best interest of the defendant.

LB 844 was amended by AM 1784, which would make the following changes to LB 844:

1. Changes the penalty for possession of more than one ounce but not more than one pound of marijuana under the original bill, from a Class II misdemeanor and replaces it with a Class III Misdemeanor.
2. Would leave the current penalty for possession of an ounce or less of marijuana as an infraction, but would increase the fine from \$100 to \$300 for a first offense. The second offense of this section would remain a Class IV misdemeanor but would increase the fine from \$200 to \$400. Finally, the third and all subsequent offenses would remain a Class IIIA misdemeanor, but would increase the fine from \$300 to \$500.
3. Would leave possession of drug paraphernalia as an infraction but would clarify in statute that the fine would be \$100, which is the default amount for this fine currently.

4. Would leave in the ability for a judge to send a person convicted of an illegal substances offense and for a "minor in possession of alcohol" to a class of instruction relating to the effects of the misuse of drugs, including alcohol and controlled substances in the bill.

LB 844 was also amended by Floor Amendments 182, 183, 184, 187 and 271 which when adopted provided that the only changes to be made by LB 844 were:

- Increase the penalty for a person knowingly or intentionally possessing marijuana weighing more than an ounce but less than a pound is increased from a Class IIIA to a Class III misdemeanor, and
- Leaves the increase in fines for possession of an ounce or less of marijuana as provided for under AM 1784.

LB 844 passed by a 40-2-7 vote and signed by the Governor on April 16, 2008.

LB 902 (Pankonin) Change provisions relating to controlled substances schedules and inventory.

LB 902 is a bill pertaining to Pharmacies and classification of pharmaceutical drugs. LB 902 would amend the Controlled Substances Act, particularly sections 28-405 and 28-410 in the following ways:

- On page 13, Oripavine would be added to the Act as a schedule II drug listed under the opiate family of drugs,
- On page 24, Tramadol would be added to the Act as a Schedule IV drug,
- On page 29, would change the current requirement that pharmacists conduct inventories of the drugs and medications that they distribute, store, or dispense from every two years, to an annual inventory being conducted. With the transition period for this annual inventory beginning no later than December 31, 2009.
- On page 30, changes the requirement that pharmacies do exact counts for schedule 1 and 2 drugs only, by requiring that exact counts be done for schedule 1 through schedule 5 drug classifications.

LB 902 was amended by AM 2179 and AM 2505, which did the following things:

- AM 2179 changed the date for the annual inventory count commencement from odd numbered years to annually, with the count to commence on January 1, 2009 but still provides that those counts shall be taken within two years of the previous biennial count, but in no event taken later than December 31, 2009 and shall be taken each year thereafter.

- AM 2505 removed Tramadol from inclusion to the Controlled Substances Act, which called for this drug to be added as a Schedule IV drug.

LB 902 passed by a 45-0-4 vote and signed by the Governor on April 16, 2008.

LB 952 (Lathrop) Change provisions relating to administrative subpoena powers

Under current law, State Administrative Departments have the authority to compel testimony by issuing administrative subpoenas. According to the Attorney General's interpretation of that authority, the state patrol can use administrative subpoenas in criminal investigations to compel electronic communication records that do not include content without a court order.

Legislative Bill 952 clarifies the language of §§ 81-119, 86-2,106, 86-2,108 and 86-2,108 to prohibit the use of administrative subpoenas in criminal investigations and also to prohibit the use of administrative subpoenas to compel electronic communication records.

Senator Lathrop offered Floor Amendment 185 striking sections 2-5 of the bill to eliminate provisions that did not relate to the intent of the bill. The amendment was adopted on general file.

Amendment 2597 was offered by Senator Lathrop on select file to harmonize § 86-2,112 with the bill by striking language explicitly authorizing the Attorney General or any county attorney to use certain subpoena powers while investigating crimes of murder, kidnapping, robbery, bribery, extortion, dealing in narcotic or other dangerous drugs, sexual assault of a child or a vulnerable adult, visual depiction or possessing a visual depiction of sexually explicit conduct of a child, or child enticement by means of a computer, or any conspiracy to commit any such offense. Under the amendment the Attorney General and any county attorney may use certain subpoena powers when such action reasonably appears to be necessary and proper. The amendment was adopted on select file.

LB 952, as amended, was passed by a vote of 49-0-0 and signed by the Governor on April 11, 2008.

LB 1014 (Ashford) Change provisions relating to judicial vacancies and judicial resources

The original LB 1014 is a compilation of recommendations from the Nebraska Judicial Structure & Administration Task Force, a group that was assembled by the Nebraska State Bar Association to study ways for the judicial system to more efficiently utilize judicial resources. The bill that was signed into law is a compilation of several court-related bills, including provisions from LB 363, LB 606, LB 774, LB 804, LB 933, LB 935, LB 1014, LB 1025, LB 1085, LB 1107, LB 1159 and LB 1160. Committee Amendment 2006 was adopted on general file and included provisions of LB 606, LB

804, LB 933, LB 935, LB 1085, LB 1107, LB 1159 and LB 1160. On select file, provisions of LB 363, LB 774 and LB 1025 were adopted in addition to an amendment that removed all provisions from the original LB 1014 regarding how judicial resources are allocated in the event of a judicial vacancy. Here is a summary of the 12 bills contained in LB 1014:

Legislative Bill 363 proposes to adopt the Legal Education for Public Service Loan Repayment Act, which establishes a loan forgiveness program for Nebraska attorneys providing public legal services. Public legal services are defined by the act as providing legal services to indigent persons while employed by a tax-exempt charitable organization. The loan forgiveness program is governed by a board consisting of the following members:

- The Director of Legal Aid of Nebraska;
- The deans of Creighton and UNL law schools;
- One student from UNL and Creighton law schools, selected by the dean;
- A representative of the Bar Association; and
- Chief Counsel of the Commission on Public Advocacy.

The board is required to meet annually and is responsible for reviewing applications, determining award recipients and administering the loan forgiveness program. The maximum award amount is initially \$6000 per year per recipient but can be increased on an annual basis to adjust for inflation by the board. Applicants must pay an application fee designed to cover the administrative costs of the loan forgiveness program. The board and loan forgiveness program are administratively located within the Commission on Public Advocacy, which is authorized by the bill to solicit and accept donations for the forgiveness program. There is no appropriation to fund the loan forgiveness program in the bill, as it is designed to rely on private donations.

Legislative Bill 606 provides authority for Nebraska courts to refer civil cases to mediation and other forms of alternative dispute resolution (ADR). Once a case is referred to ADR, the parties may file a motion to object to the referral. Although the parties may be ordered to some form of ADR, any resulting agreement or resolution must be entered into voluntarily pursuant to the Nebraska State Constitution which provides “the Legislature may provide for the enforcement of mediation, binding arbitration agreements, and other forms of dispute resolution which are entered into voluntarily.” Neb. Const. art. I, sec. 13 (1875); Amended 1996, Laws 1995, LR 1CA, sec. 1. If the order referring a case to ADR includes a date for the case to return to court, the date must be within 90 days after the date on which the order was signed.

LB 606 also provides that the Supreme Court may adopt rules of practice regarding the referral process.

Legislative Bill 774

In 2007, the Legislature passed a law that makes incarceration an involuntary reduction in net monthly income for purposes of modifying child support obligations if the person is incarcerated for one or more years in a county or city jail or a federal or state correctional facility.

LB 774 amends section 43-512.15 to provide that HHS, the county attorney, or an authorized attorney shall not be responsible for reviewing or filing applications to modify child support for an inmate who has been incarcerated for one year or more in a county or city jail or a federal or state correctional facility.

Legislative Bill 933 amends §24-508 to remove outdated provisions related to the training of clerk magistrates and clarifies that the Supreme Court has authority to establish education requirements for clerk magistrates. LB 933 also amends subsection 4 of §24-508 to remove an irrelevant provision reflecting a change in title, from associate county judge to clerk magistrate, that was implemented in 1986.

Legislative Bill 935 amends §25-534 to remove provisions regulating the service and delivery of court papers, including orders, motions, notices, or other documents excluding summons documents. The bill adds a provision authorizing the Supreme Court to establish rules regarding service and delivery of court papers pursuant to the Court's authority to promulgate rules of pleading in civil actions under §25-801.01.

Under current law, service and delivery of court documents is explicitly regulated by statute. This bill would allow the regulations to be changed outside of the legislative process by the Supreme Court with court rules.

Legislative Bill 1014 includes the following changes and additions:

- Appeals:
 - Authorizes the district court to review small claims appeals on the record.
 - Confirms the procedure for admitting the bill of exceptions on appeals from County Court to District Court to that used by the Court of Appeals and the Nebraska Supreme Court for admitting bills of exception in those courts.
 - Confirms the procedure for appealing excessive sentences from County Court to District Court to that followed by the Court of Appeals and the Nebraska Supreme Court.
- Use of quasi-judicial officers:
 - Authorizes county and separate juvenile judges to appoint child support referees.
 - Expands the authority of the courts to appoint a referee for any equity matter.
- Caseload and scheduling management:
 - Allows for the use of telephonic or videoconference hearings in non-evidentiary hearings and in evidentiary hearings if approved by the court and all parties provided the method utilized ensures the preservation of an accurate record and the public's right of access to the courts. This provision excludes jury trials.
 - Requires the mandatory filing of misdemeanors in district court when they arise from the same incident as a charged felony.

- Requires the presiding judges of the district and county court in each judicial district to review the caseload of the two benches and create an annual plan on how to assign between the courts cases involving domestic relations matters and Class IV felonies. Consent of the parties is not required and the cases remain filed in the court where they were originally filed.
- Amends current statutory language that limits the Supreme Court's ability to fairly compensate retired judges who might be willing to hear court proceedings on a temporary basis.

Legislative Bill 1025 amends section 28-323 (which defines the offense of domestic assault) by adding a provision that would require the Courts of this state, to provide either written or oral notice to a person convicted of a sexual assault, that it may be a violation of federal law to either ship, transport, or to receive or possess by interstate or foreign commerce any firearm or ammunition. The Court Administrator's Office will have the responsibility for creating a standard notification form and for disseminating this form to all judges in this state.

LB 1025 would also amend 42-925 which defines and implements the procedures for the issuance of ex parte orders by providing:

- If an order is issued ex parte, an evidentiary hearing shall be scheduled not more than thirty days after service of such order, and the court shall cause notice of the hearing to be given to the petitioner and the respondent. If the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the order. If the respondent does not so appear and show cause, the order shall be affirmed.
- If an order under subsection (1) of section 42-924 is not issued ex parte, an evidentiary hearing shall be scheduled not more than fourteen days after the filing of the petition, and the court shall cause notice of the hearing to be given to the petitioner and the respondent. If the respondent does not appear at the hearing and show cause why such order should not be issued, the court shall issue such order.
- An order issued under subsection (1) of section 42-924 may be assigned or referred by court rule or order to a referee for findings and recommendations.
- An order issued under subsection (1) of section 42-924 shall remain in effect for a period of one year from the date of issuance, unless vacated by the court prior to such date. If the order grants temporary custody, such custody shall not exceed the number of days specified by the court unless the respondent shows cause why the order should not remain in effect.
- The court must provide notice to be served upon the respondent pursuant to section 28-323 that it may be unlawful under federal law for any person who is subject to a protection order to possess or receive any firearm or ammunition.

Legislative Bill 1085 changes provisions in the Parenting Act that were passed into law last year in LB 554. These changes include:

- Requiring a plaintiff living in an undisclosed location (to protect their safety) to provide an alternative address for the mailing of notice;
- Limiting the duration of all ex-parte orders under §42-357 to 10 days or until the hearing is held determining the temporary custody of any minor children;
- Removing a requirement that the court consider a separate financial plan that would be submitted with the parenting plan when determining the amount of child support;
- Clarifying §42-364 as to what shall be contained in a decree for dissolution, legal separation or paternity order regarding various expenses, including:
 - Financial arrangements for each party's responsibility,
 - Reasonable & necessary medical, dental and eye care, medical reimbursements, day care, extracurricular activities, education,
 - Extraordinary expenses of the child, and
 - Calculation of child support;
- Amending §42-371, which pertains to the release or subordination of a lien for a support order to provide that a judgment debtor can file a motion requesting such release or subordination. The court shall release or subordinate the lien on child support if the court finds that the release or subordination is not requested for the purpose of avoiding payment and that the release or subordination will not unduly reduce the security AND all child support payments are current. For purposes of this section, a current certified copy of support order payment history from the Title IV-D Division setting forth evidence that all support payments are current is prima facie evidence that such payments are in fact current and is valid for thirty days after the date of certification;
- Providing for a paternity proceeding and procedures in certain circumstances;
- Clarifying the definition of "domestic intimate partner abuse" in §42-2922;
- Adding a definition of "mediator" to §42-2922;
- Removing provisions regarding the consideration of the absence or relocation of a party in determining the "best interests of the child" in §42-2922;
- Removes requirement that judges and attorneys involved in parenting act cases participate in training to recognize and handle abuse cases, but retains the requirement that mediators take the training;
- Removing the authority of the judge to order a child of a party to attend a child of divorce class;
- Requiring that the "child information affidavit" be offered as an exhibit rather than be filed with the court as set forth in §42-2930;
- Revising §42-2930 to allow for the optional disclosure of information regarding abuse or conflict in the "child information affidavit";
- Revising §42-2934 regarding certain inconsistent court orders;
- Changing references to a child's "birthdate" to "year of birth" to protect the child's privacy on support orders;
- Making it discretionary for the State Court Administrator to develop rules to implement the Parenting Act;
- Making other technical and clerical changes

Legislative Bill 1107 amends §§24-1301 and 24-1302 to add problem solving court programs to the statutes that codify the drug court programs. Problem solving court programs already exist in the state, but this bill will codify them. Like the drug courts, problem solving courts offer an accused person an alternative to the traditional criminal justice and juvenile justice proceedings. Also like the drug courts, the problem solving courts will be subject to rules established by the Nebraska Supreme Court.

LB 1107 also adds a provision indicating the intent of Legislature to appropriate funds separately to the Supreme Court for the operation of each drug court program and problem solving court program.

Legislative Bill 1159 does the following:

- Changes rules of evidence to allow certified copies of school records related to attendance and performance to be admissible in cases where the custody of a child is at issue.
- Changes rules of evidence to allow certified copies of school records related to attendance and performance to be admissible in cases where a GAL has been appointed.
- Requires a foster child to attend the same school they attended before entering foster care unless the court finds it is not in the best interest of the child.
- The plan established by the court following the initial placement of a child in foster care shall contain the name of the school the child attended prior to placement
- Any funds not distributed to counties under the County Juvenile Services Aid Program shall be retained by the commission to be distributed on a competitive basis.
- Adds a provision to the list of issues used to determine the Best Interest of the Child to explicitly include concern for the child's attendance and progress in school.
- Adds a provision to the list of issues to be addressed in a parenting plan to explicitly include concern for the child's attendance and progress in school.
- Creates an exception to the statutory prohibition to publicly disclose information about a child to allow certified copies of school records related to attendance and performance to be admissible.
- Provides that a foster child shall be deemed a resident of the school district the child attended prior to placement unless the court finds it is not in the best interest of the child to remain in the school or school district the child was in prior to placement.

Legislative Bill 1160 provides the following:

- Clarifies that a juvenile charged in criminal court (county or district court) can make a motion to the county court, if that is where the case was filed, to have his or her case waived down to juvenile court. Also, requires the juvenile to make the motion for waiver not later than thirty days after their arraignment, unless good cause is shown for an extension. Under current law, the waiver motion can be made anytime, but no later than fifteen days before trial.
- Clarifies that the juvenile court has authority over parents of the juvenile that is under the court's jurisdiction regardless of whether that parent has custody.
- Clarifies that mediated pre-hearing conferences for children involved in the juvenile court are confidential and that any information shared during the

conference will be protected except that which is required by mandatory reporting under §28-711 for new allegations of child abuse or neglect which were not previously known or reported.

- Adds to the list of matters that must be considered by the county attorney in deciding where to file and by the judge when considering the transfer of a case down to juvenile court in cases of concurrent jurisdiction. The county attorney and judge must consider any previous firearm related conviction or acknowledgment of unauthorized use or possession of a firearm and any order declaring the juvenile as not amenable to the rehabilitative treatment of the juvenile court.
- Gives the county attorney the authority to motion the juvenile court for a hearing on the amenability of the juvenile to the rehabilitative services available under the juvenile code. Gives juvenile court judges the authority to issue an order, after a hearing on the matter, indicating that a juvenile is not amenable to the rehabilitative treatment of the juvenile court. This would be an order issued by the court that the county attorney could use to show that a repeat juvenile offender should not be transferred down to juvenile court from criminal court.
- Outright repeals a statute providing the process for a juvenile to get a case waived down to juvenile court that is redundant with section 29-1816.

LB 1014 was passed with an emergency clause by a vote of 43-0-6 and signed by the Governor on April 16, 2008.

LB 1055 (McDonald) Change provisions relating to dangerous dogs and dogs running at large.

LB 1055 would make it unlawful for any dog to run at large.

- The fines for allowing a dog to run at large are increased from \$25 to \$50 for a first offense, \$75 for a second offense, and \$100 for a third and subsequent offenses.
- Counties, cities and villages may enact additional penalties for dog owners with more than three violations.

Amends §54-614 to allow all counties to assess a dog license tax and adopt regulations prohibiting dogs from running at large.

- Dogs will no longer be destroyed if an owner fails to pay the license tax.
- Counties may impound a dog if the owner hasn't paid the license tax or if the dog is running at large.
- The owner will be responsible for the cost of impoundment.
- The owner will be responsible for the reasonable cost of impoundment and any penalties.

Amends §54-617 to expand the definition of animal control authority to include any local law enforcement agency or other agency designated by a county, city or village to enforce animal control in their jurisdiction.

- In addition, the definition of dangerous dog has been changed.
- Currently a dog must inflict a severe injury on a person while on public or private property other than their owner's property in order to be considered dangerous. Severe injury is defined as any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones.
- The bill removes the "severe injury" and a location requirement for a dog attack and establishes that a dog will be considered dangerous if it kills a domestic animal or inflicts injury on a human being.
- The definition of domestic animals is expanded to include livestock such as buffalo, deer, antelope, fowl, and other animals in a zoo, wildlife park, refuge, wildlife area or nature center.

Amends §54-618 to add specific requirements for dangerous dogs.

- A dangerous dog must be spayed or neutered and implanted with a microchip by a licensed veterinarian within 30 days after the declaration that the dog is dangerous.
- Written proof of both procedures and the microchip number must be provided to the animal control authority.
- Dangerous dogs can't be transported to another county, city or village in the state except for a reasonable veterinary purpose.
- The bill creates a procedure which may allow an owner who is relocating permanently to move a dangerous dog to another county under certain specific requirements. A dangerous dog may be moved only if the owner obtains written permission from both the animal control authority in the county of current residence and the animal control authority in the county of the new residence. Animal control authorities are not required to grant written permission to move dangerous dogs.
- A dangerous dog designation can not be rescinded.
- Owner of a dog that is designated as dangerous is responsible for all costs associated with such designation.

LB 1055 was amended by AM 2444, which added the provisions of LB 769, a bill introduced by Sen. Cornett, which amends animal abuse laws prohibiting dog fighting, cockfighting and bearbaiting to provide definitions for the terms "mutilation," "repeated beating" and "torture."

The bill prohibits individuals convicted of a Class IV felony under these statutes from owning, possessing or residing with an animal for at least five years and no more than 15 years. A person found in violation of this section will be guilty of a Class I misdemeanor.

A person convicted of a Class I or Class III misdemeanor under the act will be prohibited from owning, possessing or residing with an animal for up to five years. Actions that are commonly accepted practices related to commercial livestock operations are exempt.

LB 1055 passed by a 44-0-5 vote and signed by the Governor on April 21, 2008.

BILLS ADVANCED TO SELECT FILE DURING THE 2008 SESSION

LR 4CA (*Avery*) Constitutional amendment to provide grounds for impeachment

LR 4CA proposes to place a constitutional amendment on the November 2008 ballot to amend Article IV, Section 5 of the Nebraska Constitution to expand the list of offenses which subject a civil officer to impeachment. Currently, this section provides that civil officers may be impeached for misdemeanors committed while in office. The proposed amendment would add misdemeanors related to the election in which the officer was elected to office to the list of impeachable offenses and would definitively answer the question of whether or not an officer can be impeached for acts which occurred prior to taking office.

LR4 CA advanced to select file by a 27-4-13 vote where it ran out of time for passage.

LB 958 (*Ashford*) Change provisions relating to firearms.

LB 958 would make the following changes to Nebraska Statutes pertaining to firearms:

Would provide a duty to report lost or stolen firearms.

- Individual must report lost or stolen firearms to local law enforcement w/in 48 hrs after discovery of loss or theft.
- Law enforcement shall request from individual reporting loss or theft any identifying information regarding lost or stolen firearms including but not limited to, the manufacturers name of weapon if known, the model of the weapon if known, the caliber of the weapon if known, and the serial number of the weapon if known.
- Failure to report loss or theft is a Class IV Misdemeanor for the first offense and a Class III Misdemeanor for the second or subsequent offense.

Would require retailers of firearms to include gun locks with each firearm sale.

- Would require that beginning July 1, 2008 all retailers of firearms must include a trigger or gun lock with the each sale of a firearm. Retailers must also post a sign warning of the dangers of leaving a firearm unlocked when not in use.
- A retailer or employee violating this Section is guilty of a Class IV Misdemeanor

Would require a minimum five year penalty for use of firearm to commit a felony.

- Would require that the use of a firearm to commit a felony carry a minimum 5 year prison sentence in Nebraska.
- Currently use of firearm to commit a felony is a Class II Felony but does not require a mandatory minimum prison sentence. (Maximum sentence for Class II Felony is 50 years)

Would create the Gun Violence Commission.

- 12 members would make up the commission;
- Commission members shall serve w/o compensation but shall be reimbursed for actual and necessary expenses;
- Commission shall prepare a written report recommending specific administrative, statutory, and regulatory changes designed to reduce gun trafficking, illegal gun sales, and any other factors that lead to gun violence.
- Report shall also include a recommendation as to whether the commission's solutions require additional funding as well as how to target funding in such a way as to accelerate the interdiction of illegal gun activity.
- Commission shall deliver its report to the Legislature on December 30, 2008 and cease to exist on December 31, 2008.

Would require mandatory gun tracing by law enforcement in certain instances.

- When weapons are found in the possession of a person who is under eighteen years of age and is not authorized by state and or federal law to possess a firearm, or a weapon is discovered during the course of a criminal investigation, law enforcement shall:
 1. utilize best available information, including gun tracing to determine how the and from where the minor gained possession of the firearm,
 2. report the information gathered in determining how the minor came into possession of the firearm to the state patrol,
 3. State patrol shall maintain a registry of this information.

Would include mental health exclusion to the handgun permit process.

- An applicant shall be denied a certificate if he/she was found in the previous 10yrs to be a mentally ill and dangerous person under the Neb. Mental Health Commitment Act or a similar law of another jurisdiction or is currently adjudged mentally incompetent.

LB 958 was amended on general file by Am 2235 which struck all provisions of the bill and replaced them with the following provisions:

- Would require the Nebraska Commission on Law Enforcement and Criminal Justice to examine firearm-related violence in Nebraska and issue a report to the Legislature by Jan. 1, 2009;
- Would require the Nebraska State Patrol to implement a telephone hotline for individuals to report the loss or theft of a firearm;
- Would end the permit to purchase system for the sale of handguns and instead fully implemented the national instant criminal background check system; and
- Would prevent individuals from being able to obtain a gun permit if they have been found to be mentally ill and dangerous during the previous 10 years or judged to be mentally incompetent.

LB 958 failed to advance to final reading by a 20-20-8 vote.

BILLS ADVANCED TO GENERAL FILE DURING THE 2008 SESSION

LB 774 (Wightman) Change provisions relating to filing for modification of child support orders

Under current law, when a case is referred to the county attorney or an authorized attorney by HHS, that county attorney or authorized attorney must file a complaint to modify a child support order unless the attorney determines that:

- The variation from the guidelines is based on a misrepresentation of fact,
- The variation from the guidelines is due to voluntary reduction in income, or
- Based on the amount of the support order and the facts of the case, no variation exists from the criteria in 43-512.12.

In 2007, the Legislature passed a law that makes incarceration an involuntary reduction in net monthly income for purposes of modifying child support obligations if the person is incarcerated for one or more years in a county or city jail or a federal or state correctional facility.

LB 774 is a clean-up provision that amends section 43-512.15 to provide that HHS, the county attorney, or an authorized attorney shall not be responsible for reviewing or filing applications to modify child support for an inmate who has been incarcerated for one year or more in a county or city jail or a federal or state correctional facility.

LB 774 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2175 on Select File. LB 1014 was signed by the governor on April 16, 2008.

LB 804 (Burling) Permit jurors to take notes

Under current case law, jurors are permitted to take notes if the parties agree to allow it. The notes may be used during deliberations, but will be treated as confidential between the jurors and not preserved for review on appeal. Federal courts in Nebraska have traditionally allowed jurors to take notes.

LB 804 provides that jurors may take notes during both civil and criminal trials regardless of whether the parties agree. The notes may be referred to during deliberations, but will be treated as confidential between the note taker and the other jurors. The trial judge will ensure the confidentiality of the notes and must see that they are destroyed upon return of the verdict.

LB 804 was amended into the Judiciary Committee priority package bill LB 1014 through committee amendment 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 810 (Kruse) Adopt the Alcoholic Liquor Liability Act.

Under LB 810, a retailer who serves alcohol to a noticeably intoxicated adult is liable for any resulting injury, death, or damage if the retailer was negligent or reckless in serving the intoxicated adult.

A retailer is considered to be negligent under the act if he or she serves alcohol to a noticeably intoxicated adult if the retailer knew or a reasonable person in the retailer's position would have known that the individual served was a noticeably intoxicated adult.

A licensee is not chargeable with knowledge of a person's consumption of alcohol away from the licensed premises unless the person's appearance and behavior known to the licensee would put a reasonable person in the same or similar circumstances on notice of such consumption.

A retailer is considered to be reckless under the act if he or she knows or a reasonable person in the retailer's position should know that serving an individual would create an unreasonable risk of physical harm to the person being served or others. Evidence of recklessness includes the following:

- Active encouragement of an intoxicated person to consume substantial amounts of alcohol;
- Excessive service of alcohol which creates a substantial risk of death from alcohol poisoning; or
- Actively assisting a noticeably intoxicated person to a motor vehicle with knowledge that the person intends to operate such motor vehicle.

The act also provides the following three specific affirmative defenses, (which if established bars the plaintiff's recovery):

- Complicity – The retailer may establish that the plaintiff encouraged, contributed to or participated in the drinking activities of the intoxicated person;
- Assumption of risk – The retailer may establish that the plaintiff knew and understood the danger and voluntarily exposed himself or herself to the danger resulting in injury or death.
- Server Training – The bill provides a defense if the retailer can establish that all of its employees have taken and passed a state certified server training program and that the training tenets were being followed at the time of the sale or service to the person who caused the injury, death or damage which is the subject of the lawsuit.

The bill establishes a 2 year statute of limitations for claims brought under the act, provides that defendants in an action under the act are jointly and severally liable, and clarifies that in an action based on negligence such defendants shall have a right of contribution and not a right of subrogation from each other.

The bill also provides that an action based on recklessness as defined in this act, any defendant who is found not reckless has a right of either indemnification or contribution from defendants found reckless.

Lastly the bill provides that the Alcoholic Liquor Liability Act is the exclusive remedy for claims of damage based on a retailer's negligent or reckless service of alcoholic liquor.

LB 810 was amended in committee by AM 2664, which repealed all previous provisions of the bill and replaced them with the following:

AM 2664 would require a retail licensee to train all its employees who sell or serve alcoholic liquor. An employee would be required to be trained within sixty days after the operative date of this act if the employee was employed on the operative date of this act or within sixty days after employment for employees hired after the operative date of this act.

AM 2664 would also require that the training provided to the employee must meet the requirements established under 53-117.03 and that the employee must receive a certificate demonstrating completion of the training program. Employees would have to retake the training every three years.

Punishment for a violation of this section will be the same as the punishment provided for a violation of section 53-180.

LB 810 as amended advanced from committee by a 6-1 vote.

LB 826 (Christensen) Change the concealed handgun permit act to provide a residency exception for members of the armed forces.

LB 826 would allow a member of the armed forces to be considered a resident of the state of Nebraska for purposes of obtaining a concealed carry permit after they have been stationed in Nebraska for 180 days pursuant to permanent duty station orders, even though the individual may claim another state for voting and tax purposes.

LB 826 advanced from committee by a 5-0 vote with no amendments.

LB 840 (McDonald) Regulate Salvia Divinorum and salvinorin A under the Uniform Controlled Substances Act.

LB 840 would add the plant Salvia Divinorum, to the controlled substances act. This inclusion on the controlled substances act would include all parts of this plant, any seed, derivative, mixture, extract, or salt, whether it was growing or not. This plant would be classified as a Schedule I drug under the controlled substances act.

LB 840 was amended in Committee with AM 1690, which struck the word "and" on page 10 line 14; struck "or Salvinorin A" on lines 15 and 16 and in line 23 struck the period and inserted "; and (35) Salvinorin A."

LB 840 as amended advanced out of committee by a 7-1 vote.

LB 847 (Erdman) Provide for notice of appointment of a personal representative to the Department of Health and Human Services

Legislative Bill 847 amends N.R.S. 30-2483 to require a personal representative of an estate, other than a special administrator, to provide written notice of his/her appointment to the Department of Health and Human Services Finance and Support within 14 days of the appointment. The notice shall identify the decedent's name and social security number as well as that of decedent's deceased spouse, if available upon reasonable investigation. The bill applies to personal representatives appointed for the decedents 55 years of age or older or who resided in a medical institution (nursing facility, an intermediate care facility for the mentally retarded or an inpatient hospital).

Committee Amendment 1745 replaces section 1 of the green copy. Under the amendment, the timeline for the personal representative to notify the Department of Health and Human Services Finance and Support will be the same as the timeline for notification of any creditor of the decedent's estate. The personal representative must mail the published notice to HHS within five days of the first publication of notice. Within ten days of the mailing of notice, the personal representative must file proof by affidavit that the notice was mailed.

LB 847 as amended was advanced to general file by the Judiciary Committee with 6 yes votes, 1 member absent and one member present and not voting. The Committee Amendment version of the bill was added to AM 2598 which was amended into the Health and Human Services Committee priority bill LB 928. Legislative Bill 928 as amended was signed by the governor on April 21, 2008.

LB 868 (Nantkes) Prohibit delayed deposit services

Currently, delayed deposit service providers are operating businesses under the Delayed Deposit Services Licensing Act that was passed into law in 1994. These businesses are referred to as delayed deposit services, check cashers and payday lenders.

Delayed deposit services are small unsecured advances on personal or business checks. They are intended to be used as an alternative to a loan and a short-term solution in an emergency situation. Providers charge high fees relative to the size and duration of the transaction.

Legislative Bill 868 repeals the Delayed Deposit Services Licensing Act and creates a criminal offense for operating a delayed deposit service business. Under LB 868, the penalty for operating a delayed deposit service business is a Class IV felony (maximum of 5 years in prison or \$10,000 fine or both).

Committee Amendment 2178 replaces the green copy of LB 868. The amendment imposes an annual thirty-six percent cap on the fees that can be charged for delayed deposit services. The thirty-six percent cap is based on the face amount of the check cashed by the delayed deposit service provider.

Legislative Bill 868 as amended was advanced by the committee with 5 yes votes, 1 member absent and 2 present not voting. The bill was indefinitely postponed at the end of the session.

LB 943 (Pedersen) Provide for the release of driver's license pictures to parole and probation officers.

LB 943 would add Probation and Parole officers to the list of individuals eligible to receive digital pictures generated by the department of Motor Vehicles for driver licenses. Currently the only classification of people eligible to receive these pictures are federal, state, or local law enforcement officers or a driver licensing agency of another state.

LB 943 advanced from committee by a 7-0 vote with no amendments.

LB 1025 (McGill) Change domestic assault sentencing and protection order provisions.

LB 1025 would amend section 28-323 (which defines the offense of domestic assault) by adding a provision that would require the Courts of this state, to provide either written or oral notice to a person convicted of a sexual assault, that it may be a violation of federal law to either ship, transport, or to receive or possess by interstate or foreign commerce any firearm or ammunition. The Court Administrator's Office will have the responsibility for creating a standard notification form and for disseminating this form to all judges in this state.

LB 1025 would also amend 42-925 which defines and implements the procedures for the issuance of ex parte orders by providing:

- If an order is issued ex parte, an evidentiary hearing shall be scheduled not more than thirty days after service of such order, and the court shall cause

notice of the hearing to be given to the petitioner and the respondent. If the respondent appears at the hearing and shows cause why such order should not remain in effect, the court shall rescind the order. If the respondent does not so appear and show cause, the order shall be affirmed.

- If an order under subsection (1) of section 42-924 is not issued ex parte, an evidentiary hearing shall be scheduled not more than fourteen days after the filing of the petition, and the court shall cause notice of the hearing to be given to the petitioner and the respondent. If the respondent does not appear at the hearing and show cause why such order should not be issued, the court shall issue such order.
- An order issued under subsection (1) of section 42-924 shall remain in effect for a period of one year from the date of issuance, unless vacated by the court prior to such date. If the order grants temporary custody, such custody shall not exceed the number of days specified by the court unless the respondent shows cause why the order should not remain in effect. LB 1025 would also require the court to provide notice to be served upon the respondent pursuant to section 28-323 that it may be unlawful under federal law for any person who is subject to a protection order to possess or receive any firearm or ammunition.

LB 1025 was advanced from committee by a 8-0 vote, with no amendments. (LB 1025 was amended into LB 1014, which was signed by the governor.)

LB 1063 (Chambers) Change the penalty from death to life imprisonment without the possibility of parole.

Legislative Bill 1063 proposes to change the maximum penalty for first degree murder in Nebraska from death to life imprisonment without possibility of parole and with order or restitution. LB 1063 would also require a judge to distinguish between crimes that called for a minimum sentence of life imprisonment and the maximum sentence of life imprisonment without the possibility of parole for a conviction of a Class I felony.

LB 1063 was amended in committee by AM 1841, which provided that the only penalty for a Class I felony would be life imprisonment without the possibility of parole. This bill would eliminate the extra hearing required for aggravators and mitigating evidence as required in the determination between a life sentence and a death sentence, by only providing for life imprisonment w/o possibility of parole for a Class I felony, thus doing away with the need to distinguish between a minimum and maximum penalty.

- Would eliminate the inclusion of mandatory restitution as part of the sentence as found in section 25 of the original bill. The bill would retain section 26 of the original bill that provides that this bill does not hinder the discretionary authority of the sentencing court to order restitution and does not alter the discretion of the Department of Correctional Services to determine the appropriate security

measures and conditions during the confinement of any committed offender, this authority is found in section 21 of AM 1841.

- Would also provide that a person who was convicted of a Murder in the First Degree (Section 28-303), would not be eligible to be placed in an incarceration work camp.

LB 1063 as amended by AM 1841 advanced from committee by a 7-1 vote.

LB 1128 (Ashford) Change tenancy termination provisions under the Nebraska Housing Agency Act

Under current law, a public housing authority seeking to evict a tenant for breach of the rental agreement must provide a defaulting resident with a 14-day notice period. If the public housing authority accepts a rent payment with knowledge of default of the lease by the tenant, the public housing authority waives its right to terminate the rental agreement on that breach. Once the notice of termination has been, the housing authority clearly has knowledge of the breach and cannot accept rental payments from the tenant. This provision results in the public housing authority losing two months worth of rent on nearly every eviction action.

Legislative Bill 1128 provides that a housing agency does not waive its right to institute or maintain a termination proceeding against a resident if the agency accepts a rent payment from the resident. The bill was advanced by the committee with seven yes votes and one member absent.

LB 1130 (Synowiecki) Provide for the merger of adult probation and parole services.

LB 1130 would combine the administration of probation and parole. The bill creates the Office of Adult Probation and Parole Administration under the Department of Correctional Services as of July 1, 2009. There is also created the Office of Court Services under the Supreme Court for purposes of pre-sentence investigations.

Under the provisions of this bill, the Director of the Department of Correctional Services, with the consent of the Board of Parole, would appoint an Adult Probation and Parole Administrator, who has the authority to divide the state into probation and parole districts and to appoint district probation and parole officers and deputies. The Administrator would also be responsible for adult probation investigations, for the direct supervision of persons placed on probation, and for nonprobation-based programs and services authorized by inter-local agreements.

The Supreme Court shall appoint a Court Services Administrator for the Office of Court Services who shall maintain policy and procedure for the court services system with the concurrence of the Supreme Court. The Administrator shall also be responsible for juvenile intake services, for adult presentence investigations, for juvenile predisposition

investigations, for the direct supervision of juveniles placed on probation, and for adult and juvenile non-probation based services.

LB 1130 was amended in committee by AM 2330 which changed the following sections:

Section 3. Provides that the Adult Probation and Parole Services would now be called, The Department of Community Corrections. Under the original copy of the bill, this agency was the Office of Adult Probation and Parole Services.

Section 4. Provides that the Chief Executive Officer of the Department of Community Corrections will be called the Director of Community Corrections. The Director shall be appointed to the position by the Governor, after consulting the Probation and Parole Advisory Board, and approved by a majority of the Legislature.

Section 11. Subsection (4) of this section is amended to provide that, "each county shall provide office space equivalent to the office space available to probation and parole officers on the operative date of this section."

LB 1130 as amended, advanced out of committee by a 5-0 vote.

LR 284 (Pederson)

LR 284 provides for the Nebraska Legislature to express profound regret for the state's role in slavery, particularly during the states territorial period to statehood, and issues an apology for the wrongs inflicted by slavery and its effects in Nebraska and the United States. The apology contained in LR 284, is issued to those who were enslaved and the descendants of those slaves, who were deprived of life, human dignity, and the constitutional protections accorded all citizens of the United States.

LR 284 also expresses the Legislature's intent that all citizens teach their children about the history of slavery and its effects, to ensure that these tragedies will not be forgotten or repeated. Finally, the Legislature declares its intent that LR 284 shall not be used in, or be the basis of, any litigation.

Committee Amendment 2750 makes changes to the resolved clauses at the end of the resolution. In section 1 of the resolved clauses, the apology language is removed and replaced with language condemning racial discrimination in any form toward African Americans. The amendment strikes section 2 of the resolved clauses. Finally, the amendment adds language to the last resolved clause indicating that the resolution shall not be deemed a waiver of the state's sovereign immunity.

The resolution was advanced by the committee as amended with six yes votes, one member absent and one member present not voting.

The resolution was withdrawn at Senator Pedersen's request before it was scheduled for floor debate.

BILLS HELD DURING THE 2008 SESSION

LB 735 (Fulton) Rename the Sexual Predator Residency Restriction Act and provide certain employment restrictions

LB 735 provides that political subdivisions may place restrictions on where sex offenders can be employed. The bill also changes the title of the Sexual Predator Residency Restriction Act to the **Sexual Predator Residency and Employment Restriction Act**.

LB 772 (Hudkins) Provide for state payment for county and district courtroom security

Under current law, the county pays the cost of district court and county court courtroom security.

LB 772 requires the state to pay for district court and county court courtroom security out of funds appropriated to the Supreme Court.

LB 773 (Hudkins) Change unclassified county service position provisions relating to bailiffs

Under current law, bailiffs are precluded from being identified as a classified service employee of the county.

Although bailiffs work exclusively for judges, who are state employees, they are designated as county employees in the unclassified service and thus are not governed by the personnel rules and regulations of the County Civil Service Act. This makes it difficult for the counties to evaluate the bailiffs for purposes of pay and benefits. Moving the bailiffs into the classified service would make it easier to properly determine these issues.

LB 773 provides that bailiffs are classified service employees of the county.

LB 787 (Gay) Create degrees of offenses of assault on an emergency services provider or a healthcare provider.

LB 787 would increase the penalties for assault of an emergency services provider or health care provider. Emergency service provider includes paid and volunteer firefighters. Assault in the first degree shall be considered a Class II felony, assault in second degree shall be considered a Class III felony, and assault in the third degree shall be considered a Class IIIA felony. The enhanced penalties are the same as those that are provided for assault of a peace officer.

LB 794 (McGill) Change provisions relating to the criminal responsibility of intoxicated persons and the insanity defense.

Legislative Bill 794 proposes that a person who is intoxicated is criminally responsible for his or her conduct and that an intoxicated condition is not a defense to any offense and may not be taken into consideration in determining the existence of a mental state which is an element of an offense unless the defendant proves by clear and convincing evidence that he or she did not know it was an intoxicating substance when he or she consumed, smoked, sniffed, injected, or otherwise ingested the substance causing the condition.

This bill would also amend section 29-2203 by adding the following new language to this section:

- For purposes of this section, insanity does not include any condition that was proximately caused by the voluntary ingestion, inhalation, or injection of intoxicating liquor, any drug or other mentally debilitating substance, or any combination thereof, and any evidence of such voluntary ingestion, inhalation, or injection for the purpose of proving the defense of not responsible by reason of insanity is inadmissible.
- For purposes of this section, insanity does not include any abnormality manifested only by repeated criminal or other antisocial conduct.

LB 808 (Synowiecki) Change penalty provisions relating to motor vehicle homicide

LB 808 would amend section 28-306(3) (a) by adding an "order not to drive" provision to the penalty for the conviction of motor vehicle homicide. Specifically, LB 808 would provide that:

- The court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least one year and not more than fifteen years and shall order that the operator's license of such person be revoked for the same period.

LB 816 (Avery) Change the number of district court judges

Legislative Bill 816 amends N.R.S. §24-301.02 to increase the number of district court judges in District 3 (Lancaster County) from seven to eight.

LB 832 (Lathrop) Adopt the Uniform Foreign-Country Money Judgments Recognition Act

Legislative Bill 832 provides for the adoption of the Uniform Foreign-Country Money Judgments Recognition Act. This act applies to foreign-country judgments that grant or deny recovery of a sum of money and are final, conclusive and enforceable under the law of the foreign country where they were rendered. This act does not apply to foreign-

country judgments that are for taxes; a fine or other penalty; or for divorce, support, maintenance, or other domestic relations judgments.

A Nebraska court shall recognize a foreign-country judgment to which this act applies unless: it was rendered under a judicial system that does not provide impartial tribunals or procedures compatible with the requirements of due process; the foreign court did not have personal jurisdiction over the defendant; or the foreign court did not have subject matter jurisdiction. A Nebraska court has discretion to recognize foreign-country judgments if: the defendant did not receive sufficient notice; the judgment was obtained by fraud; they are repugnant to the public policy of Nebraska or the United States; they conflict with another final and conclusive judgment; they are contrary to a settlement agreement between the parties; jurisdiction of the foreign court was based on personal service and was seriously inconvenient; the circumstances surrounding the judgment raise substantial doubt about the integrity of the rendering court; or the proceeding resulting in the judgment was not compatible with the requirements of due process.

A foreign-country judgment may not be refused recognition for lack of personal jurisdiction if: defendant was served with process personally in a foreign country; defendant voluntarily appeared in the proceeding; defendant had agreed to submit to jurisdiction prior to commencement; defendant was domiciled or incorporated in the foreign country; defendant had a business office in the foreign country that was involved in the cause of action; or defendant operated a motor vehicle or airplane in the foreign country and the cause of action resulted from that operation.

When a Nebraska court finds that a foreign-country judgment is entitled to recognition under this act, it will be conclusive between the parties and enforceable in the same manner and to the same extent as a judgment rendered in Nebraska.

If an appeal is pending in the foreign country, the court may stay any proceedings for recognition. An action for recognition of a foreign-country judgment must be brought when the judgment is effective in the foreign country or within 15 years from the effective date of the foreign-country judgment, whichever is earlier.

LB 843 (Pedersen) Change sentencing requirements with respect to certain minors

Legislative Bill 843 changes sentencing provisions for Class I, Class IA, or Class IB felonies when those convicted of the crime are under 18 years of age at the time the crime is committed. The changes include:

- Eliminating the possibility that someone convicted of committing a Class I or Class IA felony, who was under 18 years of age at the time of the commission of the crime, could be sentenced to life imprisonment without the possibility of parole;
- One who commits a Class I or Class IA felony and is between the ages of 16 and 18 at the time of the criminal act, will be sentenced to 50 years to life imprisonment;

- One who commits a Class I or Class IA felony and is under the age of 16 at the time of the criminal act will be sentenced to 40 years to life imprisonment; and
- One who commits a Class IB felony and is under the age of 18 at the time of the criminal act will not receive a sentence that exceeds 40 years imprisonment.

Legislative Bill 843 was designated as Senator Pederson's personal priority bill.

LB 872 (Pirsch) Change penalty provisions for motor vehicle homicide and motor vehicle homicide of an unborn.

LB 872 would amend 28-306(3) (a) Motor Vehicle Homicide Statute and 28-394(3) (a) Motor Vehicle Homicide of an Unborn Child statute by adding the following language to these sections:

- To Section 28-306(3)(a) The court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least one year and not more than 15 years and shall order that the operator's license of such person be revoked for the same period.
- To Section 28-394(3)(a) The court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least 60 days and not more than 15 years and order that such person's drivers license be revoked for the same period.

Currently section 28-306(3)(a) provides that "if the proximate cause of the death of another is the operation of a motor vehicle in violation of section 60-6,213 or 60-6,214, motor vehicle homicide is a Class IIIA felony."

While Section 28-394 provides that, "if the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is a Class IV felony."

Section 60-6,213 defines reckless driving and section 60-6,214 defines willful reckless driving in current Nebraska Statutes.

LB 901 (Johnson) Provide immunity for emergency management workers as prescribed

Legislative Bill 901 provides some immunity from civil liability for volunteer emergency management workers engaged in providing emergency care in public health emergencies or disasters and in training for such events. The immunity only applies if the worker is acting pursuant to a request from the Governor or a political subdivision, pursuant to a state of emergency under the Emergency Management Act, or pursuant to a declaration of emergency by a political subdivision.

The immunity does not apply in cases of:

- Willful misconduct, gross negligence or bad faith;

- the person's act or omission causing the event resulting in the emergency and would otherwise be liable for damages related to the event;
- the liability arising out of a motor vehicle, aircraft or boat;
- the person having been impaired by drugs or alcohol;
- a claim asserted by the employer or contractor of the emergency management worker; or
- a breach of contract.

LB 909 (Pirsch) Provide for aggregation of amounts for certain forgery crimes.

LB 909 would allow for an aggregation of amounts on checks written during a single forgery scheme or course of conduct as provided in 28-603 as well as for those who would be in the criminal possession of forged instruments as prohibited in 28-604. The sum total of the checks would allow for a higher penalty classification than using the highest amount of an individual check that was written during the same forgery course or scheme.

LB 909 would allow for the checks to be aggregated for the purposes of penalty classification, but each check written during a single scheme may not count as a separate charge

LB 930 (Cornett) Change provision relating to dangerous sex offender evaluations

LB 930 amends §83-174.02 to require mental health professionals to include an opinion on what the appropriate treatment would be for an individual determined to be a dangerous sex offender in the affidavit that the mental health professional is already required to submit upon completion of the evaluation of the following individuals:

- Individuals convicted of sexual assault of a child in the first degree,
- Individuals convicted of sexual assault in the first degree,
- Individuals convicted of 2 or more offenses requiring sex offender registration if one of the convictions was for any of the following:
 - Kidnapping of a minor unless a parent of the minor and not convicted of any other offense,
 - Sexual assault in the first or second degree,
 - Sexual assault of a child,
 - Sexual assault of a child in the first degree,
 - Sexual assault of a child in the second or third degree,
 - Sexual assault of a vulnerable adult,
 - Incest of a minor,
 - Visual depiction of sexually explicit conduct of a child, or
 - A substantially equivalent offense in another jurisdiction.
- Individuals convicted of a sex offense against a minor who refuse to participate in or fail to successfully complete treatment, or
- Individuals convicted of failure to comply with registration requirements who have previously been convicted of failure to comply with registration requirements.

LB 932 (Ashford) Create the Aging Prison Population Task Force

Legislative Bill 932 creates a task force to investigate and report to the Legislature on issues associated with people who are aged 50+ and being held in the custody of a Nebraska correctional institution. The task force will consist of at least sixteen people representing Corrections, Parole, HHS, the Area Agency on Aging, Nebraska Advocacy Services, and the University of Nebraska departments of Criminology and Criminal Science and Gerontology. The effect of the bill will terminate on December 31, 2008 after the task force gives its recommendations to the Legislature.

LB 933 (Ashford) Change clerk magistrate provisions

Legislative Bill 933 amends §24-508 to remove outdated provisions related to the training of clerk magistrates and clarifies that the Supreme Court has authority to establish education requirements for clerk magistrates.

LB 933 also amends subsection 4 of §24-508 to remove an irrelevant provision reflecting a change in title, from associate county judge to clerk magistrate, that was implemented in 1986.

LB 933 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 934 (Ashford) Change provisions relating to use of a deadly weapon by a felon.

LB 934 inserts the word “knife” into the list of deadly weapons (Sec. 28-1206) that persons previously convicted of a felony cannot lawfully be in possession of. This bill was prompted by the Nebraska Supreme Court’s 2007 ruling in *State v. Gozzola* (273 Neb. 309). The *Gozzola* decision upheld an appellate court decision that invalidated the conviction of a Douglas County felon found to be in possession of a bowie knife. The Supreme Court based its decision on the absence of the term “knife” in statutory provisions prohibiting the possession of a deadly weapon by felons despite the presence of the term “knife” in the definition of “deadly weapons.”

The term “knife” is defined in statute (Sec. 28-1201) as “...any dagger, dirk, knife, or stiletto with a blade over the and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds.”

The possession of a “knife” by a felon would constitute a Class IV felony and be punishable by up to five years of imprisonment, up to a \$10,000 fine, or some combination of both.

LB 935 (Ashford) Change provision relating to service or delivery of court documents

Legislative Bill 935 amends §25-534 to remove provisions regulating the service and delivery of court papers, including orders, motions, notices, or other documents excluding summons documents. The bill adds a provision authorizing the Supreme Court to establish rules regarding service and delivery of court papers pursuant to the Court's authority to promulgate rules of pleading in civil actions under §25-801.01.

Under current law, service and delivery of court documents is explicitly regulated by statute. This bill would allow the regulations to be changed outside of the legislative process by the Supreme Court with court rules.

LB 935 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 942 (Pedersen) Require substantial evidence of parole violation in order to revoke parole.

LB 942 provides conditions for revocation of parole. Current law provides that the Parole Board "may at any time revoke the parole of an offender or recommit him or her to the Department of Correctional Services with or without cause."

This bill inserts language that states that the Board may revoke parole "if, after a hearing, the board finds substantial evidence that the parolee has violated one or more conditions of his or her parole".

LB 942 aims to insure that the Parole Board must have at least substantial evidence that the parolee actually violated the conditions of his or her parole before such parole can be revoked.

LB 950 (Pirsch) Change penalty provisions for failure to stop at the scene of an accident.

LB 950 would amend section 60-698 of the Nebraska Statutes (which is the penalty section for a conviction of the "Duty to Stop" statute found in 60-697), by implementing a tiered penalty for a violation of this section. The tiered penalty for a violation of the duty to stop statutes would be as follows:

- A person convicted for a violation 60-697 would be guilty of a Class IIIA felony if the accident resulted in the injury to any person and,
- A person would be guilty of a Class III felony if the accident resulted in the death or serious bodily injury of any person.

LB 950 uses the definition for serious bodily injury as found in section 60-6,198 of the Nebraska Statutes which use the following definition:

- Serious bodily injury means bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a temporary or protracted loss or impairment of the function of any part or organ of the body.

LB 1015 (Nantkes) Change contributory negligence provisions

Legislative Bill 1015 provides that the contributory negligence statutes will not apply to lawsuits brought against employers under the Nebraska Workers' Compensation Act or to lawsuits brought against a person or entity that is immune from liability pursuant to statute.

LB 1024 (Karpisek) Provide for listing maintained by the Secretary of State to facilitate filings and service of process under the Political Subdivisions Tort Claims Act

Legislative Bill 1024 requires the Secretary of State to maintain a current list of the clerks, secretaries or other officials who carry the responsibility for receiving tort claims as well as those authorized to receive service of process for the Political Subdivision. The list must include names and addresses and the governing body must notify the Secretary of State of any changes.

LB 1032 (Rogert) Prohibit acts relating to ticket scalping.

LB 1032 would prohibit the use of computer programs or software from defeating any ticket limitations and or ticket security measures implemented by the ticket seller of a cultural or sporting event to be held in the state of Nebraska.

A violation of this provision would be a Class IV Misdemeanor which is punishable by a \$500 fine.

LB 1042 (Howard) Adopt the resale of tickets to entertainment act.

LB1042 seeks to limit the profit a secondary ticket marketer can make on the re-sale of a ticket to an entertainment event and thereby prevent the secondary ticket marketers from gouging Nebraska consumers.

LB1042 would establish a criminal offense for re-selling a ticket to an entertainment event for more than 25% of the face value of the ticket (including taxes, surcharges and general fees).

The penalty for conviction of a first offense of this section would be a Class II misdemeanor. The penalty for conviction of a second offense would be a Class I misdemeanor. Upon conviction for a violation of the provisions of this section, the sentencing court would be required to impose a fine of \$100.00 in addition to and independent of any other fine and cost imposed upon the convicted person. The

provisions of this section would not apply to fundraising activities performed by or on behalf of a charitable organization.

LB1042 would also allow an artist, promoter or producer of an entertainment event to bring a civil lawsuit against a person or entity who violates the proposed statute. Under this section the artist, promoter or producer would be entitled to actual or liquidated damages of not less than \$750 and not more than \$10,000.00, plus reasonable attorney's fees and costs.

LB1042 would also create a mechanism for a prosecutor, artist, promoter or producer to subpoena information regarding the identity of the wrongdoer from an internet service provider or internet web site.

LB 1054 (Karpisek) Create the offense of unlawful sexual intercourse.

LB 1054 would create the offense of unlawful sexual intercourse by implementing the following:

Any person who subjects another person to sexual penetration when the actor is nineteen years of age or older and the victim is at least twelve but less than sixteen years of age is guilty of unlawful sexual intercourse.

1. Unlawful sexual intercourse is a Class I misdemeanor if the actor is less than four years older than the victim.
2. Unlawful sexual intercourse is a Class III felony if the actor is four or more but less than six years older than the victim.
3. Unlawful sexual intercourse is a Class II felony if the actor is six or more years older than the victim.

In any prosecution for unlawful sexual intercourse, it shall be an affirmative defense if the actor proves by a preponderance of the evidence that he or she reasonably believed the victim to be at least sixteen years of age at the time of the offense, unless:

- The offense is committed by force or threat of force or while armed with a deadly weapon;
- The offense results in serious bodily injury; or
- The commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

LB 1076 (Rogert) Prohibit additional restrictions on firearms and ammunition.

LB 1076 would prohibit the State or local political subdivisions from imposing any additional restrictions on the lawful possession, transfer, sale, transport, storage, display, or use of firearms and ammunition during times of emergency, civil defense, or disaster.

This bill would not apply to those engaged in criminal acts, or those who are not legally entitled to possess a firearm.

LB 1077 (Rogert) Provide for collection of DNA Samples upon arrest for certain offenses.

LB 1077 would amend the Nebraska Revised Statutes, which governs the collection of DNA samples from persons convicted of certain offenses. LB 1077 would change the requirement that the collection of DNA samples only take place after "conviction" for certain offenses, to DNA samples being collected upon "arrest" for these convictions.

LB 1077 would also allow an individual whose DNA has been collected and included in the State DNA Database, to request expungement on the following grounds:

- No criminal charges filed,
- The criminal charges were dismissed,
- The criminal case was dismissed,
- The person was acquitted of the criminal charges,
- The person was convicted of the criminal charges but subsequently had the conviction reversed and the case dismissed.

LB 1077 would also require the Nebraska State Patrol purge all DNA records and identifiable information in the data base pertaining to a person required to submit DNA upon receipt of a written request for expungement pursuant to this section, when a letter from the prosecutor, who determined that no charges were warranted or who dismissed the charges, or a certified copy of the final court order dismissing the case or reversing and dismissing the conviction, is received by the state patrol.

LB 1077 would finally provide that, within ten calendar days after granting expungement, the Nebraska State Patrol shall provide written notice of such expungement pursuant to subsection (4) of section 29-4108, to any person to whom DNA records and samples have been made available. The Nebraska State Patrol shall establish procedures for providing notice of certification of expungement to the person who was granted expungement.

LB 1078 (Pirsch) Provide name change court orders to child abuse and sex offender registries

Legislative Bill 1078 provides that the clerks of the district courts will send a copy of all name-change orders to the Department of Health and Human Services and to the sex-offender registration and notification division of the Nebraska State Patrol. If the name change is for a person on the central register of child protection cases or the central registry of sex offenders, the respective departments must include the changed name and the former name in the registries and files. If a name change order is a match to a name on the central registry of sex offenders, the sex-offender registration and notification

division of the Nebraska State Patrol must notify the sheriff of the county in which such person resides.

LB 1084 (Flood) Change provisions relating to assault of an officer.

LB 1084 would amend sections 28-929 through 28-931 of the statutes, which sections defines the assault on an officer, by adding to this offense an assault on an employee of the Department of Health and Human Services providing behavioral health services (as that term is defined in section 71-804) in the first, second or third degree.

LB 1085 (Flood) Change Parenting Act and other domestic relations

Legislative Bill 1085 changes provisions in the Parenting Act that were passed into law last year in LB 554. These changes include:

- Requiring a plaintiff living in an undisclosed location (to protect their safety) to provide an alternative address for the mailing of notice;
- Limiting the duration of all ex-parte orders under §42-357 to 10 days or until the hearing is held, whichever is earlier;
- Removing a requirement that the court consider a separate financial plan that would be submitted with the parenting plan when determining the amount of child support;
- Clarifying §42-364 as to what shall be contained in a decree for dissolution, legal separation or paternity order regarding various expenses, including:
 - Financial arrangements for each party’s responsibility,
 - Reasonable & necessary medical, dental and eye care, medical reimbursements, day care, extracurricular activities, education,
 - Extraordinary expenses of the child, and
 - Calculation of child support;
- Amending §42-371, which pertains to the release or subordination of a lien for a support order to require that the judgment debtor and creditor agree to release or subordinate a lien for child support or get a judge to approve;
- Providing for a paternity proceeding and procedures in certain circumstances;
- Clarifying the definition of “domestic intimate partner abuse” in §42-2922;
- Adding a definition of “mediator” to §42-2922;
- Removing provisions regarding the consideration of the absence or relocation of a party in determining the “best interests of the child” in §42-2922;
- Removing the authority of the judge to order a child of a party to attend a child of divorce class;
- Requiring that the “child information affidavit” be offered as an exhibit rather than be filed with the court as set forth in §42-2930;
- Revising §42-2930 to allow for the optional disclosure of information regarding abuse or conflict in the “child information affidavit”;
- Revising §42-2934 regarding certain inconsistent court orders; and
- Making other technical and clerical changes

LB 1085 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 1097 (Pahls) Authorize federal law enforcement agencies to obtain undercover drivers licenses and license plates.

LB 1097 would amend section 60-3,135 and 60-480.01 to allow federal law enforcement officers to obtain undercover license plates and undercover drivers licenses for legitimate criminal investigatory purposes in the state of Nebraska.

Current law only allows state and local law enforcement officers to obtain undercover license plates and drivers licenses and LB 1097 would add federal law enforcement officers to the list of eligible law enforcement personnel.

LB 1106 (Pirsch) Create the offense of intimidation by electronic communication device.

LB 1106 would amend 28-1310 of the Nebraska Revised Statutes, which deals with the offense of intimidation by telephone by striking the word "telephone" and replacing it with "electronic communication device". This offense will remain a Class III misdemeanor for a violation of this section.

Currently, Nebraska Statute 28-1310 prohibits certain intimidating, threatening, or harassing activity via the telephone.

LB 1106 would simply update the statute in light of the development of new communication technologies.

LB 1107 (Synowiecki) Provide for problem-solving courts

Legislative Bill 1107 amends §§24-1301 and 24-1302 to add problem solving court programs to the statutes that codify the drug court programs. Problem solving court programs already exist in the state, but this bill will codify them. Like the drug courts, problem solving courts offer an accused person an alternative to the traditional criminal justice and juvenile justice proceedings. Also like the drug courts, the problem solving courts will be subject to rules established by the Nebraska Supreme Court.

LB 1107 also adds a provision indicating the intent of Legislature to appropriate funds separately to the Supreme Court for the operation of each drug court program and problem solving court program.

LB 1160 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 1142 (Johnson) Provide for postsecondary education subsidy court orders for child support

Legislative Bill 1142 gives the court authority to order divorced parents to pay for college for their child beyond the child's 19th birthday for good cause shown. In determining whether good cause exists, the court shall consider the child's age, academic ability, financial resources and the financial condition of each parent. In determining the amount of the postsecondary education subsidy, the court shall:

- Determine the cost of attending college in-state and earning an undergraduate degree, including reasonable costs for necessary expenses;
- Determine the amount, if any, that the child could reasonably contribute in light of the child's financial resources, availability of financial aid and the ability of the child to earn income while in college; and
- Deduct the child's expected contribution and apportion responsibility for the rest of the cost to each parent, but neither parent shall be responsible for more than 50% of the total cost of the child's college education.

Under LB 1142, the subsidy will be payable to the child or the college, but not to the custodial parent. The judge cannot award a subsidy to a child who has repudiated or disowned the parent. The child must send his or her grade reports to each parent within 10 days of receiving the report. The court awarded subsidy will be terminated after the first year of the child's attendance if the child fails to maintain a passing grade point average.

LB 1159 (Ashford) Change provisions relating to truancy and parenting plans authorize citations issued to parents, and provide for mediation

Legislative Bill 1159 does the following:

- Sec. 1 - Changes rules of evidence to allow certified copies of school records related to attendance and performance to be admissible in cases where the custody of a child is at issue.
- Sec. 2 - Changes rules of evidence to allow certified copies of school records related to attendance and performance to be admissible in cases where a GAL has been appointed.
- Sec. 3 - Requires a foster child to attend the same school they attended before entering foster care unless the court finds it is not in the best interest of the child.
- Sec. 4 – The plan established by the court following the initial placement of a child in foster care shall contain the school district the child attended prior to placement with preference for child to remain in that district unless the court finds it is not in the best interest of the child.
- Sec. 5 – Any funds not distributed to counties under the County Juvenile Services Aid Program shall be reallocated to the learning community coordinating council to provide grants to non-profits with programs for truancy intervention.
- Sec. 6 - Adds a provision to the list of issues used to determine the Best Interest of the Child to explicitly include concern for the child's attendance and progress in school.
- Sec. 7 - Adds a provision to the list of issues to be addressed in a parenting plan to explicitly include concern for the child's attendance and progress in school.

- Sec. 8 - Creates an exception to the statutory prohibition to publicly disclose information about a child to allow certified copies of school records related to attendance and performance to be admissible.
- Sec. 9 – Nebraska Statute Section 79-209 - directs schools on how to handle truancy
 - removes language that allows each district to define and use the distinction between excused and unexcused absence.
 - removes language that allows the school to end efforts to meet with parents after the parent refuses to participate in a meeting to address the student's truancy if the request and refusal are documented.
 - Gives schools the authority to refer truancy cases to the county attorney for mediation if the parent refuses to participate in attempts to get the child to come to school. The mediations will be conducted at the elementary learning centers or another convenient place for districts that do not have an elementary learning center.
- Sec. 10 - Creates an infraction for parents of truant kids - The first time a case gets referred to the county attorney by the school, there will be an infraction citation issued with a fine of \$50. The fine may be waived if the parents participate in mediation with a school representative. The second infraction will carry a \$100 fine with the waiver provision. On the third violation, the parent can be charged with a Class III misdemeanor (the charge may be prosecuted more easily because the history of violation has been established.)
- Sec. 11 – Provides that a foster child shall be deemed a resident of the school district the child attended prior to placement unless the court finds it is not in the best interest of the child to remain in the school or school district the child was in prior to placement.
- Sec. 12 - Provides details about how the mediation sessions will be conducted. If a parent chooses to participate in mediation, the parent will be instructed in writing on the citation to contact the court for a list of approved mediators. The parent and school select the mediator from the list. The mediator will contact the parent and school and set up the session. The session shall take place at an elementary learning center if there is one in the district. The mediator will conduct the session to try and ascertain the cause of the child's absence from school. The mediator can also make referrals for appropriate services. If an agreement is reached regarding the child's attendance, the school district will monitor the agreement. The mediation services will be paid for by the parent based on ability to pay (Office of Dispute Resolution approved Mediation Center mediators are always available on a sliding scale fee basis, so no one will be denied mediation services for inability to pay).

LB 1159 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 1160 (Ashford) Change Nebraska Juvenile Code jurisdiction and jurisdiction determination provisions and provide for facilitated conferencing

Legislative Bill 1160 provides the following:

- Sec. 1 – Clarifies that a juvenile charged in criminal court (county or district court) can make a motion to the county court, if that is where the case was filed, to have his or her case waived down to juvenile court. Also, requires the juvenile to make the motion for waiver not later than thirty days after their arraignment, unless good cause is shown for an extension. Under current law, the waiver motion can be made anytime, but no later than fifteen days before trial.
- Sec. 2 - Clarifies that the juvenile court has authority over parents of the juvenile that is under the court's jurisdiction regardless of whether that parent has custody.
- Sec. 3 - Clarifies that mediated pre-hearing conferences for children involved in the juvenile court are confidential and that any information shared during the conference will be protected as provided in 25-2914 & 25-2933.
- Sec. 4 - Adds to the list of matters that must be considered by the county attorney in deciding where to file and by the judge when considering the transfer of a case down to juvenile court in cases of concurrent jurisdiction. The county attorney and judge must consider any previous firearm related conviction or acknowledgment of unauthorized use or possession of a firearm and any order declaring the juvenile as not amenable to the rehabilitative treatment of the juvenile court.
- Sec. 5 – Gives the county attorney the authority to motion the juvenile court for a hearing on the amenability of the juvenile to the rehabilitative services available under the juvenile code. Gives juvenile court judges the authority to issue an order, after a hearing on the matter, indicating that a juvenile is not amenable to the rehabilitative treatment of the juvenile court. This would be an order issued by the court that the county attorney could use to show that a repeat juvenile offender should not be transferred down to juvenile court from criminal court.
- Sec. 6 – Indicates that the new sections in this bill will go into the juvenile code.
- Sec. 7 – Repeals original sections.
- Sec. 8 – outright repeals a statute - providing the process for a juvenile to get a case waived down to juvenile court - that is redundant with section 29-1816.

LB 1160 was amended into the Judiciary Committee priority package bill LB 1014 through AM 2006 on General File. LB 1014 was signed by the governor on April 16, 2008.

LB 1167 (Pedersen) Provide for a statewide 24/7 sobriety program.

LB 1167 creates and provides for participation in a statewide 24/7 sobriety program to be administered by the Office of Probation Administration. Participants in the program are to abstain from consuming alcohol or otherwise using any substances containing alcohol or illegal drugs. Abstinence from alcohol shall be verified by twice daily breath testing or continuous alcohol monitoring, and abstinence from illegal drugs shall be verified by twice weekly urine or blood testing. The bill establishes a 24/7 Sobriety Fund to defray the costs of the program to include donations, gifts, grants and money collected as fees or payments. It provides that the Office of Probation Administration may conduct the 24/7

program or contract with an entity willing to conduct the program which shall be provided in at least one location in each probation district or county.

Participation in the 24/7 program may be a condition of granting a suspended sentence or probation, but is to be required for any person convicted of a 2nd or subsequent Driving Under the Influence (DUI) offense or any violation where the Blood Alcohol Content (BAC) was .15 or above. The bill provides that the Board of Parole may make participation in the 24/7 program a condition of parole for any person convicted of a 2nd or subsequent DUI or having a .15 or above upon their release from incarceration.

The Office of Probation Administration is given the authority to establish the rules and regulations for the program and ordered to submit an annual report to the Legislature detailing the number of days of incarceration avoided and the annual cost of implementing and sustaining the 24/7 program. The bill states that inability to pay the fees shall not preclude a person from participation in the statewide 24/7 sobriety program.

LB 1170 (White) Create a cause of action against employers of illegal immigrants

Legislative Bill 1170 creates a cause of action for recovery of the cost of providing public services to illegal immigrants and their dependents. Under the bill, the Attorney General, a political subdivision, or any Nebraska citizen may sue an employer who knowingly or recklessly recruited or employed illegal immigrants. Public services include, but are not limited to public education, health care and public assistance.

LR 234 (Chambers) Retrocede Jurisdiction over the Omaha Indian Reservation

Currently, the federal government has criminal jurisdiction over the portions of the Omaha Indian Reservation that are located within Thurston County, except for offenses involving the operation of motor vehicles on public roads or highways, which are within the jurisdiction of the State of Nebraska. There is confusion among federal, state and tribal law enforcement officers within the Omaha Indian Reservation because the reservation overlaps into Burt, Cumming and Thurston counties. The State of Nebraska has civil jurisdiction within the exterior boundaries of the Omaha Indian Reservation in causes of action between Indians and to which Indians are parties.

Legislative Resolution 234 will give all criminal and civil jurisdiction within the Omaha Indian Reservation back to the United States. The State of Nebraska will continue to have exclusive civil and criminal jurisdiction over matters involving only non-Indians. The federal government will have criminal jurisdiction when an Indian is involved as a victim or defendant. The federal government will have concurrent criminal jurisdiction with the tribal courts over minor offenses committed by Indians.

The effective date of this resolution would be October 1, 2008.

BILLS INDEFINATELY POSTPONED BY THE JUDICIARY COMMITTEE DURING THE 2008 SESSION

LB 6 (*Pahls*) Adopt the Nebraska Safe Haven Act

Legislative Bill 6 proposes to allow parents to anonymously abandon a newborn infant without criminal liability if the child is left at a designated safe haven facility.

The act defines a designated facility as a hospital, police station or fire station with persons on duty. A parent or his or her designee is allowed to anonymously leave a newborn infant who is 30 days old or less at a designated facility. Immunity from criminal prosecution for child abuse is provided to parents under the act, but the immunity is only for the act of leaving the child with the safe haven provider. No immunity is given for any preexisting abuse or any other criminal act, and persons accepting an infant at a designated facility are required to report suspected abuse or neglect if it is not based solely on the act of leaving the infant at the facility.

Persons receiving an infant pursuant to the act are required to ask the parent or designated person to provide the location where the child was born, relevant health care and medical history information, and any other information which may be relevant to the best interests of the child. The bill, however, specifically prohibits the solicitation of the names of the parents by a safe haven provider who can only record such information if voluntarily offered. The safe haven provider must also make their best efforts to inform the parent or designee that parental termination proceedings may be commenced 90 days after the infant is left with the safe haven provider.

A parent who leaves a child at a designated facility is given 90 days to reconsider the decision to give up the child. Once a child is placed at a designated facility, the staff there are required to notify the Department of Health and Human Services (HHS), which upon receiving said notice, is required to accept the infant for placement in foster care, but is prohibited from initiating any actions to terminate the parental rights of the parents until at least 90 days have passed. The bill does not provide any specifics as to how a parent may regain custody of a child abandoned under the act.

The remaining provisions of the bill require HHS to create a public information campaign for the safe haven program, require a detailed report to the legislature on the implementation and results of the safe haven program, and provide a sunset date for the act.

The reporting requirement is to be performed by HHS in conjunction with one representative designated by each of the following entities:

- Juvenile Court;

- Foster Care Review Board;
- Family Violence Council;
- Voices for Children; and
- Nebraska Children's Home.

The report is intended to evaluate the overall effectiveness of the safe haven program and shall include an analysis of each the following:

- The effectiveness of the act in preventing the unsafe abandonment of infants in Nebraska;
- The success or lack thereof in finding permanent placements for infants abandoned under the act;
- The average length of foster care placement for infants abandoned under the act;
- Issues relating to the termination of parental rights;
- Success or failure of the public information campaign;
- Administrative burdens placed on HHS as a result of the act;
- Issues regarding the eligibility of infants abandoned under the act for federal services, such as Medicaid; and
- How often parents provide information requested under the act and the impact of the presence or lack of such information has on the placement of abandoned infants.

The report is to be filed with the legislature by January 1, 2010, and the act itself terminates on September 1, 2011.

Another bill dealing with safe haven issues, LB 157, was advanced to general file by the judiciary committee and did not advance past that stage of debate during the 2007 session.

LB 6 was indefinitely postponed on January 29, 2008.

LB 15 (*Mines*) Include parks as a prohibited area for controlled substances

Legislative Bill 15 seeks to add public parks to the list of prohibited areas where the penalty for the manufacture, distribution, delivery or possession with the intent to manufacture, distribute, deliver or dispense a controlled substance within 1000 feet is enhanced. Currently, schools, colleges, universities and playgrounds are listed among the locations where an enhanced penalty is provided, but public parks without equipment intended for children are not. This legislation would amend the controlled substances act to add public parks to the list of prohibited areas where a penalty enhancement of one penalty classification (i.e. Class IV to a Class III felony) is provided. The bill defines public park as any publicly owned open space provided for public use.

LB 15 was indefinitely postponed on February 25, 2008.

LB 180 (*Kruse*) Provide a penalty with respect to keg identification numbers

This bill would provide that anyone in possession of a beer container described in section 53-176.02 with an altered or removed keg identification number would be in violation of Nebraska statutes. LB 180 was amended into LB 573 on May 31, 2007.

LB 180 was indefinitely postponed on February 25, 2008.

LB 201 (*Fischer*) Change the penalty for false information relating to motor vehicle registration

Legislative Bill 201 proposes to amend section 60-3,171 to increase the penalty for motor vehicle registration fraud from a Class III misdemeanor to a Class IV felony. Section 60-3,171 prohibits the registration of a motor vehicle in the name of a person other than the owner, providing a false or fictitious name or mailing address for the registrant, or otherwise providing false or fictitious information on a motor vehicle registration application. The penalty for a Class III misdemeanor is 0-3 months imprisonment and up to a \$500 fine, and the penalty for a Class IV felony is 0-5 years imprisonment and up to a \$10,000 fine.

LB 201 was indefinitely postponed on January 29, 2008.

LB 215 (*Ashford*) Change provisions relating to life imprisonment

Legislative Bill 215 proposes to strike and readopt language clarifying that the current alternative to the death penalty in Nebraska is life imprisonment without parole.

In 2001, the Nebraska legislature held a special session to address Nebraska's capital sentencing scheme in light of the US Supreme Court decision in *Ring v. Arizona*. During that special session, language was adopted to clarify that the current penalty for Class I and Class IB felonies when the death penalty is not utilized is life imprisonment without parole. In 2004, the Nebraska Supreme Court, in the case of *State v. Conover*, struck down the "without parole" language added by the legislature during the special session, claiming that it was outside the scope of the Governor's call, which related only to the *Ring v. Arizona* decision, and was therefore void. LB 215 strikes the void instances of the words "without parole" and proposes to readopt them during the regular session where the legislature's plenary authority will allow it to do so.

LB 215 was postponed on February 25, 2008.

LB 474 (*Chambers*) Provide for certain misconduct by school teachers, school nurses, and police officers to be a public record

Legislative Bill 474 proposes to designate as public records any disciplinary action involving law enforcement officers, certificated school employees (teachers), and school nurses. The stated rationale for this change is to hold these public servants to a high standard of conduct and treat them similarly to other professions such as lawyers, doctors and judges in regards to the publication of disciplinary actions for misconduct.

LB 474 was amended in committee by AM 641 and advanced to general file. AM 641 made three changes to the bill as introduced:

1. Amends section 84-712.05, which lists the records which public agencies may withhold from the public, to clarify that the personnel records addressed by the act may not be withheld from disclosure.
2. Removes school nurses from the bill.
3. Limits the application of the bill to employees of public schools. Employees of private schools will no longer be subject to the disclosure provisions of the bill.

LB 474 was indefinitely postponed on general file on January 29, 2008.

LB 525 (*Aguilar*) Modify provisions relating to liability involved in vehicular pursuits

Legislative Bill 525 proposes to clarify that the policy of imposing strict liability on the state or a political subdivision for damages incurred by innocent third parties as the result of a vehicular pursuit by a law enforcement agency does not relieve a public or private source that is required by statute or contract to reimburse an innocent third party for property damages sustained in the accident from a duty to do so, and such entities are not entitled to subrogation or contribution from the state or political subdivision.

Nebraska has an existing statutory scheme that provides that the state or political subdivision is strictly liable for damages incurred by innocent third parties as the result of a vehicular pursuit by a law enforcement agency. One aspect of this statutory scheme is the concept that entities which have a contractual or statutory obligation to pay benefits for damages incurred by the innocent third party should still compensate the innocent third party for those expenses. LB 525 adds property damages to this list of expenses that must be paid by an obligated entity rather than having the costs borne by the state or political subdivision.

LB 525 was postponed on January 29, 2008.

LB 535 (*Schimek*) Create the juvenile legal services division of the Commission on Public Advocacy and eliminate a council

Under current law, the counties administer and fund the system that provides representation for children and parents involved in the juvenile justice system.

Legislative Bill 535 proposes a shift in the administration and funding of juvenile justice services from county to state control. Under the bill, the state would administer and fund, through the Nebraska Commission on Public Advocacy, the provision of representation to minors and parents in abuse/neglect cases, status offense cases, and law violation cases. The state would also determine lawyer eligibility to serve as an appointed juvenile attorney or a GAL.

LB 535 was indefinitely postponed on January 29, 2008.

LB 828 (*Ashford*) Change provisions that limit jurisdiction to Lancaster County District Court

Legislative Bill 828 removes language from statute that limits jurisdiction for most agency appeals to the District Court in Lancaster County. With the language removed, the appeals will be filed in the district court of the county where the agency action was taken pursuant to the procedure set out in §84-917. Appeals of agency decisions account for a significant portion of the case load of the District Court in Lancaster County. The court is overburdened and has repeatedly asked the Legislature to add another judgeship to the District Court of the Third Judicial District. This bill presents an alternative solution to adding a judgeship by decreasing the number of cases that get filed in the District Court in Lancaster County.

LB 828 was indefinitely postponed by the Judiciary Committee on February 14, 2008.

LB 839 (*Pedersen*) Change provisions relating to fireworks

LB 839 would provide statutory authority for the State Fire Marshall to be the person or office that would compile a list of permissible and non permissible fireworks that may be sold in the state of Nebraska. Currently each firework that is eligible for sale within the state must be specifically listed in statute. The fire marshal would have the ability to place a firework that has been tested by a nationally recognized testing facility or have been tested by the state fire marshal, on the permissible for sale list.

LB 839 would also increase the period of time that a licensed distributor or jobber would be subject to a revocation of their license from the current one year to three years.

LB 839 was indefinitely postponed on February 25, 2008.

LB 929 (*Chambers*) Prohibit hunting, trapping and fishing

LB 929 would amend the Nebraska Statutes, by prohibiting a person from hunting, trapping and fishing of any animal in the state of Nebraska.

A person who violates this prohibition would be guilty of a Class I Misdemeanor for a first offense and a Class IV Felony for subsequent offenses.

LB 929 was indefinitely postponed on March 18, 2008.

LB 957 (Ashford) Change the Sex Offender Registration Act

On July 27, 2006, President Bush signed the Adam Walsh Child Protection and Safety Act of 2006. The purpose of which is to protect the public, in particular children, from violent sex offenders via a more comprehensive, nationalized system for registration of sex offenders. Title 1 of the Act establishes the Sex Offender Registration and Notification Act (SORNA) which outlines a comprehensive set of minimum registration and notification standards for sex offenders.

LB 957 will bring the Nebraska Sex Offender Registration Act into compliance with federal guidelines.

The Adam Walsh Act calls for state conformity to various aspects of sex offender registration, including information that must be collected, duration of registration requirements for classifications of offenders, verification of registry information, access to and sharing of information, and penalties for failure to register as required.

- Legislation is required for compliance with the Adam Walsh Act (AWA) by July 27, 2009.
 - Jurisdictions who do not substantially implement are subject to mandatory 10% reduction in Byrne Justice Assistance Grant funding.
- The AWA establishes a national, electronic sex offender registration program which outlines minimum registration and notification standards. The National Sex Offender Registry will be maintained at the FBI by the US Attorney General.
- Length of registration is based solely on the convicted offense(s):
 - 15 year registration for offenses not punishable by imprisonment for more than 1 year;
 - Eligible to apply to State Patrol for “Clean Record” consideration if, after ten years:
 - No conviction of sex offense or offense punishable by more than one year imprisonment;
 - Successful completion of probation, parole, or supervised release, and
 - Successful completion of appropriate sex offender treatment program.
 - 25 year registration for offenses:
 - punishable by imprisonment greater than 1 year;

- two or more registrable offenses that are not punishable by imprisonment for more than one year;
 - Lifetime registration for prior sex offense conviction, aggravated offense, or lifetime registration in another jurisdiction.
- Expands registry offenses.
 - Incest, Unlawful Intrusion, Sexually related child abuse offenses, Sexual Assault of an inmate or protected adult;
 - Sexually motivated offenses;
 - Retroactive for all sex offense convictions.
- Increases the amount of information collected upon registration:
 - All residency, employment and vehicle information,
 - Travel/Immigration documents,
 - All professional licenses information,
 - Computer/Internet identifiers & addresses,
 - Cell phone
 - Digital fingerprints and palm prints,
 - Digital photograph,
 - DNA sample.
- Verification of registry information is in-person and more frequently.
 - 15 year registrant – Annually
 - 25 year registrant – Every 6 months
 - Lifetime registrant – Every 3 months
- Initial registration at State Patrol facility within three working days opposed to current five days.
 - NSP facilities have equipment necessary to obtain digital fingerprints, palm prints, and photograph.
 - Immediate update of statewide database.
 - Electronically sent to National Registry the same day.
- Verifications and Status Changes reported to County Sheriff within three working days.
 - Maintain updated information within the county a registrant resides, has a temporary domicile, has habitual living location, works, or attends school.
 - Sheriff submits information to State Patrol and National Registry electronically the same day.
- Public Notification on all registrants.
- Violation of registry requirement and registrant cannot be located is reported to the U.S. Marshal Service and arrest warrant is sought.

LB 957 was indefinitely postponed by the Judiciary Committee on February 14, 2008.

LB 963 (Friend) Require verification of lawful presence in the United States to receive public benefits

Legislative Bill 963 prohibits state agencies and political subdivisions from providing federal, state or local public benefits to individuals not lawfully present in the United

States. The prohibition does not apply to benefits exempted under federal law, emergency medical benefits, short-term emergency disaster relief, public health assistance for prevention and treatment of communicable diseases, and programs, services, or assistance necessary for the protection of life and safety.

Under the proposal, state agencies and political subdivisions must verify the lawful status of all applicants for public benefits. The verification process requires each applicant to execute an affidavit stating their status as a citizen or alien. If the affidavit indicates alien status, that person's legal status must be verified through the United States Department of Homeland Security's Systematic Alien Verification for Entitlements program.

LB 963 requires all state agencies that administer federal, state or local public benefits to file a report regarding their compliance with the provisions of this proposal.

LB 963 also repeals provisions for in-state tuition at public postsecondary institutions for illegal aliens who graduated from a public or private high school or received the equivalent of a high school diploma in this state and have resided in this state for at least 3 years. This proposal requires an otherwise qualified student to be lawfully present in the U.S. in order to receive in-state tuition rates.

LR 224 (Fulton) Encourage law enforcement agencies in Nebraska to enter into a Memoranda of Agreement with the Secretary of Homeland Security to perform immigration law enforcement functions

Legislative Resolution 224 reflects the intent of the Legislature to encourage law enforcement agencies in Nebraska to enter into a memorandum of agreement with the Department of Homeland Security to perform immigration law enforcement functions pursuant to Section 287 (g) of the Illegal Immigration Reform and Immigrant Responsibility Act.

REPORT ON THE PRIORTIZING
OF INTERIM STUDY RESOLUTIONS
Pursuant to Rule 4, Section 3(c)

COMMITTEE: Judiciary Committee

DATE: 4/17/08

The following resolutions were referred to the Committee on 4/9/08. The committee has prioritized the resolutions in the following order:

<u>Resolution No.</u>	<u>Subject</u>
1st priority	
LR 362	Interim study to examine issues relating to illegal immigration.
LR 390	Interim study to examine firearm-related violence in Nebraska
LR 276	Interim study to examine the standards and oversight of death investigations in Nebraska.
2nd priority	
LR 389	Interim study to develop a plan for implementation of a mandatory alcoholic liquor server training for employees of retail liquor licensees.
LR 341	Interim study to review issues associated with requiring that DNA samples be collected for arrestees for felony sex offenses and other specified offenses.
LR 333	Interim study to review the crime of destruction of property through the use of graffiti and to make recommendations to combat the crime.
3rd priority	
LR 312	Interim study to examine whether the Legislature should adopt a statewide 24/7 sobriety program.
LR 317	Interim Study to examine the use of electronic surveillance devices and software by individuals who engage in the crime of stalking.
LR 346	Interim study to reexamine the effects of changing the age of majority from age nineteen to age eighteen.
LR 354	Interim study to review the statutory provisions of the Adult Protective Services Act.