

# **One Hundred Third Legislature - First Session - 2013**

## **Introducer's Statement of Intent**

**LB464**

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**Chairperson: Senator Brad Ashford**

**Committee: Judiciary**

**Date of Hearing: March 06, 2013**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Nebraska is one of the few states that allows prosecutors broad authority in deciding whether or not to file charges in adult or juvenile court. Prosecutors currently decide where to file all felony offenses and all cases for 16 and 17 year-olds. In 2010 in Nebraska, 45 percent of filings against youth were in adult court, despite the fact that nearly 90 percent of charges against youth in adult court were misdemeanors. Requiring more cases to originate in juvenile court will give more youth a chance at rehabilitation and reduce their chance of having a criminal record.

Legislative Bill 464 would require that a petition against any alleged law violator under the age of 18 be filed in juvenile court. Cases could be transferred to adult court upon a motion by the prosecutor and a hearing before the juvenile court if the alleged law violation is a felony or if the alleged law violation is a misdemeanor and the juvenile was 16 or 17 years old at the time the act was committed. The motion to transfer must be filed with the petition unless otherwise permitted for good cause shown. A hearing on the transfer motion must be scheduled within 15 days. The juvenile court shall retain the case unless a sound basis exists for transferring it to adult court.

**Principal Introducer:** \_\_\_\_\_

**Senator Brad Ashford**