

AMENDMENTS TO LB919

Introduced by Judiciary.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 24-1301, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           24-1301 The Legislature finds and declares that when left untreated,  
6 substance use disorders and mental illness ~~drug use and other offenses~~  
7 contribute to increased crime in Nebraska, cost millions of dollars in  
8 lost productivity, and contribute to the burden placed upon law  
9 enforcement, court, and correctional systems in Nebraska.

10          The Legislature also finds and declares that ~~drug court programs and~~  
11 problem solving courts, including drug, veterans, mental health, driving  
12 under the influence, reentry, and other problem solving courts, court  
13 ~~programs~~ are effective in reducing recidivism of persons who participate  
14 in and complete such courts programs. The Legislature recognizes that a  
15 ~~drug court program or a~~ problem solving courts offer court program offers  
16 a person accused of drug, alcohol, offenses and other offenses  
17 alternatives ~~an alternative~~ to traditional criminal justice proceedings  
18 or juvenile justice dispositions ~~proceedings~~.

19          Sec. 2. Section 24-1302, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21          24-1302 (1) Drug, veterans, mental health, driving under the  
22 influence, reentry, and other court programs ~~and problem solving courts~~  
23 ~~court programs~~ shall be subject to rules which shall be promulgated by  
24 the Supreme Court for procedures to be implemented in the administration  
25 of such courts programs.

26          (2) It is the intent of the Legislature that funds be appropriated  
27 separately to the Supreme Court for each of the ~~programs, the drug court~~

1 ~~programs and the problem solving courts court programs,~~ to carry out this  
2 section and section 24-1301.

3 Sec. 3. Section 29-2246, Revised Statutes Supplement, 2015, is  
4 amended to read:

5 29-2246 For purposes of the Nebraska Probation Administration Act  
6 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context  
7 otherwise requires:

8 (1) Association means the Nebraska District Court Judges  
9 Association;

10 (2) Court means a district court, county court, or juvenile court as  
11 defined in section 43-245;

12 (3) Office means the Office of Probation Administration;

13 (4) Probation means a sentence under which a person found guilty of  
14 a crime upon verdict or plea or adjudicated delinquent or in need of  
15 special supervision is released by a court subject to conditions imposed  
16 by the court and subject to supervision. Probation includes post-release  
17 supervision;

18 (5) Probationer means a person sentenced to probation or post-  
19 release supervision;

20 (6) Probation officer means an employee of the system who supervises  
21 probationers and conducts presentence, predisposition, or other  
22 investigations as may be required by law or directed by a court in which  
23 he or she is serving or performs such other duties as authorized pursuant  
24 to section 29-2258, except unpaid volunteers from the community;

25 (7) Juvenile probation officer means any probation officer who  
26 supervises probationers of a separate juvenile court;

27 (8) Juvenile intake probation officer means an employee of the  
28 system who is called upon by a law enforcement officer in accordance with  
29 section 43-250 to make a decision regarding the furtherance of a  
30 juvenile's detention;

31 (9) Chief probation officer means the probation officer in charge of

1 a probation district;

2 (10) System means the Nebraska Probation System;

3 (11) Administrator means the probation administrator;

4 (12) Non-probation-based program or service means a program or  
5 service established within the district, county, or juvenile courts and  
6 provided to individuals not sentenced to probation who have been charged  
7 with or convicted of a crime for the purpose of diverting the individual  
8 from incarceration or to provide treatment for issues related to the  
9 individual's criminogenic needs. Non-probation-based programs or services  
10 include, but are not limited to, ~~drug court programs and~~ problem solving  
11 courts ~~court programs~~ established pursuant to section 24-1302 and the  
12 treatment of problems relating to substance abuse, mental health, sex  
13 offenses, or domestic violence;

14 (13) Post-release supervision means the portion of a split sentence  
15 following a period of incarceration under which a person found guilty of  
16 a crime upon verdict or plea is released by a court subject to conditions  
17 imposed by the court and subject to supervision by the office; and

18 (14) Rules and regulations means policies and procedures written by  
19 the office and approved by the Supreme Court.

20 Sec. 4. Original sections 24-1301 and 24-1302, Reissue Revised  
21 Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement,  
22 2015, are repealed.