

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 919**

Introduced by Williams, 36; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10;  
McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Seiler,  
33.

Read first time January 12, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and
- 2 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246,
- 3 Revised Statutes Supplement, 2015; to change legislative intent
- 4 regarding problem solving court programs and appropriations for such
- 5 programs; to require the Supreme Court to promulgate rules; to
- 6 harmonize provisions; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

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

3 24-1301 The Legislature finds and declares that drug and alcohol use  
4 and certain mental health symptoms ~~other offenses~~ contribute to increased  
5 crime in Nebraska, cost millions of dollars in lost productivity, and  
6 contribute to the burden placed upon law enforcement, court, and  
7 correctional systems in Nebraska.

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

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

19 24-1302 (1) Drug, veteran's, mental health, driving under the  
20 influence, reentry, and other ~~court programs and~~ ~~problem solving court~~  
21 programs shall be subject to rules which shall be promulgated by the  
22 Supreme Court for procedures to be implemented in the administration of  
23 such programs.

24 (2) It is the intent of the Legislature that funds be appropriated  
25 separately to the Supreme Court for each of the ~~programs, the drug court~~  
26 ~~programs and the~~ ~~problem solving court programs,~~ to carry out this  
27 section and section 24-1301 and to provide evidence-based interventions,  
28 including medication-assisted treatment.

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

31 29-2246 For purposes of the Nebraska Probation Administration Act

1 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context  
2 otherwise requires:

3 (1) Association means the Nebraska District Court Judges  
4 Association;

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

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

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

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

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

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

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

26 (9) Chief probation officer means the probation officer in charge of  
27 a probation district;

28 (10) System means the Nebraska Probation System;

29 (11) Administrator means the probation administrator;

30 (12) Non-probation-based program or service means a program or  
31 service established within the district, county, or juvenile courts and

1 provided to individuals not sentenced to probation who have been charged  
2 with or convicted of a crime for the purpose of diverting the individual  
3 from incarceration or to provide treatment for issues related to the  
4 individual's criminogenic needs. Non-probation-based programs or services  
5 include, but are not limited to, ~~drug court programs and~~ problem solving  
6 court programs established pursuant to section 24-1302 and the treatment  
7 of problems relating to substance abuse, mental health, sex offenses, or  
8 domestic violence;

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

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

15 Sec. 4. Original sections 24-1301 and 24-1302, Reissue Revised  
16 Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement,  
17 2015, are repealed.