

AMENDMENTS TO LB 640

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

3 "Section 1. Section 43-413, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-413. (1) A court may, pursuant to section 43-281,
6 place a juvenile with the Office of Juvenile Services or the
7 Department of Health and Human Services for an evaluation to aid
8 the court in the disposition.

9 (2) A juvenile convicted as an adult shall be placed with
10 the Office of Juvenile Services for evaluation prior to sentencing
11 as provided by subsection (3) of section 29-2204.

12 (3) All juveniles shall be evaluated prior to commitment
13 to the Office of Juvenile Services. The court shall not commit
14 such juvenile to the temporary custody of the Office of Juvenile
15 Services prior to disposition. The office may place a juvenile in
16 residential or nonresidential community-based evaluation services
17 for purposes of evaluation to assist the court in determining the
18 initial level of treatment for the juvenile.

19 (4) ~~All costs incurred during the period in which the~~
20 ~~juvenile is being evaluated at a state facility or a program funded~~
21 ~~by the Office of Juvenile Services~~ During any period of detention
22 or evaluation prior to disposition:

23 (a) Except as provided in subdivision (4)(b) of this
24 section, the county in which the case is pending is responsible for

1 all detention costs incurred before and after an evaluation period
2 prior to disposition, the cost of delivering the juvenile to the
3 facility or institution for an evaluation, and the cost of
4 returning the juvenile to the court for disposition; and

5 (b) The state is responsible for (i) the costs incurred
6 during an evaluation unless otherwise ordered by the court pursuant
7 to section 43-290 and (ii) the preevaluation detention costs for
8 any days over the first ten days from the date the evaluation is
9 ordered by the court. are the responsibility of the state unless
10 otherwise ordered by the court pursuant to section 43-290.

11 (5) The Office of Juvenile Services and the Department of
12 Health and Human Services are not responsible for predisposition
13 costs except as provided in subdivision (4)(b) of this section.

14 Sec. 2. Section 43-2401, Revised Statutes Supplement,
15 2000, is amended to read:

16 43-2401. Sections 43-2401 to 43-2413 and sections 6 and
17 7 of this act shall be known and may be cited as the Juvenile
18 Services Act.

19 Sec. 3. Section 43-2402, Revised Statutes Supplement,
20 2000, is amended to read:

21 43-2402. For purposes of the Juvenile Services Act:

22 (1) Coalition means the Nebraska Coalition for Juvenile
23 Justice established pursuant to section 43-2411;

24 (2) Commission means the Nebraska Commission on Law
25 Enforcement and Criminal Justice;

26 (3) Commission Grant Program means grants provided to
27 eligible applicants under section 43-2406;

1 (4) County Juvenile Services Aid Program means aid to
2 counties provided under section 6 of this act;

3 (5) Eligible applicant means a community-based agency or
4 organization, political subdivision, school district, federally
5 recognized or state-recognized Indian tribe, or state agency
6 necessary to comply with the federal act;

7 ~~(4)~~ (6) Federal act means the Juvenile Justice and
8 Delinquency Prevention Act of 1974, as amended, 42 U.S.C. 5601 et
9 seq.;

10 ~~(5)~~ (7) Juvenile means a person who is under eighteen
11 years of age; and

12 (8) Office of Juvenile Services means the Office of
13 Juvenile Services created in section 43-404.

14 ~~(6)~~ Plan means the comprehensive juvenile services plan
15 required pursuant to section 43-2405; and

16 ~~(7)~~ Program means those programs and services described
17 in section 43-2404.

18 Sec. 4. Section 43-2403, Revised Statutes Supplement,
19 2000, is amended to read:

20 43-2403. The Legislature hereby finds that the
21 incarceration of juveniles in adult jails, lockups, and
22 correctional facilities is contrary to the best interests and
23 well-being of juveniles and frequently inconsistent with state and
24 federal law requiring intervention by the least restrictive method.
25 The Legislature further finds that the lack of available
26 alternatives within local communities is a significant factor in
27 the incarceration of juveniles in such adult jails, lockups, and

1 correctional facilities.

2 To address such lack of available alternatives to the
3 incarceration of juveniles, the Legislature declares it to be the
4 policy of the State of Nebraska to aid ~~local communities~~ in the
5 establishment of programs or services for juveniles under the
6 jurisdiction of the juvenile or criminal justice system and to
7 finance such programs or services with appropriations from the
8 General Fund and with funds acquired by participation in the
9 federal act. The purposes of the Juvenile Services Act shall be to
10 (1) assist in the provision of appropriate preventive,
11 diversionary, and dispositional alternatives for juveniles, (2)
12 encourage coordination of the elements of the juvenile services
13 system, and (3) provide an opportunity for local involvement in
14 developing community programs for juveniles so that the following
15 objectives may be obtained:

16 (a) Preservation of the family unit whenever the best
17 interests of the juvenile are served and such preservation does not
18 place the juvenile at imminent risk;

19 (b) Limitation on intervention to those actions which are
20 necessary and the utilization of the least restrictive yet most
21 effective and appropriate resources;

22 (c) Encouragement of active family participation in
23 whatever treatment is afforded a juvenile whenever the best
24 interests of the juvenile require it;

25 (d) Treatment in the community rather than commitment to
26 a youth rehabilitation and treatment center whenever the best
27 interests of the juvenile require it; and

1 (e) ~~Encouragement of and assistance to communities~~
2 Assistance in the development of alternatives to secure temporary
3 custody for juveniles who do not require secure detention.

4 All state agencies providing direct services to juveniles
5 shall coordinate their efforts and work with the commission,
6 members of the judiciary, and local political subdivisions in the
7 development of a comprehensive juvenile services plan and the
8 establishment and provision of programs or services in such plan.
9 Programs or services established pursuant to the Juvenile Services
10 Act and the federal act shall conform to the family policy tenets
11 prescribed in sections 43-532 to 43-534.

12 Sec. 5. Section 43-2404, Revised Statutes Supplement,
13 2000, is amended to read:

14 43-2404. The coalition shall make award recommendations
15 to the commission, at least annually, in accordance with the
16 Juvenile Services Act and the federal act for grants made under the
17 Commission Grant Program. Such grants shall be used to assist
18 communities in the implementation and operation of programs or
19 services identified in their comprehensive juvenile services plan,
20 including, but not limited to, programs for assessment and
21 evaluation, the prevention of delinquent behavior, diversion,
22 detention, shelter care, intensive juvenile probation services,
23 restitution, family support services, and community centers for the
24 care and treatment of juveniles in need of services.

25 Sec. 6. (1) To be eligible for participation in either
26 the Commission Grant Program or the County Juvenile Services Aid
27 Program, counties shall develop and adopt a comprehensive juvenile

1 services plan and submit such plan to the Office of Juvenile
2 Services in accordance with the federal act and rules and
3 regulations promulgated by the office. Such plan may be developed
4 by individual counties or by multiple counties. Any portion of the
5 comprehensive juvenile services plan dealing with administration,
6 procedures, and programs of the juvenile court shall not be
7 submitted to the Office of Juvenile Services without the
8 concurrence of the presiding judge of the court having jurisdiction
9 in juvenile cases for the geographic area to be served. Programs
10 or services established by such plans shall conform to the family
11 policy tenets prescribed in sections 43-532 to 43-534.

12 (2) Counties may apply to the commission for planning
13 grants from funds appropriated by the Legislature to aid in the
14 development and adoption of the comprehensive juvenile services
15 plans. A separate and distinct budgetary program is created within
16 the commission which shall only be used for county planning grants
17 in the development of comprehensive juvenile services plans. The
18 annual appropriation to the program shall not exceed two hundred
19 fifty thousand dollars. A county or multiple counties may apply
20 for a comprehensive juvenile services planning grant. Such grant
21 shall be limited to five thousand dollars for a consecutive
22 two-year period. No administrative costs shall be paid from funds
23 appropriated to the county planning grant program.

24 (3) The Office of Juvenile Services shall develop or
25 contract for the development of a statewide system to monitor and
26 evaluate the effectiveness of plans and programs receiving funds
27 from: (a) The Commission Grant Program and (b) the County Juvenile

1 Services Aid Program in preventing persons from entering the
2 juvenile justice system and in rehabilitating juvenile offenders.

3 Sec. 7. (1) There is created a separate and distinct
4 budgetary program within the Office of Juvenile Services to be
5 known as the County Juvenile Services Aid Program. The annual
6 appropriation for this program shall not exceed three million seven
7 hundred fifty thousand dollars of General Funds. Funding acquired
8 from participation in the federal act, state General Funds, and
9 funding acquired from other sources which may be used for purposes
10 consistent with the Juvenile Services Act and the federal act shall
11 be used to aid counties in the establishment and provision of
12 community-based services for accused and adjudicated juvenile
13 offenders.

14 (2) The annual General Fund appropriation to the County
15 Juvenile Services Aid Program shall be apportioned to the counties
16 as aid in accordance with the equitable formula promulgated by the
17 Office of Juvenile Services in rule and regulation. Aid provided
18 to a county under this subsection shall be reduced by the cost to
19 the state of care for juveniles from such county who, as determined
20 by a risk and needs assessment instrument of the Office of Juvenile
21 Services, do not meet the criteria established by rule and
22 regulation under section 43-406 that identifies the types of
23 offenders appropriate for youth rehabilitation and treatment
24 centers or more restrictive placement, but who are in fact
25 committed to the Office of Juvenile Services for placement at a
26 youth rehabilitation and treatment center or more restrictive level
27 placement.

1 (3) Funds provided to counties under the County Juvenile
2 Services Aid Program shall be used to assist counties in
3 implementation and operation of programs or services identified in
4 their comprehensive juvenile services plan, including programs for
5 assessment and evaluation, prevention of delinquent behavior,
6 diversion, detention, shelter care, intensive juvenile probation
7 services, restitution, family support services, and family group
8 counseling. No funds available under the County Juvenile Services
9 Aid Program shall be used for construction of secure detention
10 facilities, secure youth treatment facilities, or secure youth
11 confinement facilities.

12 (4) Counties shall provide a minimum of a forty percent
13 local match from nonstate sources for aid funds received from the
14 state under the County Juvenile Services Aid Program. Any local
15 expenditures for community-based programs for juveniles may be
16 applied toward the local match requirement of this subsection. Aid
17 received by a county under this section shall not be used to
18 replace or supplant any funds currently being used to support
19 existing programs for juveniles. Aid received under this section
20 shall not be used for capital construction or the lease or
21 acquisition of facilities.

22 Sec. 8. Section 43-2405, Revised Statutes Supplement,
23 2000, is amended to read:

24 43-2405. (1) An eligible applicant may apply to the
25 coalition for a grant under the Commission Grant Program in a
26 manner and form prescribed by the commission for funds made
27 available ~~under the Juvenile Services Act~~ from the Commission Grant

1 Program or the federal act. The application shall include a
2 comprehensive juvenile services plan. Grants shall be awarded to
3 eligible applicants at least annually within the limits of
4 available funds until programs are available statewide. ~~On~~
5 ~~request, the commission may provide technical assistance to~~
6 ~~eligible applicants to aid in the development and implementation of~~
7 ~~such plans.~~

8 (2) All plans shall comply with rules and regulations
9 adopted and promulgated by the commission pursuant to the Juvenile
10 Services Act or the federal act.

11 ~~(3) Any portion of the plan dealing with the~~
12 ~~administration, procedures, and programs of the juvenile court~~
13 ~~shall not be submitted to the commission without the concurrence of~~
14 ~~the presiding judge of the court having jurisdiction in juvenile~~
15 ~~cases for the geographic area to be served.~~

16 (4) Eligible applicants may give consideration to
17 contracting with private nonprofit agencies for the provision of
18 programs.

19 Sec. 9. Section 43-2406, Revised Statutes Supplement,
20 2000, is amended to read:

21 43-2406. From amounts appropriated to the commission for
22 the Commission Grant Program ~~the Juvenile Services Act~~ or funds
23 available through the federal act, the commission shall award
24 grants on a competitive basis to eligible applicants based upon
25 criteria determined by the commission.

26 Sec. 10. Section 43-2408, Revised Statutes Supplement,
27 2000, is amended to read:

1 43-2408. (1) Grants provided under ~~section 43-2406~~ the
2 Commission Grant Program may be used for developing programs ~~and~~
3 ~~for acquiring, developing, or improving local facilities for~~
4 ~~juveniles if the development and use of the facilities are~~
5 ~~prescribed in the approved plan under the Juvenile Services Act.~~

6 (2) No ~~funds awarded under section 43-2406~~ grants from
7 the Commission Grant Program shall be used to acquire, develop,
8 build, or improve local correctional facilities. ~~which are not~~
9 ~~specifically utilized for juveniles.~~

10 Sec. 11. Section 43-2409, Revised Statutes Supplement,
11 2000, is amended to read:

12 43-2409. (1) The coalition shall review periodically the
13 performance of eligible applicants participating under the ~~Juvenile~~
14 ~~Services Act~~ Commission Grant Program and the federal act to
15 determine if substantial compliance criteria are being met. The
16 commission shall establish criteria for defining substantial
17 compliance.

18 (2) Grants received by an eligible applicant under
19 ~~section 43-2406~~ the Commission Grant Program shall not be used to
20 replace or supplant any funds currently being used to support
21 existing programs for juveniles.

22 (3) Grants received under ~~section 43-2406~~ the Commission
23 Grant Program shall not be used for capital construction or the
24 lease or acquisition of facilities. ~~unless such uses have been~~
25 ~~approved by the commission.~~

26 Sec. 12. Section 43-2412, Revised Statutes Supplement,
27 2000, is amended to read:

1 43-2412. (1) Consistent with the purposes and objectives
2 of the Juvenile Services Act and the federal act, the coalition
3 shall:

4 (a) Make recommendations to the commission on the
5 awarding of grants under the Commission Grant Program to eligible
6 applicants;

7 (b) Identify juvenile justice issues, share information,
8 and monitor and evaluate programs in the juvenile justice system;

9 (c) ~~Develop or contract for the development of a~~
10 ~~statewide system to monitor and evaluate the effectiveness of plans~~
11 ~~and programs receiving grants under section 43-2406 in preventing~~
12 ~~persons from entering the juvenile justice system and in~~
13 ~~rehabilitating juvenile offenders;~~

14 ~~(d)~~ Recommend guidelines and supervision procedures to
15 the Office of Juvenile Services to be used to develop or expand
16 local diversion programs for juveniles from the juvenile justice
17 system;

18 (e) Prepare an annual report to the Governor, ~~and~~ the
19 Legislature, and the Office of Juvenile Services including
20 recommendations on administrative and legislative actions which
21 would improve the juvenile justice system;

22 (f) Ensure widespread citizen involvement in all phases
23 of its work; and

24 (g) Meet at least four times each year.

25 (2) Consistent with the purposes and objectives of the
26 acts and within the limits of available time and appropriations,
27 the coalition may:

1 (a) Recommend criteria to the Office of Juvenile Services
2 for administrative procedures, including, but not limited to,
3 procedures for intake, detention, petition filing, and probation
4 supervision;

5 (b) Recommend to the Office of Juvenile Services minimum
6 professional standards, including requirements for continuing
7 professional training, for employees of community-based,
8 youth-serving agencies;

9 (c) Recommend to the Office of Juvenile Services
10 curricula for and cause to have conducted training sessions for
11 juvenile court judges and employees of other community-based,
12 youth-serving agencies;

13 (d) Assist and advise state and local agencies in the
14 establishment of volunteer training programs and the utilization of
15 volunteers;

16 (e) Apply for and receive funds from federal and private
17 sources for carrying out its powers and duties; and

18 (f) Provide technical assistance to eligible applicants.

19 (3) In formulating, adopting, and promulgating the
20 standards, recommendations, and guidelines provided for in this
21 section, the coalition shall consider the differences among
22 counties in population, in geography, and in the availability of
23 local resources.

24 Sec. 13. Section 43-3503, Revised Statutes Supplement,
25 2000, is amended to read:

26 43-3503. (1) It is the intent of the Legislature to
27 encourage counties to develop a continuum of nonsecure detention

1 services for the purpose of enhancing, developing, and expanding
2 the availability of such services to juveniles requiring nonsecure
3 detention.

4 (2) A county may enhance, develop, or expand nonsecure
5 detention services as needed with private or public providers.
6 Grants from the Commission Grant Program and aid from the County
7 Juvenile Services Aid Program under the Juvenile Services Act and
8 the federal Juvenile Justice and Delinquency Prevention Act of 1974
9 may be used to fund nonsecure detention services. Each county
10 shall routinely review services provided by contract providers and
11 modify services as needed.

12 Sec. 14. It is the intent of the Legislature to
13 appropriate \$1,420,000 from the General Fund for FY2001-02 and
14 \$3,430,000 from the General Fund for FY2002-03 to the Department of
15 Health and Human Services, for Program No. 324, County Juvenile
16 Services Aid Program, for distribution to eligible counties as
17 determined by rules and regulations adopted and promulgated by the
18 Office of Juvenile Services pursuant to section 6 of this act.

19 Sec. 15. It is the intent of the Legislature to
20 appropriate \$250,000 from the General Fund for FY2001-02 and
21 \$250,000 from the General Fund for FY2002-03 to the Nebraska
22 Commission on Law Enforcement and Criminal Justice, for Program No.
23 155, County Planning Grants, for the development of comprehensive
24 juvenile services plans.

25 Sec. 16. Sections 1, 16, and 17 of this act become
26 operative on their effective date. The other sections of this act
27 become operative on July 1, 2001.

AM1022
LB 640
DCC-03-15

AM1022
LB 640
DCC-03-15

1 Sec. 17. Original section 43-413, Reissue Revised
2 Statutes of Nebraska, is repealed.

3 Sec. 18. Original sections 43-2401 to 43-2406, 43-2408,
4 43-2409, 43-2412, and 43-3503, Revised Statutes Supplement, 2000,
5 are repealed.

6 Sec. 19. Since an emergency exists, this act takes
7 effect when passed and approved according to law.".