



**Ninety-Seventh Legislature - Second Session - 2002**  
**Committee Statement**  
**LB 1115**

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**Hearing Date:** February 14, 2002

**Committee On:** Judiciary

**Introducer(s):** (Aguilar, Bourne, Bruning, Byars, Connealy, Cunningham, Janssen, Jensen, McDonald, Dw. Pedersen, Quandahl, Robak, Thompson, Tyson, Burling)

**Title:** Authorize drug court programs

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

|   |                     |   |
|---|---------------------|---|
| 6 | Yes                 | Senators Baker, Brashear, Connealy, Pedersen, Quandahl, Tyson |
| 1 | No                  | Senator Chambers  |
|   | Present, not voting |   |
| 1 | Absent              | Senator Robak   |

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**Proponents:**

Senator Ray Aguilar  
 Kurt Siedschlaw  
 Tom Nutt  
 Brenda Miner

**Representing:**

Introducer  
 Central Nebraska Drug Court  
 Central Nebraska Drug Court  
 St. Francis Alcohol/Drug Treatment Center  
 Central Nebraska Drug Court

**Opponents:**

**Representing:**

**Neutral:**

Karen Flowers  
 Joe Steele  
 Ed Birkel

**Representing:**

Self  
 Nebraska Supreme Court  
 Probation Administrator

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**Summary of purpose and/or changes:**

Legislative Bill 1115 sets forth requirements for drug court programs.

LB 1115 declares that drug use contributes to crime in Nebraska. Such drug use is costing millions of dollars in lost productivity as well as contributing to the burden placed upon law enforcement, corrections, and court systems. Drug court programs are an alternative to the

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traditional criminal or juvenile justice systems. Those who participate in and complete drug court programs are less likely to re-offend.

Under LB 1115, a drug court program is defined as a program supervised by a court with special dockets or calendars intended to reduce substance abuse and criminal behavior among nonviolent, substance abusing offenders.

LB 1115 requires that such a drug court program **shall**:

- Promote public safety and contribute to reducing substance abuse and criminal recidivism among nonviolent, substance-abusing offenders;
- Reduce dependence on incarceration;
- Use a nonadversarial approach in providing an array of services including drug testing, substance abuse treatment, progress supervision, incentives and sanctions as well as case management;
- Establish evaluation and monitoring procedures in order to weigh the effectiveness of such program; and
- Coordinate and collaborate with existing federal, state, and local resources and initiatives.

Such a drug court program **shall include, but not be limited to**:

- A governing board or community team to develop procedures, set fee schedules, and secure funding;
- Formal eligibility guidelines;
- Procedures for an eligible person to review program requirements with his or her counsel;
- Procedures for dismissing charges, setting aside a conviction, or other resolution when program is completed; and
- Procedures for participant withdrawal and remand to the criminal justice system.

LB 1115 allows a judge to incorporate within an order the drug court program agreement.

#### **Explanation of amendments, if any:**

The committee amendment replaces the bill. The committee amendment fulfills the ultimate intent of LB 1115 to recognize drug courts in Nebraska statutes.

Under the committee amendment, the Nebraska Supreme Court is charged with promulgating rules to implement procedures for administering drug court programs. In jurisdictions with drug court programs, the governing body of such programs may enter interlocal agreements with state and local agencies to implement and manage such programs.

The committee amendment also provides that when a defendant is participating in a court-ordered drug treatment program, a judge may:

- order drug testing;
- require jail time as a sanction for noncompliance; or
- impose other conditions deemed reasonably necessary to ensure compliance with drug treatment.

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**Senator Kermit A. Brashear, Chairperson**