

1 1. Strike original section 2 and insert the following
2 new sections:
3 "Sec. 2. Any victim as defined in section 29-119 may
4 pursue a civil action to seek an injunction to enforce the Nebraska
5 Crime Victim's Reparations Act and sections 81-1843 to 81-1850 and
6 sections 8, 11 to 13, and 16 of this act.
7 Sec. 3. Section 29-119, Revised Statutes Supplement,
8 2002, is amended to read:
9 29-119. For purposes of this section and sections
10 23-1201, ~~29-119~~, 29-120, and 29-2261, unless the context otherwise
11 requires:
12 (1) A plea agreement ~~shall mean~~ means that as a result of
13 a discussion between the defense counsel and the prosecuting
14 attorney:
15 (a) A charge is to be dismissed or reduced; or
16 (b) A defendant, if he or she pleads guilty to a charge,
17 may receive less than the maximum penalty permitted by law; and
18 (2) Victim ~~shall mean~~ means a person who, as a result of
19 a homicide as defined in sections 28-302 to 28-306, a first degree
20 sexual assault as defined in section 28-319, a first degree assault
21 as defined in section 28-308, a sexual assault of a child as
22 defined in section 28-320.01, a second degree assault as defined in
23 section 28-309, a first degree false imprisonment as defined in
24 section 28-314, a second degree sexual assault as defined in
25 section 28-320, or a robbery as defined in section 28-324, has had
26 a personal confrontation with the offender and ~~shall also include~~
27 ~~includes~~ a person who has suffered serious bodily injury as defined
28 in section 28-109 as a result of a motor vehicle accident when the
29 driver was charged with a violation of section 60-6,196 or 60-6,197
30 or with a violation of a city or village ordinance enacted in
31 conformance with either ~~of such sections~~ section. In the case of a
32 homicide, victim ~~shall mean at least one family representative~~
33 ~~means the nearest surviving relative under the law as provided by~~
34 ~~section 30-2303 but shall does not include the alleged perpetrator~~
35 ~~of the homicide. In the case of a sexual assault of a child,~~
36 ~~victim shall mean means the child victim and the parents,~~
37 ~~guardians, or duly appointed legal representative of the child~~
38 ~~victim but shall does not include the alleged perpetrator of the~~
39 ~~sexual assault.~~
40 Sec. 5. It is the intent of the Legislature that the
41 Nebraska Crime Victim's Reparations Act be construed as enabling
42 the rights set forth in Article I, section 28, of the Constitution
43 of Nebraska.
44 Sec. 6. Section 81-1841, Reissue Revised Statutes of
45 Nebraska, is amended to read:
46 81-1841. Sections 81-1801 to ~~81-1841~~ 81-1842 and section
47 5 of this act shall be known and may be cited as the Nebraska Crime
48 Victim's Reparations Act.
49 Sec. 7. Section 81-1844, Reissue Revised Statutes of
50 Nebraska, is amended to read:
51 81-1844. There is hereby created a fund to be known as
52 the Crime Victim and Witness Assistance Fund. Such fund shall
53 contain such amounts as may be appropriated by the Legislature and
54 shall be used only for the purposes set forth in sections 81-1843
55 to ~~81-1848~~ 81-1850 and sections 8, 11 to 13, and 16 of this act.
56 Such fund shall be administered by the Nebraska Commission on Law
57 Enforcement and Criminal Justice.
58 Sec. 9. Section 81-1845, Reissue Revised Statutes of
59 Nebraska, is amended to read:
60 81-1845. (1) Any public or private nonprofit agency may
61 apply to the Nebraska Commission on Law Enforcement and Criminal

7 Justice for selection and funding as a victim and witness
8 assistance center pursuant to sections 81-1843 to ~~81-1848~~ 81-1850
9 and sections 8, 11 to 13, and 16 of this act.

10 (2) The commission shall consider the following factors,
11 together with any other factors it deems appropriate, in selecting
12 applicants to receive funds and be designated as a victim and
13 witness assistance center:

14 (a) The number of volunteers that the proposed center
15 will utilize;

16 (b) The stated goals of the applicant;

17 (c) The potential number of people that may be served by
18 the proposed center and the needs of the community for such a
19 center;

20 (d) Evidence of community support for the establishment
21 of the proposed center; and

22 (e) The organizational structure of the agency which will
23 operate the proposed center and provide services to victims and
24 witnesses of crimes.

25 (3) Upon evaluation of all applicants, the Nebraska
26 Commission on Law Enforcement and Criminal Justice shall select a
27 number of public or private nonprofit agencies which the commission
1 deems qualified for designation to receive funding for the
2 establishment and operation of such centers.

3 (4) The commission shall, upon the establishment of such
4 centers, conduct appraisals of their performance to determine which
5 of the centers shall receive continuation grants. The commission
6 shall report its finding to the Governor and the Clerk of the
7 Legislature.

8 Sec. 10. Section 81-1848, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 81-1848. (1) Victims as defined in section 29-119 shall
11 have the following rights:

12 (a) To examine information which is a matter of public
13 record and collected by criminal justice agencies on individuals
14 consisting of identifiable descriptions and notations of issuance
15 of arrest warrants, arrests, detentions, indictments, charges by
16 information, and other formal criminal charges. Such information
17 shall include any disposition arising from such arrests, charges,
18 sentencing, correctional supervision, and release, but shall not
19 include intelligence or investigative information;

20 (b) To receive from the county attorney advance
21 reasonable notice of any scheduled court proceedings and notice of
22 any changes in that schedule;

23 (c) To be present throughout the entire trial of the
24 defendant, unless the victim is to be called as a witness or the
25 court finds sequestration of the victim necessary for a fair trial.
26 If the victim is to be called as a witness, the court may order the
27 victim to be sequestered;

1 (d) To be notified by the county attorney by any means
2 reasonably calculated to give prompt actual notice of the time and
3 place of the sentencing proceeding and to be notified by the county
4 attorney in writing of the final disposition of the case within
5 thirty days of the final disposition of the case following:

6 (i) The crimes for which the defendant is charged, the
7 defendant's bond, and the time and place of any scheduled court
8 proceedings;

9 (ii) The final disposition of the case;

10 (iii) The crimes for which the defendant was convicted;

11 (iv) The victim's right to make a written or oral impact
12 statement to be used in the probation officer's preparation of a
13 presentence investigation report concerning the defendant;

14 (v) The address and telephone number of the probation
15 office which is to prepare the presentence investigation report;
16 (vi) That a presentence investigation report and any
17 statement by the victim included in such report will be made
18 available to the defendant unless exempted from disclosure by order
19 of the court; and
20 (vii) The victim's right to submit a written impact
21 statement at the sentencing proceeding or to read his or her impact
22 statement submitted pursuant to subdivision (1)(d)(iv) of this
23 section at the sentencing proceeding;
24 ~~(d)~~ (e) To be notified by the county attorney by any
25 means reasonably calculated to give prompt actual notice of the
26 time and place of any subsequent judicial proceedings if the
27 defendant was acquitted on grounds of insanity;
1 (e) Within ninety days of conviction of an offender, to
2 be notified of the tentative date of release and the earliest
3 parole eligibility date of such offender; and
4 (f) To be notified of any parole hearings as provided in
5 section 81-1850, to testify before the Board of Parole or submit a
6 written statement for consideration by the board, and to be
7 notified of the decision of and any action taken by the board; and
8 (g) To submit a written statement for consideration at
9 any conditional release proceedings, Board of Parole proceedings,
10 pardon proceedings, or commutation proceedings. Conditional
11 release proceeding means a proceeding convened pursuant to a
12 Department of Correctional Services' decision to grant a furlough
13 from incarceration for twenty-four hours or longer or a release
14 into community-based programs, including education release and work
15 release.
16 (2) Victims and witnesses of crimes shall have the
17 following rights:
18 (a) To be informed on all writs of subpoena or notices to
19 appear that they are entitled to apply for and may receive a
20 witness fee;
21 (b) To be notified that a court proceeding to which they
22 have been subpoenaed will not go on as scheduled in order to save
23 the person an unnecessary trip to court;
24 (c) To receive protection from harm and threats of harm
25 arising out of their cooperation with law enforcement and
26 prosecution efforts and to be provided with information as to the
27 level of protection available;
1 (d) To be informed of financial assistance and other
2 social services available as a result of being a witness or a
3 victim of a crime, including information on how to apply for the
4 assistance and services;
5 (e) To be informed of the procedure to be followed in
6 order to apply for and receive any witness fee to which they are
7 entitled;
8 (f) To be provided, whenever possible, a secure waiting
9 area during court proceedings that does not require them to be in
10 close proximity to defendants and families and friends of
11 defendants;
12 (g) To have any stolen or other personal property
13 expeditiously returned by law enforcement agencies when no longer
14 needed as evidence. If feasible, all such property, except
15 weapons, currency, contraband, property subject to evidentiary
16 analysis, and property the ownership of which is disputed, shall be
17 returned to the person within ten days ~~of~~ after being taken;
18 (h) To be provided with appropriate employer intercession
19 services to insure that employers of victims and witnesses will
20 cooperate with the criminal justice process in order to minimize an

21 employee's loss of pay and other benefits resulting from court
22 appearances;

23 (i) To be entitled to a speedy disposition of the case in
24 which they are involved as a victim or witness in order to minimize
25 the length of time they must endure the stress of their
26 responsibilities in connection with the matter;

27 (j) To be informed by the county attorney of the final
1 disposition of a felony case in which they were involved and to be
2 notified pursuant to section 81-1850 whenever the defendant in such
3 case is released from custody; and

4 (k) To have the family members of all homicide victims
5 afforded all of the rights under subsection (2) of this section and
6 services analogous to those provided under section 81-1847.

17 Sec. 13. Victim's rights under sections 81-1843 to
18 81-1850 and sections 8, 11 to 13, and 16 of this act may be waived
19 by the victim at any time by (1) written consent, in person or by
20 attorney, filed with the clerk of the court or (2) oral consent in
21 open court entered on the journal.

25 Sec. 16. It is the intent of the Legislature that
26 sections 81-1843 to 81-1850 and sections 8, 11 to 13, and 16 of
27 this act shall be construed as enabling the rights set forth in
1 Article I, section 28, of the Constitution of Nebraska.