

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 423**

Introduced by Speaker Bromm, 23; at the request of the Governor

Read first time January 15, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the Nebraska Probation Administration Act;  
2 to amend section 29-2269, Reissue Revised Statutes of  
3 Nebraska; to provide for fees; to create a fund; to  
4 harmonize provisions; to repeal the original section; and  
5 to declare an emergency.  
6 Be it enacted by the people of the State of Nebraska,

1           Section 1.    (1) Except as otherwise provided in this  
2 section, whenever a district court or county court sentences an  
3 adult offender to probation, the court shall require the  
4 probationer to pay a one-time administrative enrollment fee and  
5 thereafter a monthly probation programming fee.

6           (2) The court shall establish the administrative  
7 enrollment fee and monthly probation programming fees as follows;

8           (a) Probationers placed on either probation or intensive  
9 supervision probation shall pay a one-time administrative  
10 enrollment fee of thirty dollars. The fee shall be paid in a lump  
11 sum upon the beginning of probation supervision;

12           (b) Probationers placed on probation shall pay a monthly  
13 probation programming fee of twenty-five dollars, not later than  
14 the tenth day of each month, for the duration of probation; and

15           (c) Probationers placed on intensive supervision  
16 probation shall pay a monthly probation programming fee of  
17 thirty-five dollars, not later than the tenth day of each month,  
18 for the duration of probation.

19           (3) The court may waive payment of the monthly probation  
20 programming fees in whole or in part if after a hearing the court  
21 determines that such payment would constitute an undue hardship on  
22 the offender due to limited income, employment or school status, or  
23 physical or mental handicap. Such waiver shall be in effect only  
24 during the period of time that the probationer is unable to pay his  
25 or her monthly probation programming fee.

26           (4) If a probationer defaults in the payment of monthly  
27 probation programming fees or any installment thereof, the court  
28 may revoke the probationer's probation for nonpayment, except that

1 probation shall not be revoked and the probationer shall not be  
2 imprisoned for nonpayment of monthly probation programming fees if  
3 the court finds that the probationer is financially unable to make  
4 the monthly payment.

5 (5) If the court determines that the default in payment  
6 described in subsection (4) of this section was not attributable to  
7 a deliberate refusal to obey the order of the court or to failure  
8 on the probationer's part to make a good faith effort to obtain the  
9 funds required for payment, the court may enter an order allowing  
10 the probationer additional time for payment, reducing the amount of  
11 each installment, or revoking the fees or the unpaid portion in  
12 whole or in part.

13 (6) No probationer shall be required to pay more than one  
14 monthly probation programming fee per month.

15 (7) The imposition of monthly probation programming fees  
16 in this section shall be considered separate and apart from the  
17 fees described in subdivisions (2) (n) and (p) of section 29-2262.

18 (8) Any adult probationer received for supervision  
19 pursuant to section 29-2637 shall be assessed both a one-time  
20 administrative enrollment fee and monthly probation programming  
21 fees during the period of time the probationer is actively  
22 supervised by Nebraska probation authorities.

23 (9) The probationer shall pay the fees described in this  
24 section to the clerk of the court. The clerk of the court shall  
25 remit all fees so collected to the State Treasurer for credit to  
26 the State Probation Operations Cash Fund.

27 Sec. 2. (1) The State Probation Operations Cash Fund is  
28 created. All funds collected pursuant to section 1 of this act

1 shall be remitted to the State Treasurer for credit to the fund.  
2 The fund shall be administered by the probation administrator to  
3 support the operations budget of the state probation system. Any  
4 money in the fund available for investment shall be invested by the  
5 state investment officer pursuant to the Nebraska Capital Expansion  
6 Act and the Nebraska State Funds Investment Act.

7 (2) Subject to legislative appropriations, any identified  
8 General Fund appropriations made available by the Legislature as a  
9 result of appropriating the fees collected in section 1 of this act  
10 and any new General Funds appropriated by the Legislature may be  
11 earmarked for the specific purpose of funding community corrections  
12 in the state.

13 (3) The goal of community corrections programming is the  
14 diversion and reduction in the number of felony admissions to the  
15 state prison system for qualified probationers who can successfully  
16 meet probation supervision and program requirements without being a  
17 substantial safety risk to the general public.

18 (4) Community corrections funding shall be utilized for  
19 the purchase of services to augment operational or personnel costs  
20 associated with the development, implementation, and evaluation of  
21 enhanced probation-based programs aimed at enhancing adult  
22 probationer supervision in the community and treatment needs of  
23 probationers. Such enhanced probation-based programs may include,  
24 but are not limited to, specialized units of supervision, victim  
25 assistance programs, and programs that address a probationer's  
26 vocational, educational, behavioral, or substance abuse treatment  
27 needs.

28 Sec. 3. Section 29-2269, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           29-2269.       Sections 29-2246 to ~~29-2268~~ 29-2269 and  
3 sections 1 and 2 of this act shall be known and may be cited as the  
4 Nebraska Probation Administration Act.

5           Sec. 4. This act becomes operative on July 1, 2003.

6           Sec. 5. Original section 29-2269, Reissue Revised  
7 Statutes of Nebraska, is repealed.

8           Sec. 6. Since an emergency exists, this act takes effect  
9 when passed and approved according to law.