

AMENDMENTS TO LB 190

(Amendments to E & R amendments, ER8149)

Introduced by Avery, 28.

1 1. Insert the following new section:

2 Section 1. Section 29-2262, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 29-2262 (1) When a court sentences an offender to
5 probation, it shall attach such reasonable conditions as it deems
6 necessary or likely to insure that the offender will lead a
7 law-abiding life. No offender shall be sentenced to probation if
8 he or she is deemed to be a habitual criminal pursuant to section
9 29-2221.

10 (2) The court may, as a condition of a sentence of
11 probation, require the offender:

12 (a) To refrain from unlawful conduct;

13 (b) To be confined periodically in the county jail or to
14 return to custody after specified hours but not to exceed (i) for
15 misdemeanors, the lesser of ninety days or the maximum jail term
16 provided by law for the offense and (ii) for felonies, one hundred
17 eighty days;

18 (c) To meet his or her family responsibilities;

19 (d) To devote himself or herself to a specific employment
20 or occupation;

21 (e) To undergo medical or psychiatric treatment and to
22 enter and remain in a specified institution for such purpose;

1 (f) To pursue a prescribed secular course of study or
2 vocational training;

3 (g) To attend or reside in a facility established for the
4 instruction, recreation, or residence of persons on probation;

5 (h) To refrain from frequenting unlawful or disreputable
6 places or consorting with disreputable persons;

7 (i) To possess no firearm or other dangerous weapon if
8 convicted of a felony, or if convicted of any other offense, to
9 possess no firearm or other dangerous weapon unless granted written
10 permission by the court;

11 (j) To remain within the jurisdiction of the court and
12 to notify the court or the probation officer of any change in his
13 or her address or his or her employment and to agree to waive
14 extradition if found in another jurisdiction;

15 (k) To report as directed to the court or a probation
16 officer and to permit the officer to visit his or her home;

17 (l) To pay a fine in one or more payments as ordered;

18 (m) To pay for tests to determine the presence of drugs
19 or alcohol, psychological evaluations, offender assessment screens,
20 and rehabilitative services required in the identification,
21 evaluation, and treatment of offenders if such offender has the
22 financial ability to pay for such services;

23 (n) To perform community service as outlined in sections
24 29-2277 to 29-2279 under the direction of his or her probation
25 officer;

26 (o) To be monitored by an electronic surveillance device
27 or system and to pay the cost of such device or system if the

1 offender has the financial ability;

2 (p) To participate in a community correctional facility
3 or program as provided in the Community Corrections Act;

4 (q) To successfully complete an incarceration work camp
5 program as determined by the Department of Correctional Services;

6 (r) To satisfy any other conditions reasonably related to
7 the rehabilitation of the offender;

8 (s) To make restitution as described in sections 29-2280
9 and 29-2281; or

10 (t) To pay for all costs imposed by the court, including
11 court costs and the fees imposed pursuant to section 29-2262.06.

12 (3) In all cases in which the offender is guilty
13 of violating section 28-416, a condition of probation shall be
14 mandatory treatment and counseling as provided by such section.

15 (4) In all cases in which the offender is guilty of
16 a crime covered by the DNA Identification Information Act, a
17 condition of probation shall be the collecting of a DNA sample
18 pursuant to the act and the paying of all costs associated with the
19 collection of the DNA sample prior to release ~~on~~ from probation.

20 2. On page 3, line 18, reinstate the stricken matter; and
21 in line 19 strike the new matter.

22 3. On page 4, line 21, after "shall" insert ", at his or
23 her own expense,".

24 4. On page 5, after line 17, insert the following new
25 subsection:

26 "(3) A person who is serving a term of probation and has
27 a DNA sample collected pursuant to this section shall pay all costs

1 associated with the collection of the DNA sample.".

2 5. On page 6, lines 3 and 6, after "sections" insert
3 "29-2262,".

4 6. Renumber the remaining sections and correct internal
5 references accordingly.