

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 510

FINAL READING

Introduced by Pirsch, 4; Fulton, 29; Gay, 14; Giese, 17; Hadley, 37; Hansen, 42; Howard, 9; Janssen, 15; Krist, 10; Nelson, 6; Nordquist, 7; Pankonin, 2; Wallman, 30.

Read first time January 21, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to criminal procedure; to amend sections  
2 29-2207 and 83-184, Reissue Revised Statutes of Nebraska,  
3 and section 81-1835, Revised Statutes Supplement, 2009;  
4 to require assessments on convictions and affirmations  
5 upon appeal; to provide funding for compensation of  
6 victims of crime and for rehabilitation of certain  
7 offenders as prescribed; to create funds; to harmonize  
8 provisions; to provide a duty for the Revisor of  
9 Statutes; and to repeal the original sections.

10 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) In addition to all other costs assessed  
2 according to law, an assessment of one dollar shall be assessed for  
3 each conviction of a person for any misdemeanor or felony in county  
4 court or district court and each affirmation on appeal. No such  
5 assessment shall be collected in any juvenile court proceeding. No  
6 county shall be liable for the assessment imposed pursuant to this  
7 section. The assessments shall be remitted to the State Treasurer  
8 on forms prescribed by the State Treasurer within ten days after  
9 the end of the month.

10           (2) The Nebraska Crime Victim Fund is created. The fund  
11 shall contain the amounts remitted pursuant to subsection (1) of  
12 this section and section 83-184. The fund shall be administered by  
13 the Nebraska Commission on Law Enforcement and Criminal Justice.  
14 As soon as funds become available, the commission shall direct  
15 the State Treasurer to transfer money from the Nebraska Crime  
16 Victim Fund to the Department of Correctional Services Facility  
17 Cash Fund and the Supreme Court Automation Cash Fund to pay for the  
18 initial costs in implementing this legislative bill, in amounts to  
19 be determined by the Department of Correctional Services and the  
20 Supreme Court and certified to the commission. When such costs are  
21 fully reimbursed, the Nebraska Crime Victim Fund shall terminate  
22 and the State Treasurer shall distribute seventy-five percent of  
23 the funds remitted pursuant to subsection (1) of this section and  
24 section 83-184 to the Victim's Compensation Fund to be awarded as  
25 compensation for losses and expenses allowable under the Nebraska

1 Crime Victim's Reparations Act and shall distribute twenty-five  
2 percent of such funds to the Reentry Cash Fund.

3           Sec. 2. Section 29-2207, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           29-2207 In every case of conviction of any person for  
6 any felony or misdemeanor, it shall be the duty of the court  
7 or magistrate to render judgment for the costs of prosecution  
8 against the person convicted and remit the assessment as provided  
9 in section 1 of this act.

10           Sec. 3. In every case of appeal of a conviction of any  
11 person for any felony or misdemeanor to the district court, Court  
12 of Appeals, or Supreme Court that is affirmed, the court shall  
13 remit the assessment as provided in section 1 of this act.

14           Sec. 4. Section 81-1835, Revised Statutes Supplement,  
15 2009, is amended to read:

16           81-1835 The Victim's Compensation Fund is created. The  
17 fund shall be used to pay awards or judgments under the Nebraska  
18 Crime Victim's Reparations Act other than distributions from the  
19 Community Trust. The fund shall include deposits pursuant to  
20 sections 29-2286, 81-1836, ~~and~~ 83-183.01, and 83-184 and section 1  
21 of this act and donations or contributions from public or private  
22 sources and shall be in such amount as the Legislature shall  
23 determine to be reasonably sufficient to meet anticipated claims.  
24 When the amount of money in the fund is not sufficient to pay any  
25 awards or judgments under the act, the Director of Administrative

1 Services shall immediately advise the Legislature and request an  
2 emergency appropriation to satisfy such awards and judgments. Any  
3 money in the fund available for investment shall be invested by the  
4 state investment officer pursuant to the Nebraska Capital Expansion  
5 Act and the Nebraska State Funds Investment Act.

6 Sec. 5. Section 83-184, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 83-184 (1) When the conduct, behavior, mental attitude,  
9 and conditions indicate that a person committed to the department  
10 and the general society of the state will be benefited, and there  
11 is reason to believe that the best interests of the people of the  
12 state and the person committed to the department will be served  
13 thereby, in that order, and upon the recommendation of the ~~Board of~~  
14 ~~Parole board~~ in the case of each committed offender, the ~~Director~~  
15 ~~of Correctional Services~~ director may authorize such person, under  
16 prescribed conditions, to:

17 (a) Visit a specifically designated place or places and  
18 return to the same or another facility. An extension of limits  
19 may be granted to permit a visit to a dying relative, attendance  
20 at the funeral of a relative, the obtaining of medical services,  
21 the contacting of prospective employers, or for any other reason  
22 consistent with the public interest; or

23 (b) Work at paid employment or participate in a training  
24 program in the community on a voluntary basis whenever:

25 (i) Such paid employment will not result in the

1 displacement of employed workers, or be applied in skills, crafts,  
2 or trades in which there is a surplus of available gainful labor in  
3 the locality, or impair existing contracts for services; and

4 (ii) The rates of pay and other conditions of employment  
5 will not be less than those paid or provided for work of similar  
6 nature in the locality in which the work is to be performed.

7 (2) The wages earned by a person authorized to work  
8 at paid employment in the community under the provisions of this  
9 section shall be credited by the chief executive officer of the  
10 facility to such person's wage fund. The director shall authorize  
11 the chief executive officer to withhold up to five percent of such  
12 person's net wages. The funds withheld pursuant to this subsection  
13 shall be remitted to the State Treasurer for credit as provided in  
14 subsection (2) of section 1 of this act.

15 (3) A person authorized to work at paid employment  
16 in the community under the provisions of this section may be  
17 required to pay, and the ~~Director of Correctional Services~~ director  
18 is authorized to collect, such costs incident to the person's  
19 confinement as the ~~Director of Correctional Services~~ director deems  
20 appropriate and reasonable. Collections shall be deposited in the  
21 state treasury as miscellaneous receipts.

22 (4) The willful failure of a person to remain within  
23 the extended limits of his or her confinement or to return within  
24 the time prescribed to a facility designated by the ~~Director of~~  
25 ~~Correctional Services~~ director may be deemed an escape from custody

1 punishable as provided in section 28-912.

2 (5) No person employed in the community under the  
3 provisions of this section or otherwise released shall, while  
4 working in such employment in the community or going to or from  
5 such employment or during the time of such release, be deemed to be  
6 an agent, employee, or servant of the state.

7 Sec. 6. The Reentry Cash Fund is created. The fund shall  
8 be administered by the Department of Correctional Services. The  
9 State Treasurer shall credit funds remitted pursuant to section  
10 83-184 and section 1 of this act and donations or contributions  
11 from public or private sources to the Reentry Cash Fund. The  
12 fund shall be used by the department for tuition, fees, and other  
13 costs associated with reentry and reintegration programs offered to  
14 offenders that are placed in the incarceration work camp. Any money  
15 in the fund available for investment shall be invested by the state  
16 investment officer pursuant to the Nebraska Capital Expansion Act  
17 and the Nebraska State Funds Investment Act.

18 Sec. 7. The Revisor of Statutes shall assign section 3 of  
19 this act to Chapter 29, article 23, and section 6 of this act to  
20 Chapter 83.

21 Sec. 8. Original sections 29-2207 and 83-184, Reissue  
22 Revised Statutes of Nebraska, and section 81-1835, Revised Statutes  
23 Supplement, 2009, are repealed.