

AMENDMENTS TO LB 99

Introduced by Pirsch

1           1. Insert the following new sections:

2           Section 1. Section 81-1822, Revised Statutes Cumulative  
3         Supplement, 2012, is amended to read:

4           81-1822 No compensation shall be awarded from the  
5         Victim's Compensation Fund:

6           (1) If the victim aided or abetted the offender in the  
7         commission of the unlawful act;

8           (2) If the offender will receive economic benefit or  
9         unjust enrichment from the compensation;

10          (3) If the victim violated a criminal law of the state,  
11         which violation caused or contributed to his or her injuries or  
12         death; or

13          (4) If the victim is injured as a result of the operation  
14         of a motor vehicle, boat, or airplane (a) unless the vehicle was  
15         used in a deliberate attempt to injure or kill the victim, (b)  
16         unless the operator is charged with a violation of section 60-6,196  
17         or 60-6,197 or a city or village ordinance enacted in conformance  
18         with either of such sections, or (c) unless any chemical test of  
19         the operator's breath or blood indicates an alcohol concentration  
20         equal to or in excess of the limits prescribed in section 60-6,196.

21         or

22          (5) If the victim incurs an economic loss which does  
23         not exceed ten percent of his or her net financial resources. For

1      purposes of this subdivision, a victim's net financial resources  
2      shall not include the present value of future earnings and shall  
3      be determined by the committee by deducting from the victim's total  
4      financial resources:

- 5                (a) One year's earnings;  
6                (b) The victim's equity in his or her home, not exceeding  
7      thirty thousand dollars;  
8                (c) One motor vehicle; and  
9                (d) Any other property which would be exempt from  
10 execution under section 25-1552 or 40-101.

11               Nothing in this section shall limit payments to a victim  
12      by an offender which are made as full or partial restitution of the  
13      victim's actual pecuniary loss.

14               Sec. 2. Section 81-1833, Revised Statutes Cumulative  
15 Supplement, 2012, is amended to read:

16               81-1833 (1) The committee shall prepare and submit to  
17      the commission a biennial report of its activities under the  
18      Nebraska Crime Victim's Reparations Act., including the name of  
19      each applicant, a brief description of the facts in each case, and  
20      the amount of compensation awarded, except that if the applicant  
21      was the victim of a sexual assault the victim's name shall not  
22      be included in the report, but shall be available to the Governor  
23      or a member of the Legislature upon request to the committee.  
24      Such report shall be submitted to the Governor and Clerk of the  
25      Legislature. The report submitted to the Clerk of the Legislature  
26      shall be submitted electronically. as part of the commission's  
27      report submitted pursuant to section 81-1423.

1                         (2) The committee shall act as the oversight committee  
2 for the Community Trust and shall annually report its activities  
3 and findings as the oversight committee to the commission, the  
4 Governor, and the Clerk of the Legislature. The report submitted to  
5 the Clerk of the Legislature shall be submitted electronically. If  
6 any questionable or improper actions or inactions on the part of  
7 the Community Trust are observed, the committee shall immediately  
8 notify the Attorney General who shall investigate the matter.

9                         Sec. 3. Original sections 81-1822 and 81-1833, Revised  
10 Statutes Cumulative Supplement, 2012, are repealed.

11                         Sec. 4. The following section is outright repealed:  
12 Section 81-1834, Revised Statutes Cumulative Supplement, 2012.

13                         2. Rerumber the remaining sections and correct internal  
14 references and the repealer accordingly.