

AMENDMENTS TO LB 44

Introduced by Judiciary

1           1. Strike the original sections and insert the following  
2 new sections:

3           Section 1. Section 28-101, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5           28-101 Sections 28-101 to 28-1356 and section 2 of this  
6 act shall be known and may be cited as the Nebraska Criminal Code.

7           Sec. 2. (1) Notwithstanding any other provision of law,  
8 the penalty for any person convicted of a Class IA felony for an  
9 offense committed when such person was under the age of eighteen  
10 years shall be a maximum sentence of life imprisonment and a  
11 minimum sentence of thirty years imprisonment.

12           (2) In determining the sentence of a convicted person  
13 under subsection (1) of this section, the court shall consider  
14 mitigating factors which led to the commission of the offense.  
15 The convicted person may submit mitigating factors to the court,  
16 including, but not limited to:

17           (a) The convicted person's age at the time of the  
18 offense;

19           (b) The impetuosity of the convicted person;

20           (c) The convicted person's family and community  
21 environment;

22           (d) The convicted person's ability to appreciate the  
23 risks and consequences of the conduct;

1           (e) The convicted person's intellectual capacity; and  
2           (f) The outcome of a comprehensive mental health  
3 evaluation of the convicted person conducted by an adolescent  
4 mental health professional licensed in this state. The evaluation  
5 shall include, but not be limited to, interviews with the convicted  
6 person's family in order to learn about the convicted person's  
7 prenatal history, developmental history, medical history, substance  
8 abuse treatment history, if any, social history, and psychological  
9 history.

10           Sec. 3. (1) Any offender who was under the age of  
11 eighteen years when he or she committed the offense for which he or  
12 she was convicted and incarcerated shall, if the offender is denied  
13 parole, be considered for release on parole by the Board of Parole  
14 every year after the denial.

15           (2) During each hearing before the Board of Parole for  
16 the offender, the board shall consider and review, at a minimum:

- 17           (a) The offender's educational and court documents;  
18           (b) The offender's participation in available  
19 rehabilitative and educational programs while incarcerated;  
20           (c) The offender's age at the time of the offense;  
21           (d) The offender's level of maturity;  
22           (e) The offender's ability to appreciate the risks and  
23 consequences of his or her conduct;  
24           (f) The offender's intellectual capacity;  
25           (g) The offender's level of participation in the offense;  
26           (h) The offender's efforts toward rehabilitation; and  
27           (i) Any other mitigating factor or circumstance submitted

1 by the offender.

2           Sec. 4. Section 83-1,135, Revised Statutes Cumulative  
3 Supplement, 2012, is amended to read:

4           83-1,135 Sections 83-170 to 83-1,135 and section 3 of  
5 this act shall be known and may be cited as the Nebraska Treatment  
6 and Corrections Act.

7           Sec. 5. Original sections 28-101 and 83-1,135, Revised  
8 Statutes Cumulative Supplement, 2012, are repealed.