

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 919

FINAL READING

Introduced by Williams, 36; Chambers, 11; Coash, 27; Ebke, 32; Krist, 10;
McCollister, 20; Morfeld, 46; Pansing Brooks, 28; Seiler,
33; Mello, 5.

Read first time January 12, 2016

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and
- 2 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246,
- 3 Revised Statutes Supplement, 2015; to change legislative intent
- 4 regarding problem solving courts and appropriations for such courts;
- 5 to require the Supreme Court to promulgate rules; to harmonize
- 6 provisions; and to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-1301, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 24-1301 The Legislature finds and declares that when left untreated,
4 substance use disorders and mental illness ~~drug use and other offenses~~
5 contribute to increased crime in Nebraska, cost millions of dollars in
6 lost productivity, and contribute to the burden placed upon law
7 enforcement, court, and correctional systems in Nebraska.

8 The Legislature also finds and declares that ~~drug court programs and~~
9 problem solving courts, including drug, veterans, mental health, driving
10 under the influence, reentry, and other problem solving courts, court
11 ~~programs~~ are effective in reducing recidivism of persons who participate
12 in and complete such courts programs. The Legislature recognizes that a
13 ~~drug court program or a problem solving courts offer court program offers~~
14 a person accused of drug, alcohol, offenses and other offenses
15 alternatives ~~an alternative~~ to traditional criminal justice proceedings
16 or juvenile justice dispositions ~~proceedings~~.

17 Sec. 2. Section 24-1302, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 24-1302 (1) Drug, veterans, mental health, driving under the
20 influence, reentry, and other ~~court programs and problem solving courts~~
21 ~~court programs~~ shall be subject to rules which shall be promulgated by
22 the Supreme Court for procedures to be implemented in the administration
23 of such courts programs.

24 (2) It is the intent of the Legislature that funds be appropriated
25 separately to the Supreme Court for each of the ~~programs, the drug court~~
26 ~~programs and the problem solving courts court programs,~~ to carry out this
27 section and section 24-1301.

28 Sec. 3. Section 29-2246, Revised Statutes Supplement, 2015, is
29 amended to read:

30 29-2246 For purposes of the Nebraska Probation Administration Act
31 and sections 43-2,123.01 and 83-1,102 to 83-1,104, unless the context

1 otherwise requires:

2 (1) Association means the Nebraska District Court Judges
3 Association;

4 (2) Court means a district court, county court, or juvenile court as
5 defined in section 43-245;

6 (3) Office means the Office of Probation Administration;

7 (4) Probation means a sentence under which a person found guilty of
8 a crime upon verdict or plea or adjudicated delinquent or in need of
9 special supervision is released by a court subject to conditions imposed
10 by the court and subject to supervision. Probation includes post-release
11 supervision;

12 (5) Probationer means a person sentenced to probation or post-
13 release supervision;

14 (6) Probation officer means an employee of the system who supervises
15 probationers and conducts presentence, predisposition, or other
16 investigations as may be required by law or directed by a court in which
17 he or she is serving or performs such other duties as authorized pursuant
18 to section 29-2258, except unpaid volunteers from the community;

19 (7) Juvenile probation officer means any probation officer who
20 supervises probationers of a separate juvenile court;

21 (8) Juvenile intake probation officer means an employee of the
22 system who is called upon by a law enforcement officer in accordance with
23 section 43-250 to make a decision regarding the furtherance of a
24 juvenile's detention;

25 (9) Chief probation officer means the probation officer in charge of
26 a probation district;

27 (10) System means the Nebraska Probation System;

28 (11) Administrator means the probation administrator;

29 (12) Non-probation-based program or service means a program or
30 service established within the district, county, or juvenile courts and
31 provided to individuals not sentenced to probation who have been charged

1 with or convicted of a crime for the purpose of diverting the individual
2 from incarceration or to provide treatment for issues related to the
3 individual's criminogenic needs. Non-probation-based programs or services
4 include, but are not limited to, ~~drug court programs and~~ problem solving
5 courts ~~court programs~~ established pursuant to section 24-1302 and the
6 treatment of problems relating to substance abuse, mental health, sex
7 offenses, or domestic violence;

8 (13) Post-release supervision means the portion of a split sentence
9 following a period of incarceration under which a person found guilty of
10 a crime upon verdict or plea is released by a court subject to conditions
11 imposed by the court and subject to supervision by the office; and

12 (14) Rules and regulations means policies and procedures written by
13 the office and approved by the Supreme Court.

14 Sec. 4. Original sections 24-1301 and 24-1302, Reissue Revised
15 Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement,
16 2015, are repealed.