

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 427

Introduced by Groene, 42; Davis, 43; Garrett, 3.

Read first time January 16, 2015

Committee: Government, Military and Veterans Affairs

1 A BILL FOR AN ACT relating to probation; to amend sections 25-2407 and
2 43-2,113, Reissue Revised Statutes of Nebraska, and section 29-2259,
3 Revised Statutes Cumulative Supplement, 2014; to provide for state
4 payment of probation services; to harmonize provisions; to provide
5 an operative date; to repeal the original sections; and to declare
6 an emergency.

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

1 Section 1. Section 25-2407, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-2407 Any person who serves as an interpreter for persons unable
4 to communicate the English language in court proceedings or probation
5 services as provided in subsection (5 6) of section 29-2259 shall meet
6 the standards adopted by the Supreme Court. Such standards shall require
7 that interpreters demonstrate the ability to interpret effectively,
8 accurately, and impartially, both receptively and expressively, using any
9 necessary special vocabulary. A person appointed to interpret for deaf
10 and hard of hearing persons shall be a licensed interpreter as defined in
11 section 20-151 or, if a licensed interpreter is unavailable, an
12 interpreter licensed under the laws of another state.

13 Sec. 2. Section 29-2259, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 29-2259 (1) The salaries, actual and necessary expenses, and
16 expenses incident to the conduct and maintenance of the office shall be
17 paid by the state. Actual and necessary expenses shall be paid as
18 provided in sections 81-1174 to 81-1177.

19 (2) The salaries and actual and necessary travel expenses of the
20 probation service shall be paid by the state. Actual and necessary
21 expenses shall be paid as provided in sections 81-1174 to 81-1177.

22 (3) Except as provided in sections 29-2262 and 29-2262.04, the costs
23 of drug testing and equipment incident to the electronic surveillance of
24 individuals on probation shall be paid by the state.

25 (4) The state shall pay the cost for the probation offices and
26 necessary facilities performing their official duties and the costs
27 incident to maintenance of such offices. Actual and necessary expenses
28 shall be paid as provided in sections 81-1174 to 81-1177 ~~The expenses~~
29 ~~incident to the conduct and maintenance of the principal office within~~
30 ~~each probation district shall in the first instance be paid by the county~~
31 ~~in which it is located, but such county shall be reimbursed for such~~

1 ~~expenses by all other counties within the probation district to the~~
2 ~~extent and in the proportions determined by the Supreme Court based upon~~
3 ~~population, number of investigations, and probation cases handled or upon~~
4 ~~such other basis as the Supreme Court deems fair and equitable.~~

5 ~~(5) Each county shall provide office space and necessary facilities~~
6 ~~for probation officers performing their official duties and shall bear~~
7 ~~the costs incident to maintenance of such offices other than salaries,~~
8 ~~travel expenses, and data processing and word processing hardware and~~
9 ~~software that is provided on the state computer network.~~

10 (5 6) The cost of interpreter services for deaf and hard of hearing
11 persons and for persons unable to communicate the English language shall
12 be paid by the state with money appropriated to the Supreme Court for
13 that purpose or from other funds, including grant money, made available
14 to the Supreme Court for such purpose. Interpreter services shall include
15 auxiliary aids for deaf and hard of hearing persons as defined in section
16 20-151 and interpreters to assist persons unable to communicate the
17 English language as defined in section 25-2402. Interpreter services
18 shall be provided under this section for the purposes of conducting a
19 presentence investigation and for ongoing supervision by a probation
20 officer of such persons placed on probation.

21 (6 7) The probation administrator shall prepare a budget and request
22 for appropriations for the office and shall submit such request to the
23 Supreme Court and with its approval to the appropriate authority in
24 accordance with law.

25 (7)(a) Prior to July 1, 2015, each county providing office space and
26 necessary facilities for probation may negotiate lease arrangements with
27 the probation administrator within county-owned property.

28 (b) At the close of business on June 30, 2015, the county shall
29 cease the obligation of providing office and facilities to probation.
30 Costs incident to the maintenance of such offices and facilities shall be
31 the responsibility of the state. At that time the state shall transfer

1 any county-owned books, files, and similar records with regard to the
2 probation function and all county-owned furniture, computers, and other
3 equipment and property used by the state to perform the probation
4 function to the county.

5 Sec. 3. Section 43-2,113, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-2,113 (1) In counties where a separate juvenile court is
8 established, the county board of the county shall provide suitable rooms
9 and offices for the accommodation of the judge of the separate juvenile
10 court and the officers and employees appointed by such judge ~~or by the~~
11 ~~probation administrator pursuant to subsection (4) of section 29-2253.~~
12 Such separate juvenile court and the judge, officers, and employees of
13 such court shall have the same and exclusive jurisdiction, powers, and
14 duties that are prescribed in the Nebraska Juvenile Code, concurrent
15 jurisdiction under section 83-223, and such other jurisdiction, powers,
16 and duties as specifically provided by law.

17 (2) A juvenile court created in a separate juvenile court judicial
18 district or a county court sitting as a juvenile court in all other
19 counties shall have and exercise jurisdiction within such juvenile court
20 judicial district or county court judicial district with the county court
21 and district court in all matters arising under Chapter 42, article 3,
22 when the care, support, custody, or control of minor children under the
23 age of eighteen years is involved. Such cases shall be filed in the
24 county court and district court and may, with the consent of the juvenile
25 judge, be transferred to the docket of the separate juvenile court or
26 county court.

27 (3) All orders issued by a separate juvenile court or a county court
28 which provide for child support or spousal support as defined in section
29 42-347 shall be governed by sections 42-347 to 42-381 and 43-290 relating
30 to such support. Certified copies of such orders shall be filed by the
31 clerk of the separate juvenile or county court with the clerk of the

1 district court who shall maintain a record as provided in subsection (4)
2 of section 42-364. There shall be no fee charged for the filing of such
3 certified copies.

4 Sec. 4. This act becomes operative on July 1, 2015.

5 Sec. 5. Original sections 25-2407 and 43-2,113, Reissue Revised
6 Statutes of Nebraska, and section 29-2259, Revised Statutes Cumulative
7 Supplement, 2014, are repealed.

8 Sec. 6. Since an emergency exists, this act takes effect when
9 passed and approved according to law.