

LEGISLATIVE BILL 919

Approved by the Governor April 18, 2016

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

A BILL FOR AN ACT relating to courts; to amend sections 24-1301 and 24-1302, Reissue Revised Statutes of Nebraska, and section 29-2246, Revised Statutes Supplement, 2015; to change legislative intent regarding problem solving courts and appropriations for such courts; to require the Supreme Court to promulgate rules; to harmonize provisions; and to repeal the original sections.

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

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

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

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

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

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

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

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

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

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

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

(3) Office means the Office of Probation Administration;

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

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

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

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

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

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

(10) System means the Nebraska Probation System;

(11) Administrator means the probation administrator;

(12) Non-probation-based program or service means a program or service established within the district, county, or juvenile courts and provided to individuals not sentenced to probation who have been charged with or convicted of a crime for the purpose of diverting the individual from incarceration or to provide treatment for issues related to the individual's criminogenic needs. Non-probation-based programs or services include, but are not limited to, drug court programs and problem solving courts court programs established pursuant to section 24-1302 and the treatment of problems relating to substance abuse, mental health, sex offenses, or domestic violence;

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

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

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