

ONE HUNDRED FIFTH LEGISLATURE - FIRST SESSION - 2017
COMMITTEE STATEMENT
LB8

Hearing Date: Wednesday January 18, 2017
Committee On: Judiciary
Introducer: Krist
One Liner: Provide for graduated response sanctions and incentives relating to juvenile probation

Roll Call Vote - Final Committee Action:
Advanced to General File

Vote Results:

Aye: 8 Senators Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld,
Pansing Brooks

Nay:

Absent:

Present Not Voting:

Verbal Testimony:

Proponents:

Senator Bob Krist
Corey Steel
Christine Henningsen
Lindsey Wylie
Julie Summers

Representing:

Introducer
Nebraska Supreme Court
Nebraska Youth Advocates
UNO Juvenile Justice Institute
Voices for Children

Opponents:

Representing:

Neutral:

Dwite Pedersen

Representing:

self

Summary of purpose and/or changes:

LB 8 changes provisions related to juvenile probation to allow for graduated response sanctions and incentives in response to a violation of the terms and conditions of a juvenile's probation. As outlined in the bill, graduated response sanctions are an accountability-based series of sanctions, incentives, and services available to probation officers in instances where a juvenile has not fully complied with the terms of her or his probation. The bill tasks the Office of Probation Administration with preparation of a graduated response matrix to be used in administering graduated response sanctions and incentives. The bill allows probation officers the discretion to implement such graduated response sanctions in lieu of formal revocation proceedings.

LB 8 also adds a requirement that the juvenile's probation officer be seeking revocation of probation following a juvenile's violation of the terms of probation before a county attorney may file a motion to revoke probation. If revocation is pursued, the bill adds the requirement that a copy of the probation officer's report outlining the alleged violation be presented to the juvenile's attorney of record. If the juvenile does not have an attorney of record, LB 8 requires the appointment of one upon motion for revocation of probation.

Under current law, a probation officer is instructed to take a juvenile into temporary custody without a warrant when the probation officer has reasonable cause to believe that the juvenile has violated or is about to violate the terms and

conditions of her or his probation and that the juvenile will attempt to flee or will place lives or property in danger. LB 8 would maintain this provision, but would require a hearing before the court within 24 hours to determine if continued custody is warranted. LB 8 would also require the appointment of an attorney when the juvenile is taken into temporary custody if none has previously been appointed.

The legislation also removes language that would allow for sanctions, revocation of probation, or temporary custody in instances where a probation officer has reasonable cause to believe that the juvenile is "about to commit" a violation of a condition of her or his probation. Under LB 8, then, any responsive action by the probation officer would only be available when a juvenile has actually violated the terms of her or his probation.

Finally, LB 8 would limit confinement of a juvenile or restriction of a juvenile's liberty interest to 24 hours in instances where a juvenile has violated the terms of her or his probation or has violated the conditions of an order for conditional release. The bill also prohibits confinement or restriction of a juvenile's liberty interest for violation of the terms and conditions of the juvenile's probation unless 1) detention or restriction of the juvenile's liberty interest is a matter of immediate and urgent necessity for the protection of the juvenile or the person or property of another or if it appears that the juvenile is likely to flee the jurisdiction of the court, and 2) the results of the standardized juvenile screening instrument indicate that detention or restriction of the juvenile's liberty interest is required.

Laura Ebke, Chairperson