

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 670

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Juvenile Services Act; to amend
2 sections 43-2401, 43-2404.01, 43-2411, and 43-2412, Reissue Revised
3 Statutes of Nebraska; to change provisions relating to the
4 membership, powers, and duties of the Nebraska Coalition for
5 Juvenile Justice; to eliminate the position of coordinator for the
6 Nebraska Coalition for Juvenile Justice; to harmonize provisions; to
7 repeal the original sections; to outright repeal section 43-2413,
8 Reissue Revised Statutes of Nebraska; and to declare an emergency.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2401, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-2401 Sections 43-2401 to 43-2412 ~~43-2413~~ shall be known and may
4 be cited as the Juvenile Services Act.

5 Sec. 2. Section 43-2404.01, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 43-2404.01 (1) To be eligible for participation in either the
8 Commission Grant Program or the Community-based Juvenile Services Aid
9 Program, a comprehensive juvenile services plan shall be developed,
10 adopted, and submitted to the commission in accordance with the federal
11 act and rules and regulations adopted and promulgated by the commission
12 in consultation with the Director of the Community-based Juvenile
13 Services Aid Program, the Director of Juvenile Diversion Programs, the
14 Office of Probation Administration, and the University of Nebraska at
15 Omaha, Juvenile Justice Institute. Such plan may be developed by eligible
16 applicants for the Commission Grant Program and by individual counties,
17 by multiple counties, by federally recognized or state-recognized Indian
18 tribes, or by any combination of the three for the Community-based
19 Juvenile Services Aid Program. Comprehensive juvenile services plans
20 shall:

21 (a) Be developed by a comprehensive community team representing
22 juvenile justice system stakeholders;

23 (b) Be based on data relevant to juvenile and family issues;

24 (c) Identify policies and practices that are research-based or
25 standardized and reliable and are implemented with fidelity and which
26 have been researched and demonstrate positive outcomes;

27 (d) Identify clear implementation strategies; and

28 (e) Identify how the impact of the program or service will be
29 measured.

30 (2) Any portion of the comprehensive juvenile services plan dealing
31 with administration, procedures, and programs of the juvenile court shall

1 not be submitted to the commission without the concurrence of the
2 presiding judge or judges of the court or courts having jurisdiction in
3 juvenile cases for the geographic area to be served. Programs or services
4 established by such plans shall conform to the family policy tenets
5 prescribed in sections 43-532 and 43-533 and shall include policies and
6 practices that are research-based or standardized and reliable and are
7 implemented with fidelity and which have been researched and demonstrate
8 positive outcomes.

9 (3) The commission, in consultation with the University of Nebraska
10 at Omaha, Juvenile Justice Institute, shall contract for the development
11 and administration of a statewide system to monitor and evaluate the
12 effectiveness of plans and programs receiving funds from (a) the
13 Commission Grant Program and (b) the Community-based Juvenile Services
14 Aid Program in preventing persons from entering the juvenile justice
15 system and in rehabilitating juvenile offenders.

16 (4) There is established within the commission the position of
17 Director of the Community-based Juvenile Services Aid Program, appointed
18 by the executive director of the commission. The director shall have
19 extensive experience in developing and providing community-based
20 services.

21 (5) The director shall be supervised by the executive director of
22 the commission. The director shall:

23 (a) Provide technical assistance and guidance for the development of
24 comprehensive juvenile services plans;

25 (b) Coordinate the review of the Community-based Juvenile Services
26 Aid Program application as provided in section 43-2404.02 and make
27 recommendations for the distribution of funds provided under the
28 Community-based Juvenile Services Aid Program, giving priority to those
29 grant applications funding programs and services that will divert
30 juveniles from the juvenile justice system, impact and effectively treat
31 juveniles within the juvenile justice system, and reduce the juvenile

1 detention population or assist juveniles in transitioning from out-of-
2 home placements to in-home treatments. The director shall ensure that no
3 funds appropriated or distributed under the Community-based Juvenile
4 Services Aid Program are used for purposes prohibited under subsection
5 (3) of section 43-2404.02;

6 (c) Develop data collection and evaluation protocols, oversee
7 statewide data collection, and generate an annual report on the
8 effectiveness of juvenile services that receive funds from the Community-
9 based Juvenile Services Aid Program;

10 (d) Develop relationships and collaborate with juvenile justice
11 system stakeholders, provide education and training as necessary, and
12 serve on boards and committees when approved by the commission;

13 (e) Assist juvenile justice system stakeholders in developing
14 policies and practices that are research-based or standardized and
15 reliable and are implemented with fidelity and which have been researched
16 and demonstrate positive outcomes;

17 (f) Develop and coordinate a statewide working group as a
18 subcommittee of the coalition to assist in regular strategic planning
19 related to supporting, funding, monitoring, and evaluating the
20 effectiveness of plans and programs receiving funds from the Community-
21 based Juvenile Services Aid Program; and

22 (g) Work with ~~the coordinator for~~ the coalition in facilitating the
23 coalition's obligations under the Community-based Juvenile Services Aid
24 Program.

25 Sec. 3. Section 43-2411, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-2411 (1) The Nebraska Coalition for Juvenile Justice is created.
28 ~~As provided in the federal act, there shall be no less than fifteen nor~~
29 ~~more than thirty three members of the coalition.~~ Coalition members who
30 are members of the judicial branch of government shall be nonvoting
31 members of the coalition. The coalition members shall be appointed by the

1 Governor and shall include the members required under subsection (2) or
2 (3) of this section. ÷

3 (2) Before June 15, 2018:

4 (a) As provided in the federal act, there shall be no less than
5 fifteen nor more than thirty-three members of the coalition;

6 (b) The coalition shall include:

7 (i) (a) The Administrator of the Office of Juvenile Services;

8 (ii) (b) The chief executive officer of the Department of Health and
9 Human Services or his or her designee;

10 (iii) (c) The Commissioner of Education or his or her designee;

11 (iv) (d) The executive director of the Nebraska Commission on Law
12 Enforcement and Criminal Justice or his or her designee;

13 (v) (e) The executive director ~~Executive Director~~ of the Nebraska
14 Association of County Officials or his or her designee;

15 (vi) (f) The probation administrator of the Office of Probation
16 Administration or his or her designee;

17 (vii) (g) One county commissioner or supervisor;

18 (viii) (h) One person with data analysis experience;

19 (ix) (i) One police chief;

20 (x) (j) One sheriff;

21 (xi) (k) The executive director of the Foster Care Review Office;

22 (xii) (l) One separate juvenile court judge;

23 (xiii) (m) One county court judge;

24 (xiv) (n) One representative of mental health professionals who
25 works directly with juveniles;

26 (xv) (o) Three representatives, one from each congressional
27 district, from community-based, private nonprofit organizations who work
28 with juvenile offenders and their families;

29 (xvi) (p) One volunteer who works with juvenile offenders or
30 potential juvenile offenders;

31 (xvii) (q) One person who works with an alternative to a detention

1 program for juveniles;

2 ~~(xviii) (r)~~ The director or his or her designee from a youth
3 rehabilitation and treatment center;

4 ~~(xix) (s)~~ The director or his or her designee from a secure juvenile
5 detention facility;

6 ~~(xx) (t)~~ The director or his or her designee from a staff secure
7 youth confinement facility;

8 ~~(xxi) (u)~~ At least five members who are under twenty-four years of
9 age when appointed;

10 ~~(xxii) (v)~~ One person who works directly with juveniles who have
11 learning or emotional difficulties or are abused or neglected;

12 ~~(xxiii) (w)~~ One member of the Nebraska Commission on Law Enforcement
13 and Criminal Justice;

14 ~~(xxiv) (x)~~ One member of a regional behavioral health authority
15 established under section 71-808;

16 ~~(xxv) (y)~~ One county attorney; and

17 ~~(xxvi) (z)~~ One public defender; and ~~-~~

18 (c) A majority of the coalition members, including the chairperson,
19 shall not be full-time employees of federal, state, or local government.
20 At least one-fifth of the coalition members shall be under the age of
21 twenty-four years at the time of appointment.

22 (d) Except as provided in subsection (4) of this section, the ~~(2)~~
23 ~~The terms of members appointed pursuant to subdivisions (2)(b)(vii) (1)~~
24 ~~(g) through (2)(b)(xxvi) (1)(z) of this section shall be three years,~~
25 ~~except that the terms of the initial appointments of members of the~~
26 ~~coalition shall be staggered so that one-third of the members are~~
27 ~~appointed for terms of one year, one-third for terms of two years, and~~
28 ~~one-third for terms of three years, as determined by the Governor.—A~~
29 ~~majority of the coalition members, including the chairperson, shall not~~
30 ~~be full-time employees of federal, state, or local government. At least~~
31 ~~one-fifth of the coalition members shall be under the age of twenty-four~~

1 ~~at the time of appointment.~~

2 (3) On and after June 15, 2018, the coalition shall include:

3 (a) The chief executive officer of the Department of Health and
4 Human Services or his or her designee;

5 (b) The Commissioner of Education or his or her designee;

6 (c) The executive director of the Nebraska Commission on Law
7 Enforcement and Criminal Justice or his or her designee;

8 (d) The executive director of the Nebraska Association of County
9 Officials or his or her designee;

10 (e) The probation administrator of the Office of Probation
11 Administration or his or her designee;

12 (f) One county commissioner or supervisor;

13 (g) One representative from law enforcement;

14 (h) The executive director of the Foster Care Review Office;

15 (i) One separate juvenile court judge;

16 (j) One county court judge;

17 (k) Three representatives, one from each congressional district,
18 from community-based, private nonprofit organizations who work with
19 juvenile offenders and their families;

20 (l) The director or his or her designee from a secure juvenile
21 detention facility or a staff secure youth confinement facility;

22 (m) At least one member who is under twenty-four years of age when
23 appointed, with juvenile justice experience preferred;

24 (n) One at-large member;

25 (o) One member of a regional behavioral health authority established
26 under section 71-808;

27 (p) One county attorney; and

28 (q) One juvenile public defender or defense attorney.

29 (4)(a) Except as provided in subdivisions (c) through (e) of this
30 subsection, members of the coalition serving prior to June 15, 2018,
31 shall continue to serve on the coalition as representatives of the entity

1 they were appointed to represent until their current terms of office
2 expire and their successors are appointed and confirmed.

3 (b) The terms of the members appointed pursuant to subdivisions (3)
4 (f) through (3)(q) of this section shall be three years.

5 (c) The positions created pursuant to subdivisions (2)(b)(i),
6 (viii), (x), (xiv), (xvi), (xvii), (xviii), (xx), (xxii), and (xxiii) of
7 this section shall cease to exist on June 15, 2018.

8 (d) The police chief appointed pursuant to subdivision (2)(b)(ix) of
9 this section shall continue to serve until the representative from law
10 enforcement under subdivision (3)(g) of this section is appointed.

11 (e) The director or his or her designee from a secure juvenile
12 detention facility appointed pursuant to subdivision (2)(b)(xix) of this
13 section shall continue to serve until the member under subdivision (3)(l)
14 of this section is appointed.

15 (5) Any vacancy on the coalition shall be filled by appointment by
16 the Governor. The coalition shall select a chairperson, a vice-
17 chairperson, and such other officers as it deems necessary.

18 (6) (3) Members of the coalition shall be reimbursed for their
19 actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

20 (7) (4) The coalition may appoint task forces or subcommittees to
21 carry out its work. Task force and subcommittee members shall have
22 knowledge of, responsibility for, or interest in an area related to the
23 duties of the coalition.

24 Sec. 4. Section 43-2412, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 43-2412 (1) Consistent with the purposes and objectives of the
27 Juvenile Services Act and the federal act, the coalition shall:

28 (a) Make recommendations to the commission on the awarding of grants
29 under the Commission Grant Program to eligible applicants;

30 (b) Identify juvenile justice issues, share information, and monitor
31 and evaluate programs in the juvenile justice system;

1 ~~(c) Recommend guidelines and supervision procedures to be used to~~
2 ~~develop or expand local diversion programs for juveniles from the~~
3 ~~juvenile justice system;~~

4 **(b)** ~~(d)~~ Prepare at least one ~~an annual~~ report annually to the
5 Governor, the Legislature, the Office of Probation Administration, and
6 the Office of Juvenile Services ~~including recommendations on~~
7 ~~administrative and legislative actions which would improve the juvenile~~
8 ~~justice system.~~ The report submitted to the Legislature shall be
9 submitted electronically;

10 **(c)** ~~(e)~~ Ensure widespread citizen involvement in all phases of its
11 work; and

12 **(d)** ~~(f)~~ Meet at least two ~~four~~ times each year.

13 (2) Consistent with the purposes and objectives of the acts and
14 within the limits of available time and appropriations, the coalition
15 may:

16 (a) Assist and advise state and local agencies in the establishment
17 of volunteer training programs and the utilization of volunteers;

18 (b) Apply for and receive funds from federal and private sources for
19 carrying out its powers and duties; ~~and~~

20 (c) Provide technical assistance to eligible applicants; ~~and~~

21 **(d)** Identify juvenile justice issues, share information, and monitor
22 and evaluate programs in the juvenile justice system; and

23 **(e)** Recommend guidelines and supervision procedures to be used to
24 develop or expand local diversion programs for juveniles from the
25 juvenile justice system.

26 (3) In formulating, adopting, and promulgating the recommendations
27 and guidelines provided for in this section, the coalition shall consider
28 the differences among counties in population, in geography, and in the
29 availability of local resources.

30 Sec. 5. Original sections 43-2401, 43-2404.01, 43-2411, and
31 43-2412, Reissue Revised Statutes of Nebraska, are repealed.

1 Sec. 6. The following section is outright repealed: Section
2 43-2413, Reissue Revised Statutes of Nebraska.

3 Sec. 7. Since an emergency exists, this act takes effect when
4 passed and approved according to law.