LEGISLATIVE BILL 670

Introduced by Krist, 10.

Read first time January 03, 2018

Committee: Judiciary

A BILL FOR AN ACT relating to the Juvenile Services Act; to amend sections 43-2401, 43-2404.01, 43-2411, and 43-2412, Reissue Revised Statutes of Nebraska; to change provisions relating to the membership, powers, and duties of the Nebraska Coalition for Juvenile Justice; to eliminate the position of coordinator for the Nebraska Coalition for Juvenile Justice; to harmonize provisions; to repeal the original sections; to outright repeal section 43-2413, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 43-2401, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

(d) Identify clear implementation strategies; and

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

(2) Any portion of the comprehensive juvenile services plan dealing with administration, procedures, and programs of the juvenile court shall
not be submitted to the commission without the concurrence of the
presiding judge or judges of the court or courts having jurisdiction in
juvenile cases for the geographic area to be served. Programs or services
established by such plans shall conform to the family policy tenets
prescribed in sections 43-532 and 43-533 and shall include policies and
practices that are research-based or standardized and reliable and are
implemented with fidelity and which have been researched and demonstrate
positive outcomes.

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

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

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

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

(b) Coordinate the review of the Community-based Juvenile Services
Aid Program application as provided in section 43-2404.02 and make
recommendations for the distribution of funds provided under the
Community-based Juvenile Services Aid Program, giving priority to those
grant applications funding programs and services that will divert
juveniles from the juvenile justice system, impact and effectively treat
juveniles within the juvenile justice system, and reduce the juvenile
detention population or assist juveniles in transitioning from out-of-home placements to in-home treatments. The director shall ensure that no funds appropriated or distributed under the Community-based Juvenile Services Aid Program are used for purposes prohibited under subsection (3) of section 43-2404.02;

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

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

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

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

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

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

43-2411 (1) The Nebraska Coalition for Juvenile Justice is created. As provided in the federal act, there shall be no less than fifteen nor more than thirty-three members of the coalition. Coalition members who are members of the judicial branch of government shall be nonvoting members of the coalition. The coalition members shall be appointed by the
Governor and shall include the members required under subsection (2) or (3) of this section.

(2) Before June 15, 2018:

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

(b) The coalition shall include:

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

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

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

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

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

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

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

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

(ix) (i) One police chief;

(x) (j) One sheriff;

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

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

(xiii) (m) One county court judge;

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

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

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

(xvii) (q) One person who works with an alternative to a detention
program for juveniles;

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

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

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

(xxI) At least five members who are under twenty-four years of age when appointed;

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

(xxIII) One member of the Nebraska Commission on Law Enforcement and Criminal Justice;

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

(xxV) One county attorney; and

(xxVI) One public defender; and

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

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

(3) On and after June 15, 2018, the coalition shall include:
(a) The chief executive officer of the Department of Health and Human Services or his or her designee;
(b) The Commissioner of Education or his or her designee;
(c) The executive director of the Nebraska Commission on Law Enforcement and Criminal Justice or his or her designee;
(d) The executive director of the Nebraska Association of County Officials or his or her designee;
(e) The probation administrator of the Office of Probation Administration or his or her designee;
(f) One county commissioner or supervisor;
(g) One representative from law enforcement;
(h) The executive director of the Foster Care Review Office;
(i) One separate juvenile court judge;
(j) One county court judge;
(k) Three representatives, one from each congressional district, from community-based, private nonprofit organizations who work with juvenile offenders and their families;
(l) The director or his or her designee from a secure juvenile detention facility or a staff secure youth confinement facility;
(m) At least one member who is under twenty-four years of age when appointed, with juvenile justice experience preferred;
(n) One at-large member;
(o) One member of a regional behavioral health authority established under section 71-808;
(p) One county attorney; and
(q) One juvenile public defender or defense attorney.

(4)(a) Except as provided in subdivisions (c) through (e) of this subsection, members of the coalition serving prior to June 15, 2018, shall continue to serve on the coalition as representatives of the entity
they were appointed to represent until their current terms of office expire and their successors are appointed and confirmed.

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

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

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

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

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

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

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

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

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

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

(b) Identify juvenile justice issues, share information, and monitor and evaluate programs in the juvenile justice system;
(c) Recommend guidelines and supervision procedures to be used to
develop or expand local diversion programs for juveniles from the
juvenile justice system;

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

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

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

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

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

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

(c) Provide technical assistance to eligible applicants;

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

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

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

Sec. 5. Original sections 43-2401, 43-2404.01, 43-2411, and
43-2412, Reissue Revised Statutes of Nebraska, are repealed.
Sec. 6. The following section is outright repealed: Section 43-2413, Reissue Revised Statutes of Nebraska.

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