

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 930

Introduced by Hansen, 26.

Read first time January 09, 2018

Committee: Judiciary

1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
2 section 43-249, Reissue Revised Statutes of Nebraska, and section
3 43-2,129, Revised Statutes Supplement, 2017; to prohibit use of
4 juveniles' statements as prescribed; to define a term; to harmonize
5 provisions; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. (1) Except as provided in subsection (2) of this
2 section, no statement, admission, or confession made by a juvenile as a
3 result of a custodial interrogation shall be admissible against the
4 juvenile unless the juvenile's parent, guardian, or custodian was present
5 and the juvenile and his or her parent, guardian, or custodian were
6 advised of the juvenile's right to counsel and right to remain silent and
7 the juvenile and the parent or guardian made a knowing, intelligent, and
8 voluntary waiver of such rights.

9 (2) A statement, admission, or confession not otherwise admissible
10 under subsection (1) of this section may be admitted if it would be
11 admissible under the public safety exception to Miranda v. Arizona, 396
12 U.S. 868 (1969), as such exception has been interpreted by the United
13 States Supreme Court and the Nebraska Supreme Court.

14 (3) For purposes of this section, custodial interrogation has the
15 meaning prescribed to it under the Fourth and Fifth Amendments to the
16 Constitution of the United States and Article I, sections 3 and 7, of the
17 Constitution of Nebraska, as interpreted by the United States Supreme
18 Court and the Nebraska Supreme Court.

19 Sec. 2. Section 43-249, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 43-249 No juvenile taken into temporary custody under section 43-248
22 shall be considered to have been arrested, except for the purpose of
23 determining the validity of such custody under the Constitution of
24 Nebraska or the United States and compliance with section 1 of this act.

25 Sec. 3. Section 43-2,129, Revised Statutes Supplement, 2017, is
26 amended to read:

27 43-2,129 Sections 43-245 to 43-2,129 and section 1 of this act shall
28 be known and may be cited as the Nebraska Juvenile Code.

29 Sec. 4. Original section 43-249, Reissue Revised Statutes of
30 Nebraska, and section 43-2,129, Revised Statutes Supplement, 2017, are
31 repealed.