

## LEGISLATIVE BILL 861

Approved by the Governor April 17, 2018

Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to counties; to authorize claims to the state for certain prosecution costs as prescribed; to define terms; to provide powers and duties for the Risk Manager; and to provide for applicability. Be it enacted by the people of the State of Nebraska,

Section 1. (1) For purposes of this section:

(a) Correctional institution incident means an incident in which a crime or crimes are allegedly committed by one or more inmates confined in a state correctional institution;

(b) Costs of prosecution includes, but is not limited to, the costs of defense for indigent defendants, including attorney's fees and expert witness fees;

(c) Division means the risk management and state claims division of the Department of Administrative Services; and

(d) Threshold amount means the amount of property tax revenue raised by a county from a levy of two and one-half cents per one hundred dollars of taxable valuation of property subject to the levy. The threshold amount shall be determined using valuations for the year in which the correctional institution incident occurred.

(2) A county may file a claim with the division to recover the costs of prosecution relating to a correctional institution incident that occurs within the county. The county may recover only those costs that exceed the threshold amount for such county.

(3) The Risk Manager shall have the power and authority to receive claims, investigate claims, and otherwise carry out the responsibilities of this section. The division shall develop a claim form, publish claim procedures, and determine the supporting information required to perfect a claim.

(4) The Risk Manager shall submit claims received under this section to the Legislature in the same manner as provided in the State Miscellaneous Claims Act. The Legislature shall review the claim and make an appropriation for the claim if appropriate.

(5) This section shall apply to any correctional institution incident occurring on or after May 1, 2015. Claims described in this section shall have no time bar to recovery.