

ONE HUNDRED SIXTH LEGISLATURE

SECOND SESSION

LEGISLATIVE RESOLUTION 386

Introduced by Pansing Brooks, 28; Vargas, 7.

PURPOSE: The purpose of this interim study is to examine Nebraska law, policy, and application in the filing and transferring of cases involving youth between juvenile and criminal court and to consider the jurisdictional structure currently set forth in sections 29-1816, 43-246.01, 43-247, and 43-274 and in light of national best practices, scientific understanding of adolescent development, the lived experience of youth and families in Nebraska, and racial equity outcomes. The purpose of this interim study is also to examine how the current jurisdictional structure supports the intent of the juvenile code to effectuate the outcomes listed in section 43-246 and to explore the expansion of problem-solving courts and alternative juvenile court jurisdictional models, including extending the age of juvenile court jurisdiction or adopting a young adult court.

This interim study shall include, but not be limited to, an examination of:

(1) The number and type of cases in Nebraska, disaggregated by demographic factors, wherein:

(a) An individual under the age of eighteen was charged as an adult in county or district court, whether or not a motion to transfer the case to juvenile court was filed;

(b) An individual under the age of eighteen was petitioned in juvenile court and a motion to transfer the case to county or district court was filed;
or

(c) An individual under the age of eighteen was charged as an adult in county or district court and petitioned in juvenile court for separate offenses arising from a singular incident;

(2) Case progression data with regard to filing of transfer motions, hearings on transfer motions, orders on transfer motions, and any appeals that may have been filed in the matter;

(3) The disproportionate use of discretionary charging and transfers for Black, Indigenous, and other youth of color in Nebraska and whether and to what extent the factors set forth in section 43-276 contribute to racial and ethnic disparities for youth sentenced as adults;

(4) The variance of discretionary charging and transfers of youth between juvenile and criminal court across counties, by gender, by age, and by type of offense;

(5) The case outcomes or sentences for youth charged and sentenced as adults, as compared with the case outcomes or dispositions for youth charged as adults but transferred to juvenile court;

(6) The experience and outcomes of discretionary criminal court charging and transfers, as articulated by youth and family advocates with lived experience of the transfer process in Nebraska; and

(7) Other state models and best practices for structuring juvenile, adult, and young adult court jurisdictions to support rehabilitation, healing, and community safety.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Judiciary Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.