

AMENDMENTS TO LB307

(Amendments to Standing Committee amendments, AM273)

Introduced by Lathrop, 12.

1           1. Insert the following new section:

2           Section 1. Section 29-1816, Revised Statutes Cumulative Supplement,  
3   2020, is amended to read:

4           29-1816 (1)(a) The accused may be arraigned in county court or  
5   district court:

6           (i) If the accused was eighteen years of age or older when the  
7   alleged offense was committed;

8           (ii) If the accused was younger than eighteen years of age and was  
9   fourteen years of age or older when an alleged offense punishable as a  
10   Class I, IA, IB, IC, ID, II, or IIA felony was committed;

11          (iii) If the alleged offense is a traffic offense as defined in  
12   section 43-245; or

13          (iv) Until January 1, 2017, if the accused was seventeen years of  
14   age when an alleged offense described in subdivision (1) of section  
15   43-247 was committed.

16          (b) Arraignment in county court or district court shall be by  
17   reading to the accused the complaint or information, unless the reading  
18   is waived by the accused when the nature of the charge is made known to  
19   him or her. The accused shall then be asked whether he or she is guilty  
20   or not guilty of the offense charged. If the accused appears in person  
21   and by counsel and goes to trial before a jury regularly impaneled and  
22   sworn, he or she shall be deemed to have waived arraignment and a plea of  
23   not guilty shall be deemed to have been made.

24          (2) At the time of the arraignment, the county court or district  
25   court shall advise the accused, if the accused was younger than eighteen  
26   years of age at the time the alleged offense was committed, that the

1 accused may move the county court or district court at any time not later  
2 than thirty days after arraignment, unless otherwise permitted by the  
3 court for good cause shown, to waive jurisdiction in such case to the  
4 juvenile court for further proceedings under the Nebraska Juvenile Code.  
5 This subsection does not apply if the case was transferred to county  
6 court or district court from juvenile court.

7 (3) For motions to transfer a case from the county court or district  
8 court to juvenile court:

9 (a) The county court or district court shall schedule a hearing on  
10 such motion within fifteen days. The customary rules of evidence shall  
11 not be followed at such hearing. The accused shall be represented by an  
12 attorney. The criteria set forth in section 43-276 shall be considered at  
13 such hearing. After considering all the evidence and reasons presented by  
14 both parties, the case shall be transferred to juvenile court unless a  
15 sound basis exists for retaining the case in county court or district  
16 court; and

17 (b) The county court or district court shall make a decision on such  
18 motion within thirty days after the hearing and shall set forth findings  
19 for the reason for its decision. If the county court or district court  
20 determines that the accused should be transferred to the juvenile court,  
21 the complete file in the county court or district court shall be  
22 transferred to the juvenile court and the complaint, indictment, or  
23 information may be used in place of a petition therein. The county court  
24 or district court making a transfer shall order the accused to be taken  
25 forthwith to the juvenile court and designate where the juvenile shall be  
26 kept pending determination by the juvenile court. The juvenile court  
27 shall then proceed as provided in the Nebraska Juvenile Code.

28 (c) An order granting or denying transfer of the case from county or  
29 district court to juvenile court shall be considered a final order for  
30 the purposes of appeal. Upon entry of an order, any party may appeal to  
31 the Court of Appeals within ten days. Such review shall be advanced on

1 the court docket without an extension of time granted to any party except  
2 upon a showing of exceptional cause. Appeals shall be submitted,  
3 assigned, and scheduled for oral argument as soon as the appellee's brief  
4 is due to be filed. The Court of Appeals shall conduct its review in an  
5 expedited manner and shall render the judgment and opinion, if any, as  
6 speedily as possible. During the pendency of an appeal from an order  
7 transferring the case to juvenile court, the juvenile court may enter  
8 temporary orders in the best interests of the juvenile.

9 (4) When the accused was younger than eighteen years of age when an  
10 alleged offense was committed, the county attorney or city attorney shall  
11 proceed under section 43-274.

12 2. On page 2, line 16, strike "is" and insert "and section 29-1816,  
13 Revised Statutes Cumulative Supplement, 2020, are".

14 3. Renumber the remaining sections accordingly.