

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 330

Introduced by Wayne, 13.

Read first time January 13, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to juveniles; to amend sections 28-801,
2 29-401, 29-2204.02, 29-2270, 43-247, 43-248.01, 43-252, 43-289,
3 43-412, 43-905, and 43-2402, Reissue Revised Statutes of Nebraska,
4 and sections 24-517, 28-1204.05, 29-1816, 29-2204, 43-245,
5 43-247.02, 43-274, 43-285, 43-2,108.01, 43-2,108.02, 43-2,108.03,
6 43-2404.02, and 83-4,125, Revised Statutes Cumulative Supplement,
7 2020; to raise the jurisdictional age limit for juvenile court to
8 twenty-one; to change provisions relating to prostitution and
9 unlawful possession of a firearm by a prohibited juvenile offender;
10 to change and eliminate definitions; to change provisions relating
11 to sealing of records and placement and treatment of juveniles; to
12 provide for applicability; to change provisions relating to the
13 Juvenile Services Act; to harmonize provisions; and to repeal the
14 original sections.
15 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-517, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 24-517 Each county court shall have the following jurisdiction:

4 (1) Exclusive original jurisdiction of all matters relating to
5 decedents' estates, including the probate of wills and the construction
6 thereof, except as provided in subsection (c) of section 30-2464 and
7 section 30-2486;

8 (2) Exclusive original jurisdiction in all matters relating to the
9 guardianship of a person, except if a separate juvenile court already has
10 jurisdiction over a child in need of a guardian, concurrent original
11 jurisdiction with the separate juvenile court in such guardianship;

12 (3) Exclusive original jurisdiction of all matters relating to
13 conservatorship of any person, including (a) original jurisdiction to
14 consent to and authorize a voluntary selection, partition, and setoff of
15 a ward's interest in real estate owned in common with others and to
16 exercise any right of the ward in connection therewith which the ward
17 could exercise if competent and (b) original jurisdiction to license the
18 sale of such real estate for cash or on such terms of credit as shall
19 seem best calculated to produce the highest price subject only to the
20 requirements set forth in section 30-3201;

21 (4) Concurrent jurisdiction with the district court to involuntarily
22 partition a ward's interest in real estate owned in common with others;

23 (5) Concurrent original jurisdiction with the district court in all
24 civil actions of any type when the amount in controversy is forty-five
25 thousand dollars or less through June 30, 2005, and as set by the Supreme
26 Court pursuant to subdivision (b) of this subdivision on and after July
27 1, 2005.

28 (a) When the pleadings or discovery proceedings in a civil action
29 indicate that the amount in controversy is greater than the
30 jurisdictional amount of subdivision (5) of this section, the county
31 court shall, upon the request of any party, certify the proceedings to

1 the district court as provided in section 25-2706. An award of the county
2 court which is greater than the jurisdictional amount of subdivision (5)
3 of this section is not void or unenforceable because it is greater than
4 such amount, however, if an award of the county court is greater than the
5 jurisdictional amount, the county court shall tax as additional costs the
6 difference between the filing fee in district court and the filing fee in
7 county court.

8 (b) The Supreme Court shall adjust the jurisdictional amount for the
9 county court every fifth year commencing July 1, 2005. The adjusted
10 jurisdictional amount shall be equal to the then current jurisdictional
11 amount adjusted by the average percentage change in the unadjusted
12 Consumer Price Index for All Urban Consumers published by the Federal
13 Bureau of Labor Statistics for the five-year period preceding the
14 adjustment date. The jurisdictional amount shall be rounded to the
15 nearest one-thousand-dollar amount;

16 (6) Concurrent original jurisdiction with the district court in any
17 criminal matter classified as a misdemeanor or for any infraction. The
18 district court shall have concurrent original jurisdiction in any
19 criminal matter classified as a misdemeanor that arises from the same
20 incident as a charged felony;

21 (7) Concurrent original jurisdiction with the district court in
22 domestic relations matters as defined in section 25-2740 and with the
23 district court and separate juvenile court in paternity or custody
24 determinations as provided in section 25-2740;

25 (8) Concurrent original jurisdiction with the district court in
26 matters arising under the Nebraska Uniform Trust Code;

27 (9) Exclusive original jurisdiction in any action based on violation
28 of a city or village ordinance, except with respect to violations
29 committed by persons under twenty-one ~~eighteen~~ years of age;

30 (10) The jurisdiction of a juvenile court as provided in the
31 Nebraska Juvenile Code when sitting as a juvenile court in counties which

1 have not established separate juvenile courts;

2 (11) Exclusive original jurisdiction in matters of adoption, except
3 if a separate juvenile court already has jurisdiction over the child to
4 be adopted, concurrent original jurisdiction with the separate juvenile
5 court;

6 (12) Exclusive original jurisdiction in matters arising under the
7 Nebraska Uniform Custodial Trust Act;

8 (13) Concurrent original jurisdiction with the district court in any
9 matter relating to a power of attorney and the action or inaction of any
10 agent acting under a power of attorney;

11 (14) Exclusive original jurisdiction in any action arising under
12 sections 30-3401 to 30-3432;

13 (15) Exclusive original jurisdiction in matters arising under the
14 Nebraska Uniform Transfers to Minors Act;

15 (16) Concurrent original jurisdiction with the district court in
16 matters arising under the Uniform Principal and Income Act;

17 (17) Concurrent original jurisdiction with the district court in
18 matters arising under the Uniform Testamentary Additions to Trusts Act
19 (1991) except as otherwise provided in subdivision (1) of this section;

20 (18) Concurrent original jurisdiction with the district court to
21 determine contribution rights under section 68-919; and

22 (19) All other jurisdiction heretofore provided and not specifically
23 repealed by Laws 1972, Legislative Bill 1032, and such other jurisdiction
24 as hereafter provided by law.

25 Sec. 2. Section 28-801, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 28-801 (1) Except as provided in subsection (5) of this section, any
28 person who performs, offers, or agrees to perform any act of sexual
29 contact or sexual penetration, as those terms are defined in section
30 28-318, with any person not his or her spouse, in exchange for money or
31 other thing of value, commits prostitution.

1 (2) Any person convicted of violating subsection (1) of this section
2 shall be punished as follows:

3 (a) If such person has had no prior convictions or has had one prior
4 conviction, such person shall be guilty of a Class II misdemeanor. If the
5 court places such person on probation, such order of probation shall
6 include, as one of its conditions, that such person shall satisfactorily
7 attend and complete an appropriate mental health and substance abuse
8 assessment conducted by a licensed mental health professional or
9 substance abuse professional authorized to complete such assessment; and

10 (b) If such person has had two or more prior convictions, such
11 person shall be guilty of a Class I misdemeanor. If the court places such
12 person on probation, such order of probation shall include, as one of its
13 conditions, that such person shall satisfactorily attend and complete an
14 appropriate mental health and substance abuse assessment conducted by a
15 licensed mental health professional or substance abuse professional
16 authorized to complete such assessment.

17 (3) It is an affirmative defense to prosecution under this section
18 that such person was a trafficking victim as defined in section 28-830.

19 (4) For purposes of this section, prior conviction means any
20 conviction on or after July 14, 2006, for violation of subsection (1) of
21 this section or any conviction on or after July 14, 2006, for violation
22 of a city or village ordinance relating to prostitution.

23 (5) If the law enforcement officer determines, after a reasonable
24 detention for investigative purposes, that a person suspected of or
25 charged with a violation of subsection (1) of this section is (a) a
26 person engaging in those acts as a direct result of being a trafficking
27 victim as defined in section 28-830, such person shall be immune from
28 prosecution for a prostitution offense or (b) a person under twenty-one
29 ~~eighteen~~ years of age, such person shall be immune from prosecution for a
30 prostitution offense under this section and shall be subject to temporary
31 custody under section 43-248 and further disposition under the Nebraska

1 Juvenile Code. A law enforcement officer who takes a person under twenty-
2 one ~~eighteen~~ years of age into custody under this section shall
3 immediately report an allegation of a violation of section 28-831 to the
4 Department of Health and Human Services which shall commence an
5 investigation within twenty-four hours under the Child Protection and
6 Family Safety Act.

7 Sec. 3. Section 28-1204.05, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 28-1204.05 (1) Except as provided in subsections (3) and (4) of this
10 section, a person under the age of twenty-five years who knowingly
11 possesses a firearm commits the offense of possession of a firearm by a
12 prohibited juvenile offender if he or she has previously been adjudicated
13 an offender in juvenile court for an act which would constitute a felony
14 or an act which would constitute a misdemeanor crime of domestic
15 violence.

16 (2) Possession of a firearm by a prohibited juvenile offender is a
17 Class IV felony for a first offense and a Class IIIA felony for a second
18 or subsequent offense.

19 (3) Subsection (1) of this section does not apply to the possession
20 of firearms by members of the armed forces of the United States, active
21 or reserve, National Guard of this state, or Reserve Officers Training
22 Corps or peace officers or other duly authorized law enforcement officers
23 when on duty or training.

24 (4)(a) Prior to reaching the age of twenty-five years, a person
25 subject to the prohibition of subsection (1) of this section may file a
26 petition for exemption from such prohibition and thereby have his or her
27 right to possess a firearm reinstated. A petitioner who is younger than
28 twenty-two ~~nineteen~~ years of age shall petition the juvenile court in
29 which he or she was adjudicated for the underlying offense. A petitioner
30 who is twenty-two ~~nineteen~~ years of age or older shall petition the
31 district court in the county in which he or she resides.

1 (b) In determining whether to grant a petition filed under
2 subdivision (4)(a) of this section, the court shall consider:

3 (i) The behavior of the person after the underlying adjudication;

4 (ii) The likelihood that the person will engage in further criminal
5 activity; and

6 (iii) Any other information the court considers relevant.

7 (c) The court may grant a petition filed under subdivision (4)(a) of
8 this section and issue an order exempting the person from the prohibition
9 of subsection (1) of this section when in the opinion of the court the
10 order will be in the best interests of the person and consistent with the
11 public welfare.

12 (5) The fact that a person subject to the prohibition under
13 subsection (1) of this section has reached the age of twenty-five or that
14 a court has granted a petition under subdivision (4)(a) of this section
15 shall not be construed to mean that such adjudication has been set aside.
16 Nothing in this section shall be construed to authorize the setting aside
17 of such an adjudication or conviction except as otherwise provided by
18 law.

19 (6) For purposes of this section, misdemeanor crime of domestic
20 violence has the same meaning as in section 28-1206.

21 Sec. 4. Section 29-401, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,
24 security guard, police officer, or peace officer as defined in
25 ~~subdivision (15) of~~ section 49-801 shall arrest and detain any person
26 found violating any law of this state or any legal ordinance of any city
27 or incorporated village until a legal warrant can be obtained, except
28 that (1) any such law enforcement officer taking a juvenile under the age
29 of twenty-one ~~eighteen~~ years into his or her custody for any violation
30 herein defined shall proceed as set forth in sections 43-248, 43-248.01,
31 43-250, 43-251, 43-251.01, and 43-253 and (2) the court in which the

1 juvenile is to appear shall not accept a plea from the juvenile until
2 finding that the parents of the juvenile have been notified or that
3 reasonable efforts to notify such parents have been made as provided in
4 section 43-250.

5 Sec. 5. Section 29-1816, Revised Statutes Cumulative Supplement,
6 2020, is amended to read:

7 29-1816 (1)(a) The accused may be arraigned in county court or
8 district court:

9 (i) If the accused was twenty-one ~~eighteen~~ years of age or older
10 when the alleged offense was committed;

11 (ii) If the accused was younger than twenty-one ~~eighteen~~ years of
12 age and was fourteen years of age or older when an alleged offense
13 punishable as a Class I, IA, IB, IC, ID, II, or IIA felony was committed;
14 or

15 (iii) If the alleged offense is a traffic offense as defined in
16 section 43-245. ~~;~~ ~~or~~

17 ~~(iv) Until January 1, 2017, if the accused was seventeen years of~~
18 ~~age when an alleged offense described in subdivision (1) of section~~
19 ~~43-247 was committed.~~

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

28 (2) At the time of the arraignment, the county court or district
29 court shall advise the accused, if the accused was younger than twenty-
30 one ~~eighteen~~ years of age at the time the alleged offense was committed,
31 that the accused may move the county court or district court at any time

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

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

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

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

26 (c) An order granting or denying transfer of the case from county or
27 district court to juvenile court shall be considered a final order for
28 the purposes of appeal. Upon entry of an order, any party may appeal to
29 the Court of Appeals within ten days. Such review shall be advanced on
30 the court docket without an extension of time granted to any party except
31 upon a showing of exceptional cause. Appeals shall be submitted,

1 assigned, and scheduled for oral argument as soon as the appellee's brief
2 is due to be filed. The Court of Appeals shall conduct its review in an
3 expedited manner and shall render the judgment and opinion, if any, as
4 speedily as possible. During the pendency of an appeal from an order
5 transferring the case to juvenile court, the juvenile court may enter
6 temporary orders in the best interests of the juvenile.

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

10 (5)(a) A person under twenty-one years of age arraigned in county
11 court or district court prior to the effective date of this act may file
12 a motion to transfer the case to juvenile court as provided in subsection
13 (3) of this section if:

14 (i) Such person is still under twenty-one years of age; and

15 (ii) A conviction has not yet been obtained, whether by trial or
16 plea of guilty or nolo contendere.

17 (b) This subsection applies regardless of whether a person
18 previously filed a motion to transfer the case to juvenile court and
19 regardless of whether the case was previously transferred to county court
20 or district court from juvenile court.

21 (c) A motion under this subsection shall be filed on or before
22 December 1, 2021, unless otherwise permitted by the court for good cause
23 shown.

24 Sec. 6. Section 29-2204, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 29-2204 (1) Except when a term of life imprisonment is required by
27 law, in imposing a sentence upon an offender for any class of felony
28 other than a Class III, IIIA, or IV felony, the court shall fix the
29 minimum and the maximum terms of the sentence to be served within the
30 limits provided by law. The maximum term shall not be greater than the
31 maximum limit provided by law, and:

1 (a) The minimum term fixed by the court shall be any term of years
2 less than the maximum term imposed by the court; or

3 (b) The minimum term shall be the minimum limit provided by law.

4 (2) When a maximum term of life is imposed by the court for a Class
5 IB felony, the minimum term fixed by the court shall be:

6 (a) Any term of years not less than the minimum limit provided by
7 law; or

8 (b) A term of life imprisonment.

9 (3) When a maximum term of life is imposed by the court for a Class
10 IA felony, the minimum term fixed by the court shall be:

11 (a) A term of life imprisonment; or

12 (b) Any term of years not less than the minimum limit provided by
13 law after consideration of the mitigating factors in section 28-105.02,
14 if the defendant was under eighteen years of age at the time he or she
15 committed the crime for which he or she was convicted.

16 (4) When the court is of the opinion that imprisonment may be
17 appropriate but desires more detailed information as a basis for
18 determining the sentence to be imposed than has been provided by the
19 presentence report required by section 29-2261, the court may commit an
20 offender to the Department of Correctional Services. During that time,
21 the department shall conduct a complete study of the offender as provided
22 in section 29-2204.03.

23 (5) Except when a term of life is required by law, whenever the
24 defendant was under twenty-one ~~eighteen~~ years of age at the time he or
25 she committed the crime for which he or she was convicted, the court may,
26 in its discretion, instead of imposing the penalty provided for the
27 crime, make such disposition of the defendant as the court deems proper
28 under the Nebraska Juvenile Code.

29 (6)(a) When imposing an indeterminate sentence upon an offender
30 under this section, the court shall:

31 (i) Advise the offender on the record the time the offender will

1 serve on his or her minimum term before attaining parole eligibility
2 assuming that no good time for which the offender will be eligible is
3 lost; and

4 (ii) Advise the offender on the record the time the offender will
5 serve on his or her maximum term before attaining mandatory release
6 assuming that no good time for which the offender will be eligible is
7 lost.

8 (b) If any discrepancy exists between the statement of the minimum
9 limit of the sentence and the statement of parole eligibility or between
10 the statement of the maximum limit of the sentence and the statement of
11 mandatory release, the statements of the minimum limit and the maximum
12 limit shall control the calculation of the offender's term.

13 (c) If the court imposes more than one sentence upon an offender or
14 imposes a sentence upon an offender who is at that time serving another
15 sentence, the court shall state whether the sentences are to be
16 concurrent or consecutive.

17 Sec. 7. Section 29-2204.02, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 29-2204.02 (1) Except when a term of probation is required by law as
20 provided in subsection (2) of this section or except as otherwise
21 provided in subsection (4) of this section, in imposing a sentence upon
22 an offender for a Class III, IIIA, or IV felony, the court shall:

23 (a) Impose a determinate sentence of imprisonment within the
24 applicable range in section 28-105; and

25 (b) Impose a sentence of post-release supervision, under the
26 jurisdiction of the Office of Probation Administration, within the
27 applicable range in section 28-105.

28 (2) If the criminal offense is a Class IV felony, the court shall
29 impose a sentence of probation unless:

30 (a) The defendant is concurrently or consecutively sentenced to
31 imprisonment for any felony other than another Class IV felony;

1 (b) The defendant has been deemed a habitual criminal pursuant to
2 section 29-2221; or

3 (c) There are substantial and compelling reasons why the defendant
4 cannot effectively and safely be supervised in the community, including,
5 but not limited to, the criteria in subsections (2) and (3) of section
6 29-2260. Unless other reasons are found to be present, that the offender
7 has not previously succeeded on probation is not, standing alone, a
8 substantial and compelling reason.

9 (3) If a sentence of probation is not imposed, the court shall state
10 its reasoning on the record, advise the defendant of his or her right to
11 appeal the sentence, and impose a sentence as provided in subsection (1)
12 of this section.

13 (4) For any sentence of imprisonment for a Class III, IIIA, or IV
14 felony for an offense committed on or after August 30, 2015, imposed
15 consecutively or concurrently with (a) a sentence for a Class III, IIIA,
16 or IV felony for an offense committed prior to August 30, 2015, or (b) a
17 sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA
18 felony, the court shall impose an indeterminate sentence within the
19 applicable range in section 28-105 that does not include a period of
20 post-release supervision, in accordance with the process set forth in
21 section 29-2204.

22 (5) For any sentence of imprisonment for a misdemeanor imposed
23 consecutively or concurrently with a sentence of imprisonment for a Class
24 III, IIIA, or IV felony for an offense committed on or after August 30,
25 2015, the court shall impose a determinate sentence within the applicable
26 range in section 28-106 unless the person is also committed to the
27 Department of Correctional Services in accordance with section 29-2204
28 for (a) a sentence of imprisonment for a Class III, IIIA, or IV felony
29 committed prior to August 30, 2015, or (b) a sentence of imprisonment for
30 a Class I, IA, IB, IC, ID, II, or IIA felony.

31 (6) If the defendant was under twenty-one ~~eighteen~~ years of age at

1 the time he or she committed the crime for which he or she was convicted,
2 the court may, in its discretion, instead of imposing the penalty
3 provided for the crime, make such disposition of the defendant as the
4 court deems proper under the Nebraska Juvenile Code.

5 (7)(a) When imposing a determinate sentence upon an offender under
6 this section, the court shall:

7 (i) Advise the offender on the record the time the offender will
8 serve on his or her term of imprisonment before his or her term of post-
9 release supervision assuming that no good time for which the offender
10 will be eligible is lost;

11 (ii) Advise the offender on the record the time the offender will
12 serve on his or her term of post-release supervision; and

13 (iii) When imposing a sentence following revocation of post-release
14 supervision, advise the offender on the record the time the offender will
15 serve on his or her term of imprisonment, including credit for time
16 served, assuming that no good time for which the offender will be
17 eligible is lost.

18 (b) If a period of post-release supervision is required but not
19 imposed by the sentencing court, the term of post-release supervision
20 shall be the minimum provided by law.

21 (c) If the court imposes more than one sentence upon an offender or
22 imposes a sentence upon an offender who is at that time serving another
23 sentence, the court shall state whether the sentences are to be
24 concurrent or consecutive.

25 (d) If the offender has been sentenced to two or more determinate
26 sentences and one or more terms of post-release supervision, the offender
27 shall serve all determinate sentences before being released on post-
28 release supervision.

29 Sec. 8. Section 29-2270, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-2270 Any individual who is less than nineteen years of age and

1 who is subject to the supervision of a ~~juvenile probation officer~~ or an
2 adult probation officer pursuant to an order of the district court, or
3 county court, and any individual who is less than twenty-one years of age
4 and who is subject to the supervision of a juvenile probation officer
5 pursuant to an order of the ~~or~~ juvenile court, shall, as a condition of
6 probation, be required to:

7 (1) Attend school to obtain vocational training or to achieve an
8 appropriate educational level as prescribed by the probation officer
9 after consultation with the school the individual attends or pursuant to
10 section 29-2272. If the individual fails to attend school regularly,
11 maintain appropriate school behavior, or make satisfactory progress as
12 determined by the probation officer after consultation with the school
13 and the individual does not meet the requirements of subdivision (2) of
14 this section, the district court, county court, or juvenile court shall
15 take appropriate action to enforce, modify, or revoke its order granting
16 probation; or

17 (2) Attend an on-the-job training program or secure and maintain
18 employment. If the individual fails to attend the program or maintain
19 employment and does not meet the requirements of subdivision (1) of this
20 section, the district court, county court, or juvenile court shall take
21 appropriate action to enforce, modify, or revoke its order granting
22 probation.

23 Sec. 9. Section 43-245, Revised Statutes Cumulative Supplement,
24 2020, is amended to read:

25 43-245 For purposes of the Nebraska Juvenile Code, unless the
26 context otherwise requires:

27 (1) Abandonment means a parent's intentionally withholding from a
28 child, without just cause or excuse, the parent's presence, care, love,
29 protection, and maintenance and the opportunity for the display of
30 parental affection for the child;

31 ~~(2) Age of majority means nineteen years of age;~~

1 (2) ~~(3)~~ Alternative to detention means a program or directive that
2 increases supervision of a youth in the community in an effort to ensure
3 the youth attends court and refrains from committing a new law violation.
4 Alternative to detention includes, but is not limited to, electronic
5 monitoring, day and evening reporting centers, house arrest, tracking,
6 family crisis response, and temporary shelter placement. Except for the
7 use of manually controlled delayed egress of not more than thirty
8 seconds, placements that utilize physical construction or hardware to
9 restrain a youth's freedom of movement and ingress and egress from
10 placement are not considered alternatives to detention;

11 (3) ~~(4)~~ Approved center means a center that has applied for and
12 received approval from the Director of the Office of Dispute Resolution
13 under section 25-2909;

14 (4) ~~(5)~~ Civil citation means a noncriminal notice which cannot
15 result in a criminal record and is described in section 43-248.02;

16 (5) ~~(6)~~ Cost or costs means (a) the sum or equivalent expended,
17 paid, or charged for goods or services, or expenses incurred, or (b) the
18 contracted or negotiated price;

19 (6) ~~(7)~~ Criminal street gang means a group of three or more people
20 with a common identifying name, sign, or symbol whose group identity or
21 purposes include engaging in illegal activities;

22 (7) ~~(8)~~ Criminal street gang member means a person who willingly or
23 voluntarily becomes and remains a member of a criminal street gang;

24 (8) ~~(9)~~ Custodian means a nonparental caretaker having physical
25 custody of the juvenile and includes an appointee described in section
26 43-294;

27 (9) ~~(10)~~ Guardian means a person, other than a parent, who has
28 qualified by law as the guardian of a juvenile pursuant to testamentary
29 or court appointment, but excludes a person who is merely a guardian ad
30 litem;

31 (10) ~~(11)~~ Juvenile means any person under the age of twenty-one

1 years, except that when the context requires it refers to a person under
2 the age of nineteen years ~~eighteen~~;

3 (11) ~~(12)~~ Juvenile court means the separate juvenile court where it
4 has been established pursuant to sections 43-2,111 to 43-2,127 and the
5 county court sitting as a juvenile court in all other counties. Nothing
6 in the Nebraska Juvenile Code shall be construed to deprive the district
7 courts of their habeas corpus, common-law, or chancery jurisdiction or
8 the county courts and district courts of jurisdiction of domestic
9 relations matters as defined in section 25-2740;

10 (12) ~~(13)~~ Juvenile detention facility has the same meaning as in
11 section 83-4,125;

12 (13) ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

13 (14) ~~(15)~~ Mental health facility means a treatment facility as
14 defined in section 71-914 or a government, private, or state hospital
15 which treats mental illness;

16 (15) ~~(16)~~ Nonoffender means a juvenile who is subject to the
17 jurisdiction of the juvenile court for reasons other than legally
18 prohibited conduct, including, but not limited to, juveniles described in
19 subdivision (3)(a) of section 43-247;

20 (16) ~~(17)~~ Parent means one or both parents or stepparents when the
21 stepparent is married to a parent who has physical custody of the
22 juvenile as of the filing of the petition;

23 (17) ~~(18)~~ Parties means the juvenile as described in section 43-247
24 and his or her parent, guardian, or custodian;

25 (18) ~~(19)~~ Physical custody has the same meaning as in section
26 43-2922;

27 (19) ~~(20)~~ Except in proceedings under the Nebraska Indian Child
28 Welfare Act, relative means father, mother, grandfather, grandmother,
29 brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle,
30 aunt, first cousin, nephew, or niece;

31 (20) ~~(21)~~ Restorative justice means practices, programs, or services

1 that emphasize repairing the harm caused to victims and the community by
2 persons who have caused the harm or committed an offense. Restorative
3 justice practices may include, but are not limited to, victim youth
4 conferencing, victim-offender mediation, youth or community dialogue,
5 panels, circles, and truancy mediation;

6 ~~(21)~~ ~~(22)~~ Restorative justice facilitator means a qualified
7 individual who has been trained to facilitate restorative justice
8 practices. A qualified individual shall be approved by the referring
9 county attorney, city attorney, or juvenile or county court judge.
10 Factors for approval may include, but are not limited to, an individual's
11 education and training in restorative justice principles and practices;
12 experience in facilitating restorative justice sessions; understanding of
13 the necessity to do no harm to either the victim or the person who harmed
14 the victim; and proven commitment to ethical practices;

15 ~~(22)~~ ~~(23)~~ Seal a record means that a record shall not be available
16 to the public except upon the order of a court upon good cause shown;

17 ~~(23)~~ ~~(24)~~ Secure detention means detention in a highly structured,
18 residential, hardware-secured facility designed to restrict a juvenile's
19 movement;

20 ~~(24)~~ ~~(25)~~ Staff secure juvenile facility means a juvenile
21 residential facility operated by a political subdivision (a) which does
22 not include construction designed to physically restrict the movements
23 and activities of juveniles who are in custody in the facility, (b) in
24 which physical restriction of movement or activity of juveniles is
25 provided solely through staff, (c) which may establish reasonable rules
26 restricting ingress to and egress from the facility, and (d) in which the
27 movements and activities of individual juvenile residents may, for
28 treatment purposes, be restricted or subject to control through the use
29 of intensive staff supervision. Staff secure juvenile facility does not
30 include any institution operated by the Department of Correctional
31 Services;

1 ~~(25)~~ ~~(26)~~ Status offender means a juvenile who has been charged with
2 or adjudicated for conduct which would not be a crime if committed by an
3 adult, including, but not limited to, juveniles charged under subdivision
4 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

5 ~~(26)~~ ~~(27)~~ Traffic offense means any nonfelonious act in violation of
6 a law or ordinance regulating vehicular or pedestrian travel, whether
7 designated a misdemeanor or a traffic infraction; and

8 ~~(27)~~ ~~(28)~~ Young adult means an individual older than eighteen years
9 of age but under twenty-one years of age.

10 Sec. 10. Section 43-247, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-247 The juvenile court in each county shall have jurisdiction of:

13 (1) Any juvenile who has committed an act other than a traffic
14 offense which would constitute a misdemeanor or an infraction under the
15 laws of this state, or violation of a city or village ordinance, and who,
16 beginning July 1, 2017, was eleven years of age or older at the time the
17 act was committed;

18 (2) Any juvenile who has committed an act which would constitute a
19 felony under the laws of this state and who, beginning July 1, 2017, was
20 eleven years of age or older at the time the act was committed;

21 (3) Any juvenile under nineteen years of age (a) who is homeless or
22 destitute, or without proper support through no fault of his or her
23 parent, guardian, or custodian; who is abandoned by his or her parent,
24 guardian, or custodian; who lacks proper parental care by reason of the
25 fault or habits of his or her parent, guardian, or custodian; whose
26 parent, guardian, or custodian neglects or refuses to provide proper or
27 necessary subsistence, education, or other care necessary for the health,
28 morals, or well-being of such juvenile; whose parent, guardian, or
29 custodian is unable to provide or neglects or refuses to provide special
30 care made necessary by the mental condition of the juvenile; who is in a
31 situation or engages in an occupation, including prostitution, dangerous

1 to life or limb or injurious to the health or morals of such juvenile; or
2 who, beginning July 1, 2017, has committed an act or engaged in behavior
3 described in subdivision (1), (2), (3)(b), or (4) of this section and who
4 was under eleven years of age at the time of such act or behavior, (b)(i)
5 who, until July 1, 2017, by reason of being wayward or habitually
6 disobedient, is uncontrolled by his or her parent, guardian, or
7 custodian; who departs himself or herself so as to injure or endanger
8 seriously the morals or health of himself, herself, or others; or who is
9 habitually truant from home or school or (ii) who, beginning July 1,
10 2017, is eleven years of age or older and, by reason of being wayward or
11 habitually disobedient, is uncontrolled by his or her parent, guardian,
12 or custodian; who departs himself or herself so as to injure or endanger
13 seriously the morals or health of himself, herself, or others; or who is
14 habitually truant from home or school, or (c) who is mentally ill and
15 dangerous as defined in section 71-908;

16 (4) Any juvenile who has committed an act which would constitute a
17 traffic offense as defined in section 43-245 and who, beginning July 1,
18 2017, was eleven years of age or older at the time the act was committed;

19 (5) The parent, guardian, or custodian of any juvenile described in
20 this section;

21 (6) The proceedings for termination of parental rights;

22 (7) Any juvenile under nineteen years of age who has been
23 voluntarily relinquished, pursuant to section 43-106.01, to the
24 Department of Health and Human Services or any child placement agency
25 licensed by the Department of Health and Human Services;

26 (8) Any juvenile under nineteen years of age who was a ward of the
27 juvenile court at the inception of his or her guardianship and whose
28 guardianship has been disrupted or terminated;

29 (9) The adoption or guardianship proceedings for a child, who is
30 under nineteen years of age, over which the juvenile court already has
31 jurisdiction under another provision of the Nebraska Juvenile Code;

1 (10) The paternity or custody determination for a child, who is
2 under nineteen years of age, over which the juvenile court already has
3 jurisdiction;

4 (11) The proceedings under the Young Adult Bridge to Independence
5 Act; and

6 ~~(12)(a) Any (12) Except as provided in subdivision (11) of this~~
7 ~~section,~~ any individual adjudged to be within the provisions of this
8 section until:

9 (i) For cases in which jurisdiction is under:

10 (A) Subdivisions (1), (2), (4), or (11) of this section, the
11 individual reaches twenty-one years of the age; of majority or

12 (B) Any other subdivision of this section, the individual reaches
13 nineteen years of age; or

14 (ii) The the court otherwise discharges the individual from its
15 jurisdiction.

16 (b) If the juvenile court has jurisdiction over a juvenile based on
17 multiple subdivisions of this section, such jurisdiction continues until
18 the juvenile has attained the oldest age limit set forth in this section
19 or until the court otherwise discharges the juvenile from its
20 jurisdiction.

21 Notwithstanding the provisions of the Nebraska Juvenile Code, the
22 determination of jurisdiction over any Indian child as defined in section
23 43-1503 shall be subject to the Nebraska Indian Child Welfare Act; and
24 the district court shall have exclusive jurisdiction in proceedings
25 brought pursuant to section 71-510.

26 Sec. 11. Section 43-247.02, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 43-247.02 (1) Notwithstanding any other provision of Nebraska law,
29 on and after October 1, 2013, a juvenile court shall not:

30 (a) Place any juvenile adjudicated or pending adjudication under
31 subdivision (1), (2), (3)(b), or (4) of section 43-247 with the

1 Department of Health and Human Services or the Office of Juvenile
2 Services, other than as allowed under subsection (2) or (3) of this
3 section;

4 (b) Commit any juvenile adjudicated or pending adjudication under
5 subdivision (1), (2), (3)(b), or (4) of section 43-247 to the care and
6 custody of the Department of Health and Human Services or the Office of
7 Juvenile Services, other than as allowed under subsection (2) or (3) of
8 this section;

9 (c) Require the Department of Health and Human Services or the
10 Office of Juvenile Services to supervise any juvenile adjudicated or
11 pending adjudication under subdivision (1), (2), (3)(b), or (4) of
12 section 43-247, other than as allowed under subsection (2) or (3) of this
13 section; or

14 (d) Require the Department of Health and Human Services or the
15 Office of Juvenile Services to provide, arrange for, or pay for any
16 services for any juvenile adjudicated or pending adjudication under
17 subdivision (1), (2), (3)(b), or (4) of section 43-247, or for any party
18 to cases under those subdivisions, other than as allowed under subsection
19 (2) or (3) of this section.

20 (2) Notwithstanding any other provision of Nebraska law, on and
21 after July 1, 2013, a juvenile court shall not commit a juvenile to the
22 Office of Juvenile Services for placement at a youth rehabilitation and
23 treatment center except as part of an order of intensive supervised
24 probation under subsection (1) of section 43-286.

25 (3) Nothing in this section shall be construed to limit the
26 authority or duties of the Department of Health and Human Services in
27 relation to juveniles adjudicated under subdivision (1), (2), (3)(b), or
28 (4) of section 43-247 who were committed to the care and custody of the
29 Department of Health and Human Services prior to October 1, 2013, to the
30 Office of Juvenile Services for community-based services prior to October
31 1, 2013, or to the Office of Juvenile Services for placement at a youth

1 rehabilitation and treatment center prior to July 1, 2013. The care and
2 custody of such juveniles with the Department of Health and Human
3 Services or the Office of Juvenile Services shall continue in accordance
4 with the Nebraska Juvenile Code and the Juvenile Services Act as such
5 acts existed on January 1, 2013, until:

6 (a) The juvenile reaches nineteen years of the age of majority;

7 (b) The juvenile is no longer under the care and custody of the
8 department pursuant to a court order or for any other reason, a guardian
9 other than the department is appointed for the juvenile, or the juvenile
10 is adopted;

11 (c) The juvenile is discharged pursuant to section 43-412, as such
12 section existed on January 1, 2013; or

13 (d) A juvenile court terminates its jurisdiction of the juvenile.

14 Sec. 12. Section 43-248.01, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 43-248.01 All law enforcement personnel or other governmental
17 officials having custody of any person under twenty-one ~~eighteen~~ years of
18 age shall inform the person in custody, using developmentally appropriate
19 language and without unnecessary delay, of such person's right to call or
20 consult an attorney who is retained by or appointed on behalf of such
21 person or whom the person may desire to consult and, except when exigent
22 circumstances exist, shall permit such person to call or consult such
23 attorney without delay. An attorney shall be permitted to see and consult
24 with the person in custody alone and in private at the place of custody.

25 Sec. 13. Section 43-252, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-252 (1) The fingerprints of any juvenile less than fourteen years
28 of age, who has been taken into custody in the investigation of a
29 suspected unlawful act, shall not be taken unless the consent of any
30 district, county, associate county, associate separate juvenile court, or
31 separate juvenile court judge has first been obtained.

1 (2) The fingerprints of any juvenile alleged or found to be a
2 juvenile as described in subdivision (3)(b) of section 43-247 shall not
3 be taken.

4 (3) If the judge permits the fingerprinting, the fingerprints must
5 be filed by law enforcement officers in files kept separate from those of
6 persons twenty-one years of age or older ~~of the age of majority~~.

7 (4) The fingerprints of any juvenile shall not be sent to a state or
8 federal depository by a law enforcement agency of this state unless: (a)
9 The juvenile has been convicted of or adjudged to have committed a
10 felony; (b) the juvenile has unlawfully terminated his or her commitment
11 to a youth rehabilitation and treatment center; or (c) the juvenile is a
12 runaway and a fingerprint check is needed for identification purposes to
13 return the juvenile to his or her parent.

14 Sec. 14. Section 43-274, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 43-274 (1) The county attorney or city attorney, having knowledge of
17 a juvenile within his or her jurisdiction who appears to be a juvenile
18 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 and
19 taking into consideration the criteria in section 43-276, may proceed as
20 provided in this section.

21 (2) The county attorney or city attorney may offer pretrial
22 diversion to the juvenile in accordance with a juvenile pretrial
23 diversion program established pursuant to sections 43-260.02 to
24 43-260.07.

25 (3)(a) If a juvenile appears to be a juvenile described in
26 subdivision (1), (2), (3)(b), or (4) of section 43-247, the county
27 attorney or city attorney may utilize restorative justice practices or
28 services as a form of, or condition of, diversion or plea bargaining or
29 as a recommendation as a condition of disposition, through a referral to
30 a restorative justice facilitator.

31 (b) For victim-involved offenses, a restorative justice facilitator

1 shall conduct a separate individual intake and assessment session with
2 each juvenile and victim to determine which, if any, restorative justice
3 practice is appropriate. All participation by the victim shall be
4 voluntary. If the victim declines to participate in any or all parts of
5 the restorative justice practice, a victim surrogate may be invited to
6 participate with the juvenile. If, after assessment, participation by the
7 juvenile is deemed inappropriate, the restorative justice facilitator
8 shall return the referral to the referring county attorney or city
9 attorney.

10 (c) A victim or his or her parent or guardian shall not be charged a
11 fee. A juvenile or his or her parent or guardian may be charged a fee
12 according to the policies and procedures of the restorative justice
13 facilitator and the referring county attorney or city attorney.
14 Restorative justice facilitators shall use a sliding fee scale based on
15 income and shall not deny services based upon the inability of a juvenile
16 or his or her parent or guardian to pay, if funding is otherwise
17 available.

18 (d) Prior to participating in any restorative justice practice or
19 service under this section, the juvenile, the juvenile's parent or
20 guardian, and the victim, if he or she is participating, shall sign a
21 consent to participate form.

22 (e) If a reparation plan agreement is reached, the restorative
23 justice facilitator shall forward a copy of the agreement to the
24 referring county attorney or city attorney. The terms of the reparation
25 plan agreement shall specify provisions for reparation, monitoring,
26 completion, and reporting. An agreement may include, but is not limited
27 to, one or more of the following:

28 (i) Participation by the juvenile in certain community service
29 programs;

30 (ii) Payment of restitution by the juvenile to the victim;

31 (iii) Reconciliation between the juvenile and the victim;

1 (iv) Apology, when appropriate, between the juvenile and the victim;
2 and

3 (v) Any other areas of agreement.

4 (f) The restorative justice facilitator shall give notice to the
5 county attorney or city attorney regarding the juvenile's compliance with
6 the terms of the reparation plan agreement. If the juvenile does not
7 satisfactorily complete the terms of the agreement, the county attorney
8 or city attorney may:

9 (i) Refer the matter back to the restorative justice facilitator for
10 further restorative justice practices or services; or

11 (ii) Proceed with filing a juvenile court petition or criminal
12 charge.

13 (g) If a juvenile meets the terms of the reparation plan agreement,
14 the county attorney or city attorney shall either:

15 (i) Not file a juvenile court petition or criminal charge against
16 the juvenile for the acts for which the juvenile was referred for
17 restorative justice practice or services when referred as a diversion or
18 an alternative to diversion; or

19 (ii) File a reduced charge as previously agreed when referred as a
20 part of a plea negotiation.

21 (4) The county attorney or city attorney shall file the petition in
22 the court with jurisdiction as outlined in section 43-246.01.

23 (5) When a transfer from juvenile court to county court or district
24 court is authorized because there is concurrent jurisdiction, the county
25 attorney or city attorney may move to transfer the proceedings. Such
26 motion shall be filed with the juvenile court petition unless otherwise
27 permitted for good cause shown. The juvenile court shall schedule a
28 hearing on such motion within fifteen days after the motion is filed. The
29 county attorney or city attorney has the burden by a preponderance of the
30 evidence to show why such proceeding should be transferred. The juvenile
31 shall be represented by counsel at the hearing and may present the

1 evidence as to why the proceeding should be retained. After considering
2 all the evidence and reasons presented by both parties, the juvenile
3 court shall retain the proceeding unless the court determines that a
4 preponderance of the evidence shows that the proceeding should be
5 transferred to the county court or district court. The court shall make a
6 decision on the motion within thirty days after the hearing. The juvenile
7 court shall set forth findings for the reason for its decision.

8 An order granting or denying transfer of the case from juvenile
9 court to county or district court shall be considered a final order for
10 the purposes of appeal. Upon the entry of an order, any party may appeal
11 to the Court of Appeals within ten days. Such review shall be advanced on
12 the court docket without an extension of time granted to any party except
13 upon a showing of exceptional cause. Appeals shall be submitted,
14 assigned, and scheduled for oral argument as soon as the appellee's brief
15 is due to be filed. The Court of Appeals shall conduct its review in an
16 expedited manner and shall render the judgment and opinion, if any, as
17 speedily as possible. During the pendency of any such appeal, the
18 juvenile court may continue to enter temporary orders in the best
19 interests of the juvenile pursuant to section 43-295.

20 If the proceeding is transferred from juvenile court to the county
21 court or district court, the county attorney or city attorney shall file
22 a criminal information in the county court or district court, as
23 appropriate, and the accused shall be arraigned as provided for a person
24 twenty-one ~~eighteen~~ years of age or older in subdivision (1)(b) of
25 section 29-1816.

26 Sec. 15. Section 43-285, Revised Statutes Cumulative Supplement,
27 2020, is amended to read:

28 43-285 (1) When the court awards a juvenile to the care of the
29 Department of Health and Human Services, an association, or an individual
30 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless
31 otherwise ordered, become a ward and be subject to the legal custody and

1 care of the department, association, or individual to whose care he or
2 she is committed. Any such association and the department shall have
3 authority, by and with the assent of the court, to determine the care,
4 placement, medical services, psychiatric services, training, and
5 expenditures on behalf of each juvenile committed to it. Any such
6 association and the department shall be responsible for applying for any
7 health insurance available to the juvenile, including, but not limited
8 to, medical assistance under the Medical Assistance Act. Such custody and
9 care shall not include the guardianship of any estate of the juvenile.

10 (2)(a) Following an adjudication hearing at which a juvenile is
11 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
12 court may order the department to prepare and file with the court a
13 proposed plan for the care, placement, services, and permanency which are
14 to be provided to such juvenile and his or her family. The health and
15 safety of the juvenile shall be the paramount concern in the proposed
16 plan.

17 (b) The department shall provide opportunities for the child, in an
18 age or developmentally appropriate manner, to be consulted in the
19 development of his or her plan as provided in the Nebraska Strengthening
20 Families Act.

21 (c) The department shall include in the plan for a child who is
22 fourteen years of age or older and subject to the legal care and custody
23 of the department a written independent living transition proposal which
24 meets the requirements of section 43-1311.03 and, for eligible children,
25 the Young Adult Bridge to Independence Act. The juvenile court shall
26 provide a copy of the plan to all interested parties before the hearing.
27 The court may approve the plan, modify the plan, order that an
28 alternative plan be developed, or implement another plan that is in the
29 child's best interests. In its order the court shall include a finding
30 regarding the appropriateness of the programs and services described in
31 the proposal designed to help the child prepare for the transition from

1 foster care to a successful adulthood. The court shall also ask the
2 child, in an age or developmentally appropriate manner, if he or she
3 participated in the development of his or her plan and make a finding
4 regarding the child's participation in the development of his or her plan
5 as provided in the Nebraska Strengthening Families Act. Rules of evidence
6 shall not apply at the dispositional hearing when the court considers the
7 plan that has been presented.

8 (d) The last court hearing before jurisdiction pursuant to
9 subdivision (3)(a) of section 43-247 is terminated for a child who is
10 sixteen years of age or older or pursuant to subdivision (8) of section
11 43-247 for a child whose guardianship or state-funded adoption assistance
12 agreement was disrupted or terminated after he or she had attained the
13 age of sixteen years shall be called the independence hearing. In
14 addition to other matters and requirements to be addressed at this
15 hearing, the independence hearing shall address the child's future goals
16 and plans and access to services and support for the transition from
17 foster care to adulthood consistent with section 43-1311.03 and the Young
18 Adult Bridge to Independence Act. The child shall not be required to
19 attend the independence hearing, but efforts shall be made to encourage
20 and enable the child's attendance if the child wishes to attend,
21 including scheduling the hearing at a time that permits the child's
22 attendance. An independence coordinator as provided in section 43-4506
23 shall attend the hearing if reasonably practicable, but the department is
24 not required to have legal counsel present. At the independence hearing,
25 the court shall advise the child about the bridge to independence
26 program, including, if applicable, the right of young adults in the
27 bridge to independence program to request a court-appointed, client-
28 directed attorney under subsection (1) of section 43-4510 and the
29 benefits and role of such attorney and to request additional permanency
30 review hearings in the bridge to independence program under subsection
31 (5) of section 43-4508 and how to request such a hearing. The court shall

1 also advise the child, if applicable, of the rights he or she is giving
2 up if he or she chooses not to participate in the bridge to independence
3 program and the option to enter such program at any time between nineteen
4 and twenty-one years of age if the child meets the eligibility
5 requirements of section 43-4504. The department shall present information
6 to the court regarding other community resources that may benefit the
7 child, specifically information regarding state programs established
8 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
9 whether the child has received the documents as required by subsection
10 (9) of section 43-1311.03.

11 (3)(a) Within thirty days after an order awarding a juvenile to the
12 care of the department, an association, or an individual and until the
13 juvenile reaches twenty-one years of the age of majority, the department,
14 association, or individual shall file with the court a report stating the
15 location of the juvenile's placement and the needs of the juvenile in
16 order to effectuate the purposes of subdivision (1) of section 43-246.
17 The department, association, or individual shall file a report with the
18 court once every six months or at shorter intervals if ordered by the
19 court or deemed appropriate by the department, association, or
20 individual. Every six months, the report shall provide an updated
21 statement regarding the eligibility of the juvenile for health insurance,
22 including, but not limited to, medical assistance under the Medical
23 Assistance Act. The department shall also concurrently file a written
24 sibling placement report as described in subsection (3) of section
25 43-1311.02 at these times.

26 (b) The department, association, or individual shall file a report
27 and notice of placement change with the court and shall send copies of
28 the notice to all interested parties, including all of the child's
29 siblings that are known to the department, at least seven days before the
30 placement of the juvenile is changed from what the court originally
31 considered to be a suitable family home or institution to some other

1 custodial situation in order to effectuate the purposes of subdivision
2 (1) of section 43-246. The department, association, or individual shall
3 afford a parent or an adult sibling the option of refusing to receive
4 such notifications. The court, on its own motion or upon the filing of an
5 objection to the change by an interested party, may order a hearing to
6 review such a change in placement and may order that the change be stayed
7 until the completion of the hearing. Nothing in this section shall
8 prevent the court on an ex parte basis from approving an immediate change
9 in placement upon good cause shown. The department may make an immediate
10 change in placement without court approval only if the juvenile is in a
11 harmful or dangerous situation or when the foster parents request that
12 the juvenile be removed from their home. Approval of the court shall be
13 sought within twenty-four hours after making the change in placement or
14 as soon thereafter as possible.

15 (c) The department shall provide the juvenile's guardian ad litem
16 with a copy of any report filed with the court by the department pursuant
17 to this subsection.

18 (4) The court shall also hold a permanency hearing if required under
19 section 43-1312.

20 (5) When the court awards a juvenile to the care of the department,
21 an association, or an individual, then the department, association, or
22 individual shall have standing as a party to file any pleading or motion,
23 to be heard by the court with regard to such filings, and to be granted
24 any review or relief requested in such filings consistent with the
25 Nebraska Juvenile Code.

26 (6) Whenever a juvenile is in a foster care placement as defined in
27 section 43-1301, the Foster Care Review Office or the designated local
28 foster care review board may participate in proceedings concerning the
29 juvenile as provided in section 43-1313 and notice shall be given as
30 provided in section 43-1314.

31 (7) Any written findings or recommendations of the Foster Care

1 Review Office or the designated local foster care review board with
2 regard to a juvenile in a foster care placement submitted to a court
3 having jurisdiction over such juvenile shall be admissible in any
4 proceeding concerning such juvenile if such findings or recommendations
5 have been provided to all other parties of record.

6 (8) The executive director and any agent or employee of the Foster
7 Care Review Office or any member of any local foster care review board
8 participating in an investigation or making any report pursuant to the
9 Foster Care Review Act or participating in a judicial proceeding pursuant
10 to this section shall be immune from any civil liability that would
11 otherwise be incurred except for false statements negligently made.

12 Sec. 16. Section 43-289, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 43-289 In no case shall a juvenile committed under the terms of the
15 Nebraska Juvenile Code be confined after he or she reaches twenty-one
16 years of the age of majority. The court may, when the health or condition
17 of any juvenile adjudged to be within the terms of such code shall
18 require it, cause the juvenile to be placed in a public hospital or
19 institution for treatment or special care or in an accredited and
20 suitable private hospital or institution which will receive the juvenile
21 for like purposes. Whenever any juvenile has been committed to the
22 Department of Health and Human Services, the department shall follow the
23 court's orders, if any, concerning the juvenile's specific needs for
24 treatment or special care for his or her physical well-being and healthy
25 personality. If the court finds any such juvenile to be a person with an
26 intellectual disability, the court may, upon attaching a physician's
27 certificate and a report as to the mental capacity of such person, commit
28 such juvenile directly to an authorized and appropriate state or local
29 facility or home.

30 The marriage of any juvenile committed to a state institution under
31 the age of nineteen years shall not make such juvenile of the age of

1 majority.

2 A juvenile committed to any such institution shall be subject to the
3 control of the superintendent thereof, and the superintendent, with the
4 advice and consent of the Department of Health and Human Services, shall
5 adopt and promulgate rules and regulations for the promotion, paroling,
6 and final discharge of residents such as shall be considered mutually
7 beneficial for the institution and the residents. Upon final discharge of
8 any resident, such department shall file a certified copy of the
9 discharge with the court which committed the resident.

10 Sec. 17. Section 43-2,108.01, Revised Statutes Cumulative
11 Supplement, 2020, is amended to read:

12 43-2,108.01 (1) Sections 43-2,108.01 to 43-2,108.05 apply only to
13 persons who were under the age of twenty-one ~~eighteen~~ years when the
14 offense took place and, after being taken into custody, arrested, cited
15 in lieu of arrest, or referred for prosecution without citation, the
16 county attorney or city attorney:

17 (a) Declined to file a juvenile petition or criminal complaint;

18 (b) Offered juvenile pretrial diversion, mediation, or restorative
19 justice to the juvenile under the Nebraska Juvenile Code;

20 (c) Filed a juvenile court petition describing the juvenile as a
21 juvenile described in subdivision (1), (2), (3)(b), or (4) of section
22 43-247;

23 (d) Filed a criminal complaint in county court against the juvenile
24 under state statute or city or village ordinance for misdemeanor or
25 infraction possession of marijuana or misdemeanor or infraction
26 possession of drug paraphernalia;

27 (e) Filed a criminal complaint in county court against the juvenile
28 for any other misdemeanor or infraction under state statute or city or
29 village ordinance, other than for a traffic offense when all offenses in
30 the case are waivable offenses; or

31 (f) Filed a criminal complaint in county or district court for a

1 felony offense under state law or a city or village ordinance that was
2 subsequently transferred to juvenile court for ongoing jurisdiction.

3 (2) The changes made by Laws 2019, LB354, to the relief set forth in
4 sections 43-2,108.03 to 43-2,108.05 shall apply to all persons described
5 in this section, as amended by Laws 2019, LB354, and Laws 2020, LB1148,
6 for offenses occurring prior to, on, or after September 1, 2019.

7 (3) The changes made by this legislative bill to this section and
8 sections 43-2,108.02 and 43-2,108.03 apply to all persons described in
9 this section, regardless of when the offense was committed.

10 Sec. 18. Section 43-2,108.02, Revised Statutes Cumulative
11 Supplement, 2020, is amended to read:

12 43-2,108.02 (1) By January 1, 2020, the Supreme Court shall
13 promulgate a written notice that:

14 (a) States in developmentally appropriate language that, for a
15 juvenile described in section 43-2,108.01, the juvenile's record will be
16 automatically sealed if (i) no charges are filed as a result of the
17 determination of the prosecuting attorney, (ii) the charges are
18 dismissed, (iii) the juvenile has satisfactorily completed the diversion,
19 mediation, restorative justice, probation, supervision, or other
20 treatment or rehabilitation program provided under the Nebraska Juvenile
21 Code, or (iv) the juvenile has satisfactorily completed the county court
22 diversion program, probation ordered by the court, or sentence ordered by
23 the court;

24 (b) States in developmentally appropriate language that, if the
25 record is not sealed as provided in subdivision (1)(a) of this section,
26 the juvenile or the juvenile's parent or guardian may file a motion to
27 seal the record with the court when the juvenile reaches twenty-one years
28 of the age of~~majority~~ or six months have passed since the case was
29 closed, whichever occurs sooner; and

30 (c) Explains in developmentally appropriate language what sealing
31 the record means.

1 (2) For a juvenile described in section 43-2,108.01, the county
2 attorney or city attorney shall attach a copy of the notice to any
3 juvenile petition or criminal complaint.

4 Sec. 19. Section 43-2,108.03, Revised Statutes Cumulative
5 Supplement, 2020, is amended to read:

6 43-2,108.03 (1)(a) If a juvenile described in section 43-2,108.01
7 was taken into custody, arrested, cited in lieu of arrest, or referred
8 for prosecution without citation but no juvenile petition or criminal
9 complaint was filed against the juvenile with respect to the arrest or
10 custody, the county attorney or city attorney shall notify the government
11 agency responsible for the arrest, custody, citation in lieu of arrest,
12 or referral for prosecution without citation that no criminal charge or
13 juvenile court petition was filed. The county attorney or city attorney
14 shall provide written notification to the juvenile that no juvenile
15 petition or criminal complaint was filed and provide the juvenile with
16 the notice described in section 43-2,108.02.

17 (b) If a juvenile described in subdivision (1)(a) of this section
18 discovers that his or her record was not automatically sealed, such
19 juvenile may notify the county attorney, who shall cause the record to be
20 sealed by providing the notice required by subdivision (1)(a) of this
21 section.

22 (2)(a) If the county attorney or city attorney offered and a
23 juvenile described in section 43-2,108.01 has agreed to pretrial
24 diversion, mediation, or restorative justice, the county attorney or city
25 attorney shall notify the government agency responsible for the arrest or
26 custody when the juvenile has satisfactorily completed the resulting
27 diversion, mediation, or restorative justice. At the time the juvenile is
28 offered diversion, mediation, or restorative justice, the county attorney
29 or city attorney shall provide the notice described in section
30 43-2,108.02 to the juvenile. The county attorney or city attorney shall
31 also provide written notification to the juvenile of his or her

1 satisfactory or unsatisfactory completion of diversion, mediation, or
2 restorative justice.

3 (b) If a juvenile who was satisfactorily discharged from diversion,
4 mediation, or restorative justice discovers that his or her record was
5 not automatically sealed, the juvenile may notify the county attorney,
6 who shall cause the record to be sealed by providing the notice required
7 by subdivision (2)(a) of this section.

8 (3)(a) If the juvenile was taken into custody, arrested, cited in
9 lieu of arrest, or referred for prosecution without citation and charges
10 were filed but the case was dismissed by the court, the court shall seal
11 the record as set forth in section 43-2,108.05.

12 (b) If a juvenile described in subdivision (3)(a) discovers that his
13 or her record was not automatically sealed, the juvenile may notify the
14 court, which shall seal the record as set forth in section 43-2,108.05.

15 (4)(a) If a juvenile described in section 43-2,108.01 has
16 satisfactorily completed the probation, supervision, or other treatment
17 or rehabilitation program provided under the Nebraska Juvenile Code or if
18 the juvenile has satisfactorily completed the probation or sentence
19 ordered by a county court, the court shall seal the records as set forth
20 in section 43-2,108.05.

21 (b) If a juvenile described in subdivision (4)(a) discovers that his
22 or her record was not automatically sealed, the juvenile may notify the
23 court, which shall seal the record as set forth in section 43-2,108.05.

24 (5) A government agency or court that receives notice under
25 subdivision (1)(a) or (2)(a) of this section shall, upon such receipt,
26 immediately seal all records housed at that government agency or court
27 pertaining to the citation, arrest, record of custody, complaint,
28 disposition, diversion, mediation, or restorative justice.

29 (6) When a juvenile described in section 43-2,108.01 whose records
30 have not been automatically sealed as provided in subsection (1), (2),
31 (3), or (4) of this section reaches twenty-one years of the age of

1 majority or six months have passed since the case was closed, whichever
2 occurs sooner, such juvenile or his or her parent or guardian may file a
3 motion in the court of record asking the court to seal the record
4 pertaining to the offense which resulted in disposition, adjudication, or
5 diversion in juvenile court or diversion or sentence of the county court.
6 The motion shall set forth the facts supporting the argument that the
7 individual who is the subject of the juvenile petition or criminal
8 complaint has been satisfactorily rehabilitated.

9 Sec. 20. Section 43-412, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-412 (1) Every juvenile committed to the Office of Juvenile
12 Services pursuant to the Nebraska Juvenile Code shall remain committed
13 until he or she attains the age of twenty-one ~~nineteen~~ or is legally
14 discharged.

15 (2) Upon attainment of the age of twenty-one ~~nineteen~~ or absent a
16 continuing order of intensive supervised probation, discharge of any
17 juvenile pursuant to the rules and regulations shall be a complete
18 release from all penalties incurred by conviction or adjudication of the
19 offense for which he or she was committed.

20 (3) The Office of Juvenile Services shall provide the committing
21 court, Office of Probation Administration, county attorney, defense
22 attorney, if any, and guardian ad litem, if any, with written
23 notification of the juvenile's discharge within thirty days prior to a
24 juvenile being discharged from the care and custody of the office.

25 (4) The changes made to this section by this legislative bill do not
26 apply to juveniles described in subsection (3) of section 43-247.02.

27 Sec. 21. Section 43-905, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 43-905 (1) The Department of Health and Human Services shall have
30 legal custody of all children committed to it. The department shall
31 afford temporary care and shall use special diligence to provide suitable

1 homes for such children. The department shall make reasonable efforts to
2 accomplish joint-sibling placement or sibling visitation or ongoing
3 interaction between siblings as provided in section 43-1311.02. The
4 department is authorized to place such children in suitable families for
5 adoption, foster care, or guardianship or, in the discretion of the
6 department, on a written contract.

7 (2) The contract shall provide (a) for the children's education in
8 the public schools or otherwise, (b) for teaching them some useful
9 occupation, and (c) for kind and proper treatment as members of the
10 family in which they are placed.

11 (3) Whenever any child who has been committed to the department
12 becomes self-supporting, the department shall declare that fact and the
13 legal custody and care of the department shall cease. Thereafter the
14 child shall be entitled to his or her own earnings. Legal custody and
15 care of and services by the department shall never extend beyond the age
16 of majority, or for juveniles committed pursuant to the Nebraska Juvenile
17 Code, the age of twenty-one years except that (a) services by the
18 department to a child shall continue until the child reaches the age of
19 twenty-one if the child is in the bridge to independence program as
20 provided in the Young Adult Bridge to Independence Act and (b) coverage
21 for health care and related services under medical assistance in
22 accordance with section 68-911 shall be extended as provided under the
23 federal Patient Protection and Affordable Care Act, 42 U.S.C. 1396a(a)
24 (10)(A)(i)(IX), as such act and section existed on January 1, 2013, for
25 medicaid coverage for individuals under twenty-six years of age as
26 allowed pursuant to such act.

27 (4) Whenever the parents of any ward, whose parental rights have not
28 been terminated, have become able to support and educate their child, the
29 department shall restore the child to his or her parents if the home of
30 such parents would be a suitable home. The legal custody and care of the
31 department shall then cease.

1 (5) Whenever permanent free homes for the children cannot be
2 obtained, the department may provide subsidies to adoptive and
3 guardianship families subject to a hearing and court approval. The
4 department may also provide and pay for the maintenance of the children
5 in foster care, in boarding homes, or in institutions for care of
6 children.

7 Sec. 22. Section 43-2402, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 43-2402 For purposes of the Juvenile Services Act:

10 (1) Coalition means the Nebraska Coalition for Juvenile Justice
11 established pursuant to section 43-2411;

12 (2) Commission means the Nebraska Commission on Law Enforcement and
13 Criminal Justice;

14 (3) Commission Grant Program means grants provided to eligible
15 applicants under section 43-2406;

16 (4) Community-based Juvenile Services Aid Program means aid to
17 counties and federally recognized or state-recognized Indian tribes
18 provided under section 43-2404.02;

19 (5) Eligible applicant means a community-based agency or
20 organization, political subdivision, school district, federally
21 recognized or state-recognized Indian tribe, or state agency necessary to
22 comply with the federal act;

23 (6) Federal act means the Juvenile Justice and Delinquency
24 Prevention Act of 1974, 42 U.S.C. 5601 et seq., as the act existed on
25 January 1, 2013;

26 (7) Juvenile means a person who is under twenty-one ~~eighteen~~ years
27 of age; and

28 (8) Office of Juvenile Services means the Office of Juvenile
29 Services created in section 43-404.

30 Sec. 23. Section 43-2404.02, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

1 43-2404.02 (1) There is created a separate and distinct budgetary
2 program within the commission to be known as the Community-based Juvenile
3 Services Aid Program. Funding acquired from participation in the federal
4 act, state General Funds, and funding acquired from other sources which
5 may be used for purposes consistent with the Juvenile Services Act and
6 the federal act shall be used to aid in the establishment and provision
7 of community-based services for juveniles who come in contact with the
8 juvenile justice system.

9 (2)(a) Ten percent of the annual General Fund appropriation to the
10 Community-based Juvenile Services Aid Program, excluding administrative
11 budget funds, shall be set aside for the development of a common data set
12 and evaluation of the effectiveness of the Community-based Juvenile
13 Services Aid Program. The intent in creating this common data set is to
14 allow for evaluation of the use of the funds and the effectiveness of the
15 programs or outcomes in the Community-based Juvenile Services Aid
16 Program.

17 (b) The common data set shall be developed and maintained by the
18 commission and shall serve as a primary data collection site for any
19 intervention funded by the Community-based Juvenile Services Aid Program
20 designed to serve juveniles and deter involvement in the formal juvenile
21 justice system. The commission shall work with agencies and programs to
22 enhance existing data sets. To ensure that the data set permits
23 evaluation of recidivism and other measures, the commission shall work
24 with the Office of Probation Administration, juvenile diversion programs,
25 law enforcement, the courts, and others to compile data that demonstrates
26 whether a youth has moved deeper into the juvenile justice system. The
27 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
28 with the development of common definitions, variables, and training
29 required for data collection and reporting into the common data set by
30 juvenile justice programs. The common data set maintained by the
31 commission shall be provided to the University of Nebraska at Omaha,

1 Juvenile Justice Institute, to assess the effectiveness of the Community-
2 based Juvenile Services Aid Program.

3 (c) Providing the commission access to records and information for,
4 as well as the commission granting access to records and information
5 from, the common data set is not a violation of confidentiality
6 provisions under any law, rule, or regulation if done in good faith for
7 purposes of evaluation. Records and documents, regardless of physical
8 form, that are obtained or produced or presented to the commission for
9 the common data set are not public records for purposes of sections
10 84-712 to 84-712.09.

11 (d) The ten percent of the annual General Fund appropriation to the
12 Community-based Juvenile Services Aid Program, excluding administrative
13 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
14 seven percent shall go to the commission for development of the common
15 data set and three percent shall go to the University of Nebraska at
16 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
17 2016-17, six percent shall go to the commission for development and
18 maintenance of the common data set and four percent shall go to the
19 University of Nebraska at Omaha, Juvenile Justice Institute, for
20 evaluation. Every fiscal year thereafter, beginning in fiscal year
21 2017-18, five percent shall go to the commission for development and
22 maintenance of the common data set and five percent shall go to the
23 University of Nebraska at Omaha, Juvenile Justice Institute, for
24 evaluation.

25 (e) The remaining funds in the annual General Fund appropriation to
26 the Community-based Juvenile Services Aid Program shall be apportioned as
27 aid in accordance with a formula established in rules and regulations
28 adopted and promulgated by the commission. The formula shall be based on
29 the total number of residents per county and federally recognized or
30 state-recognized Indian tribe who are twelve years of age through twenty-
31 one ~~eighteen~~ years of age and other relevant factors as determined by the

1 commission. The commission may require a local match of up to forty
2 percent from the county, multiple counties, federally recognized or
3 state-recognized Indian tribe or tribes, or any combination of the three
4 which is receiving aid under such program. Any local expenditures for
5 community-based programs for juveniles may be applied toward such match
6 requirement.

7 (3)(a) In distributing funds provided under the Community-based
8 Juvenile Services Aid Program, aid recipients shall prioritize programs
9 and services that will divert juveniles from the juvenile justice system,
10 reduce the population of juveniles in juvenile detention and secure
11 confinement, and assist in transitioning juveniles from out-of-home
12 placements.

13 (b) Funds received under the Community-based Juvenile Services Aid
14 Program shall be used exclusively to assist the aid recipient in the
15 implementation and operation of programs or the provision of services
16 identified in the aid recipient's comprehensive juvenile services plan,
17 including programs for local planning and service coordination;
18 screening, assessment, and evaluation; diversion; alternatives to
19 detention; family support services; treatment services; truancy
20 prevention and intervention programs; pilot projects approved by the
21 commission; payment of transportation costs to and from placements,
22 evaluations, or services; personnel when the personnel are aligned with
23 evidence-based treatment principles, programs, or practices; contracting
24 with other state agencies or private organizations that provide evidence-
25 based treatment or programs; preexisting programs that are aligned with
26 evidence-based practices or best practices; and other services that will
27 positively impact juveniles and families in the juvenile justice system.

28 (c) Funds received under the Community-based Juvenile Services Aid
29 Program may be used one time by an aid recipient:

30 (i) To convert an existing juvenile detention facility or other
31 existing structure for use as an alternative to detention as defined in

1 section 43-245;

2 (ii) To invest in capital construction, including both new
3 construction and renovations, for a facility for use as an alternative to
4 detention; or

5 (iii) For the initial lease of a facility for use as an alternative
6 to detention.

7 (d) Funds received under the Community-based Juvenile Services Aid
8 Program shall not be used for the following:

9 (i) Construction of secure detention facilities, secure youth
10 treatment facilities, or secure youth confinement facilities;

11 (ii) Capital construction or the lease or acquisition of facilities
12 beyond the one-time use described in subdivision (3)(c) of this section;

13 (iii) Programs, services, treatments, evaluations, or other
14 preadjudication services that are not based on or grounded in evidence-
15 based practices, principles, and research, except that the commission may
16 approve pilot projects that authorize the use of such aid; or

17 (iv) Office equipment, office supplies, or office space.

18 (e) Any aid not distributed to counties under this subsection shall
19 be retained by the commission to be distributed on a competitive basis
20 under the Community-based Juvenile Services Aid Program for a county,
21 multiple counties, federally recognized or state-recognized Indian tribe
22 or tribes, or any combination of the three demonstrating additional need
23 in the funding areas identified in this subsection.

24 (f) If a county, multiple counties, or a federally recognized or
25 state-recognized Indian tribe or tribes is denied aid under this section
26 or receives no aid under this section, the entity may request an appeal
27 pursuant to the appeal process in rules and regulations adopted and
28 promulgated by the commission. The commission shall establish appeal and
29 hearing procedures by December 15, 2014. The commission shall make appeal
30 and hearing procedures available on its web site.

31 (4)(a) Any recipient of aid under the Community-based Juvenile

1 Services Aid Program shall electronically file an annual report as
2 required by rules and regulations adopted and promulgated by the
3 commission. Any program funded through the Community-based Juvenile
4 Services Aid Program that served juveniles shall report data on the
5 individual youth served. Any program that is not directly serving youth
6 shall include program-level data. In either case, data collected shall
7 include, but not be limited to, the following: The type of juvenile
8 service, how the service met the goals of the comprehensive juvenile
9 services plan, demographic information on the juveniles served, program
10 outcomes, the total number of juveniles served, and the number of
11 juveniles who completed the program or intervention.

12 (b) Any recipient of aid under the Community-based Juvenile Services
13 Aid Program shall be assisted by the University of Nebraska at Omaha,
14 Juvenile Justice Institute, in reporting in the common data set, as set
15 forth in the rules and regulations adopted and promulgated by the
16 commission. Community-based aid utilization and evaluation data shall be
17 stored and maintained by the commission.

18 (c) Evaluation of the use of funds and the evidence of the
19 effectiveness of the programs shall be completed by the University of
20 Nebraska at Omaha, Juvenile Justice Institute, specifically:

21 (i) The varying rates of recidivism, as defined by rules and
22 regulations adopted and promulgated by the commission, and other measures
23 for juveniles participating in community-based programs; and

24 (ii) Whether juveniles are sent to staff secure or secure juvenile
25 detention after participating in a program funded by the Community-based
26 Juvenile Services Aid Program.

27 (5) The commission shall report annually to the Governor and the
28 Legislature on the distribution and use of funds for aid appropriated
29 under the Community-based Juvenile Services Aid Program. The report shall
30 include, but not be limited to, an aggregate report of the use of the
31 Community-based Juvenile Services Aid Program funds, including the types

1 of juvenile services and programs that were funded, whether any
2 recipients used the funds for a purpose described in subdivision (3)(c)
3 of this section, demographic information on the total number of juveniles
4 served, program success rates, the total number of juveniles sent to
5 secure juvenile detention or residential treatment and secure
6 confinement, and a listing of the expenditures of all counties and
7 federally recognized or state-recognized Indian tribes for detention,
8 residential treatment, and secure confinement. The report submitted to
9 the Legislature shall be submitted electronically.

10 (6) The commission shall adopt and promulgate rules and regulations
11 for the Community-based Juvenile Services Aid Program in consultation
12 with the Director of the Community-based Juvenile Services Aid Program,
13 the Director of Juvenile Diversion Programs, the Office of Probation
14 Administration, the Nebraska Association of County Officials, and the
15 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
16 and regulations shall include, but not be limited to:

17 (a) The required elements of a comprehensive juvenile services plan
18 and planning process;

19 (b) The Community-based Juvenile Services Aid Program formula,
20 review process, match requirements, and fund distribution. The
21 distribution process shall ensure a conflict of interest policy;

22 (c) A distribution process for funds retained under subsection (3)
23 of this section;

24 (d) A plan for evaluating the effectiveness of plans and programs
25 receiving funding;

26 (e) A reporting process for aid recipients;

27 (f) A reporting process for the commission to the Governor and
28 Legislature. The report shall be made electronically to the Governor and
29 the Legislature; and

30 (g) Requirements regarding the use of the common data set.

31 Sec. 24. Section 83-4,125, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 83-4,125 For purposes of sections 83-4,124 to 83-4,134.02:

3 (1) Criminal detention facility means any institution operated by a
4 political subdivision or a combination of political subdivisions for the
5 careful keeping or rehabilitative needs of adult or juvenile criminal
6 offenders or those persons being detained while awaiting disposition of
7 charges against them. Criminal detention facility does not include any
8 institution operated by the Department of Correctional Services. Criminal
9 detention facilities shall be classified as follows:

10 (a) Type I Facilities means criminal detention facilities used for
11 the detention of persons for not more than twenty-four hours, excluding
12 nonjudicial days;

13 (b) Type II Facilities means criminal detention facilities used for
14 the detention of persons for not more than ninety-six hours, excluding
15 nonjudicial days; and

16 (c) Type III Facilities means criminal detention facilities used for
17 the detention of persons beyond ninety-six hours;

18 (2)(a) (2) Juvenile detention facility means an institution operated
19 by a political subdivision or political subdivisions for the secure
20 detention and treatment of persons:

21 (i) Younger younger than twenty-one eighteen years of age, ~~including~~
22 ~~persons~~ under the jurisdiction of a juvenile court, ~~who are serving a~~
23 ~~sentence pursuant to a conviction in a county or district court~~ or who
24 are detained while waiting disposition of charges against them; or -

25 (ii) Younger than eighteen years of age who are serving a sentence
26 pursuant to a conviction in a county or district court.

27 (b) Juvenile detention facility does not include any institution
28 operated by the department;

29 (3) Juvenile facility means a residential child-caring agency as
30 defined in section 71-1926, a juvenile detention facility or staff secure
31 juvenile facility as defined in this section, a facility operated by the

1 Department of Correctional Services that houses youth under nineteen
2 years of the age of majority, or a youth rehabilitation and treatment
3 center;

4 (4) Room confinement means the involuntary restriction of a juvenile
5 placed alone in a cell, alone in a room, or alone in another area,
6 including a juvenile's own room, except during normal sleeping hours,
7 whether or not such cell, room, or other area is subject to video or
8 other electronic monitoring; and

9 (5) Staff secure juvenile facility means a juvenile residential
10 facility operated by a political subdivision (a) which does not include
11 construction designed to physically restrict the movements and activities
12 of juveniles who are in custody in the facility, (b) in which physical
13 restriction of movement or activity of juveniles is provided solely
14 through staff, (c) which may establish reasonable rules restricting
15 ingress to and egress from the facility, and (d) in which the movements
16 and activities of individual juvenile residents may, for treatment
17 purposes, be restricted or subject to control through the use of
18 intensive staff supervision. Staff secure juvenile facility does not
19 include any institution operated by the department.

20 Sec. 25. Original sections 28-801, 29-401, 29-2204.02, 29-2270,
21 43-247, 43-248.01, 43-252, 43-289, 43-412, 43-905, and 43-2402, Reissue
22 Revised Statutes of Nebraska, and sections 24-517, 28-1204.05, 29-1816,
23 29-2204, 43-245, 43-247.02, 43-274, 43-285, 43-2,108.01, 43-2,108.02,
24 43-2,108.03, 43-2404.02, and 83-4,125, Revised Statutes Cumulative
25 Supplement, 2020, are repealed.