

One Hundred Eighth Legislature - First Session - 2023

Introducer's Statement of Intent

LB34

Chairperson: Senator Justin Wayne

Committee: Judiciary

Date of Hearing: February 16, 2023

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Current law provides district court judges with the authority to impose a dispositional order for offenders who are less than eighteen years of age, but who are prosecuted and convicted in adult court. Even though such juveniles are charged and convicted as adults, Section 29-2204 provides district court judges with the option to impose a disposition pursuant to the juvenile code.

Legislative Bill 34 would amend this provision to establish a presumption that, for juveniles who are convicted as adults, the court shall impose a dispositional order pursuant to the juvenile code. This presumption would not apply to any case in which the defendant-youth is facing a sentence for a crime in which a term of life is required by law, the defendant has been deemed a habitual criminal; or the court finds there are substantial and compelling reasons why such disposition cannot effectively and safely be made for the defendant-youth. LB 34 provides a number of factors that will guide judges' consideration of the reasons and requires judges to state their reasoning on the record if they do not make a disposition under the juvenile code.

Principal Introducer: _____

Senator George Dungan