

AMENDMENTS TO LB150

(Amendments to Standing Committee amendments, AM1370)

Introduced by Clements, 2.

1           1. Insert the following new sections:

2           **Sec. 21.** Sections 29-4801 to 29-4807 apply on and after July 1,  
3    2027.

4           **Sec. 22.** Section 29-4803, Revised Statutes Cumulative Supplement,  
5    2024, is amended to read:

6           29-4803 (1) The probation administrator shall create a veteran  
7    justice program as provided in sections 29-4802 to 29-4804 and subject to  
8    the Supreme Court's rules. The program shall be available in every  
9    district court and county court. A veteran justice program shall not  
10   supersede, alter, or otherwise interfere with the establishment,  
11   functioning, participation, or operation of a problem solving court  
12   established pursuant to section 24-1302.

13          (2) A veteran justice program shall be operated by use of deferred  
14   judgments as provided in this section.

15          (3) Upon a finding of guilt for which a judgment of conviction may  
16   be rendered, a defendant that is eligible to participate in a veteran  
17   justice program may request the court defer the entry of judgment of  
18   conviction under this section. Upon such request, the court shall provide  
19   notice to any victim of the offense of the request and provide an  
20   opportunity for the victim to provide a statement for consideration by  
21   the court. After giving the prosecutor and defendant the opportunity to  
22   be heard, the court may defer the entry of a judgment of conviction and  
23   the imposition of a sentence and place the defendant on probation, upon  
24   conditions as the court may require under sections 29-2262 and 29-4804.  
25   If the court defers the entry of judgment, the court shall provide notice  
26   to victims of the offense.

1           (4)(a) Whenever a court considers a request to defer judgment under  
2 this section, the court shall consider the following:

3           (i) The factors set forth in subsections (2) and (3) of section  
4 29-2260 and section 29-4802;

5           (ii) The supervision, treatment, and other programming options  
6 available in the community; and

7           (iii) Any other information the court deems relevant.

8           (b) Except as provided in subdivision (4)(c) of this section, there  
9 shall be a presumption that a veteran eligible under section 29-4802  
10 shall be allowed to participate in a veteran justice program. The  
11 presumption shall only be overcome by a judicial finding, based on an  
12 individualized assessment of the veteran and consideration of the factors  
13 set forth in subdivisions (4)(a)(i), (ii), and (iii) of this section,  
14 that entry of judgment of conviction should not be deferred. The fact  
15 that a veteran has previously absconded from or violated pretrial  
16 release, probation, parole, supervised release, post-release supervision,  
17 or another form of court-ordered supervision, including a violation  
18 arising from commission of a new offense or an offense committed while  
19 previously participating in a veteran justice program, is not, standing  
20 alone, a sufficient basis to overcome the presumption.

21           (c) The presumption provided for in subdivision (4)(b) of this  
22 section does not apply to a veteran charged with:

23           (i) A violation of section 60-6,196 or 60-6,197, or a city or  
24 village ordinance enacted in conformance with section 60-6,196 or  
25 60-6,197, following a previous conviction for a violation of any such  
26 section or ordinance; or

27           (ii) An offense that resulted in serious bodily injury to another  
28 person.

29           (5) Except as otherwise provided in this section and sections  
30 29-2293 and 29-2294, the supervision of a defendant on probation pursuant  
31 to a deferred judgment shall be governed by the Nebraska Probation

1 Administration Act and sections 29-2270 to 29-2273.

2 (6) After a hearing providing the prosecutor and defendant an  
3 opportunity to be heard and upon a finding that a defendant has violated  
4 a condition of his or her probation, the court may enter any order  
5 authorized by section 29-2268 or pronounce judgment and impose such new  
6 sentence as might have been originally imposed for the offense for which  
7 the defendant was convicted.

8 (7) Upon satisfactory completion of the conditions of probation and  
9 the payment or waiver of all administrative and programming fees assessed  
10 under section 29-2293, the defendant or prosecutor may file a motion to  
11 withdraw any plea entered by the defendant and to dismiss the action  
12 without entry of judgment. The court shall not grant such motion until a  
13 victim of the offense has received notice and the opportunity to be  
14 heard, as required by subsection (4) of section 29-4804.

15 (8) Sections 29-4802 to 29-4804 apply to offenses committed on or  
16 after July 1, 2027 ~~2025~~. For purposes of this subsection, an offense  
17 shall be deemed to have been committed prior to July 1, 2027 ~~2025~~, if any  
18 element of the offense occurred prior to such date.

19 **Sec. 23.** Section 29-4807, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:

21 29-4807 (1) The State Court Administrator shall compile information  
22 on the number of veterans receiving, successfully completing, declining,  
23 and denied participation in a veteran justice program and the sentencing  
24 mitigation described in section 29-4805.

25 (2) The State Court Administrator shall track outcomes among  
26 veterans who participate in a veteran justice program, including  
27 completion status, recidivism, and housing and employment status.

28 (3) Data collected under this section shall be disaggregated by  
29 race, ethnicity, gender, age, military discharge characterization, and  
30 the offense involved.

31 (4) On or before July 1, 2028 ~~2026~~, and on or before each July 1

1 thereafter, the State Court Administrator shall electronically submit a  
2 report to the Judiciary Committee of the Legislature. The report shall  
3 contain de-identified data collected pursuant to this section and shall  
4 analyze the outcomes, successes, and areas for improvement of the veteran  
5 justice programs and the sentencing mitigation described in section  
6 29-4805.

7       **Sec. 106.** Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14,  
8 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35,  
9 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53,  
10 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71,  
11 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89,  
12 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105,  
13 107, and 109 of this act become operative three calendar months after the  
14 adjournment of this legislative session. The other sections of this act  
15 become operative on their effective date.

16       **Sec. 108.** Original sections 29-4803 and 29-4807, Revised Statutes  
17 Cumulative Supplement, 2024, are repealed.

18       **Sec. 110.** Since an emergency exists, this act takes effect when  
19 passed and approved according to law.