

ENGROSSED LEGISLATIVE BILL 1181

Introduced by Bosn, 25.

A BILL FOR AN ACT relating to victims' rights; to amend sections 23-1201, 25-21,279, 81-1844.01, 81-1848, 81-1848.01, 81-1848.02, and 83-109, Reissue Revised Statutes of Nebraska, section 29-4705, Revised Statutes Cumulative Supplement, 2024, and sections 29-2261 and 81-1850, Revised Statutes Supplement, 2025; to change provisions relating to victims' rights; to define and redefine terms; to change duties of prosecuting attorneys relating to plea agreements; to transfer provisions; to harmonize provisions; to repeal the original sections; and to outright repeal section 29-120, Reissue Revised Statutes of Nebraska, and section 29-119, Revised Statutes Supplement, 2025.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 23-1201, Reissue Revised Statutes of Nebraska, is amended to read:

23-1201 (1) For purposes of this section, the terms plea agreement and victim have the same meanings as in section 81-1848.

(2) Except as provided in subdivision (2) of section 84-205 or if a person is participating in a pretrial diversion program established pursuant to sections 29-3601 to 29-3604 or a juvenile pretrial diversion program established pursuant to sections 43-260.02 to 43-260.07, it shall be the duty of the county attorney, when in possession of sufficient evidence to warrant the belief that a person is guilty and can be convicted of a felony or misdemeanor, to prepare, sign, verify, and file the proper complaint against such person and to appear in the several courts of the county and prosecute the appropriate criminal proceeding on behalf of the state and county. Prior to reaching a plea agreement with defense counsel, the county attorney shall consult with or make a good faith effort to consult with the victim regarding the content of and reasons for such plea agreement. The county attorney shall

record such consultation or effort in his or her office file.

(3)(a) It shall be the duty of the county attorney to prosecute or defend, on behalf of the state and county, all suits, applications, or motions, civil or criminal, arising under the laws of the state in which the state or the county is a party or interested. The county attorney may be directed by the Attorney General to represent the state in any action or matter in which the state is interested or a party. When such services require the performance of duties which are in addition to the ordinary duties of the county attorney, he or she shall receive such fee for his or her services, in addition to the salary as county attorney, as (i) the court shall order in any action involving court appearance or (ii) the Attorney General shall authorize in other matters, with the amount of such additional fee to be paid by the state.

(b) It shall also be the duty of the county attorney to appear and prosecute or defend on behalf of the state and county all such suits, applications, or motions which may have been transferred by change of venue from his or her county to any other county in the state. Any counsel who may have been assisting the county attorney in any such suits, applications, or motions in his or her county may be allowed to assist in any other county to which such cause has been removed.

(4)(a) The county attorney shall file the annual inventory statement with the county board of county personal property in his or her possession as provided in sections 23-346 to 23-350.

(b) It shall be the further duty of the county attorney of each county, within three days from the calling to his or her attention of any violation of the requirements of the law concerning annual inventory statements from county officers, to institute proceedings against such offending officer and in addition thereto to prosecute the appropriate action to remove such county officer from office. When it is the county attorney who is charged with failure to comply with this section, the Attorney General may bring the action.

(5) It shall be the duty of the county attorney to make a report on the tenth day of each quarter to the county board which shall show final

disposition of all criminal cases the previous quarter, criminal cases pending on the last day of the previous quarter, and criminal cases appealed during the past quarter. The county board may waive the duty to make such report.

Sec. 2. Section 25-21,279, Reissue Revised Statutes of Nebraska, is amended to read:

25-21,279 Any victim as defined in section 81-1848 may pursue a civil action to seek an injunction to enforce the Nebraska Crime Victim's Reparations Act and sections 81-1843 to 81-1851.

Sec. 3. Section 29-2261, Revised Statutes Supplement, 2025, is amended to read:

29-2261 (1) Unless it is impractical to do so, when an offender has been convicted of a felony other than murder in the first degree, the court shall not impose sentence without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation. When an offender has been convicted of murder in the first degree and (a) a jury renders a verdict finding the existence of one or more aggravating circumstances as provided in section 29-2520 or (b)(i) the information contains a notice of aggravation as provided in section 29-1603 and (ii) the offender waives his or her right to a jury determination of the alleged aggravating circumstances, the court shall not commence the sentencing determination proceeding as provided in section 29-2521 without first ordering a presentence investigation of the offender and according due consideration to a written report of such investigation.

(2) A court may order a presentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.

(3) The presentence investigation and report shall include, when available, an analysis of the circumstances attending the commission of the crime, the offender's history of delinquency or criminality, physical and mental condition, family situation and background, economic status, education,

occupation, and personal habits, and any other matters that the probation officer deems relevant or the court directs to be included. All local and state police agencies and Department of Correctional Services adult correctional facilities shall furnish to the probation officer copies of such criminal records, in any such case referred to the probation officer by the court of proper jurisdiction, as the probation officer shall require without cost to the court or the probation officer.

Such investigation shall also include:

(a) Any written statements submitted to the county attorney by a victim;
and

(b) Any written statements submitted to the probation officer by a victim.

(4) If there are no written statements submitted to the probation officer, he or she shall certify to the court that:

(a) He or she has attempted to contact the victim; and

(b) If he or she has contacted the victim, such officer offered to accept the written statements of the victim or to reduce such victim's oral statements to writing.

(5) For purposes of subsections (3) and (4) of this section, the term victim has the same meaning as is section 81-1848.

(6) Before imposing sentence, the court may order the offender to submit to psychiatric observation and examination for a period of not exceeding sixty days or such longer period as the court determines to be necessary for that purpose. The offender may be remanded for this purpose to any available clinic or mental hospital, or the court may appoint a qualified psychiatrist to make the examination. The report of the examination shall be submitted to the court.

(7)(a) Any presentence report, substance abuse evaluation, or psychiatric examination shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge; probation officers to whom an offender's file is duly transferred; the probation administrator or his or her designee; alcohol and drug counselors, mental health practitioners, psychiatrists, and psychologists licensed or certified under the Uniform

Credentialing Act to conduct substance abuse evaluations and treatment; or others entitled by law to receive such information, including personnel and mental health professionals for the Nebraska State Patrol specifically assigned to sex offender registration and community notification for the sole purpose of using such report, evaluation, or examination for assessing risk and for community notification of registered sex offenders.

(b) For purposes of this subsection, mental health professional means (i) a practicing physician licensed to practice medicine in this state under the Medicine and Surgery Practice Act, (ii) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 38-3111 or as provided under similar provisions of the Psychology Interjurisdictional Compact, (iii) a practicing mental health professional licensed or certified in this state as provided in the Mental Health Practice Act, or (iv) a practicing professional counselor holding a privilege to practice in Nebraska under the Licensed Professional Counselors Interstate Compact.

(8) The court shall permit inspection of the presentence report, substance abuse evaluation, or psychiatric examination or parts of the report, evaluation, or examination, as determined by the court, by the prosecuting attorney and defense counsel. Such inspection shall be by electronic access only unless the court determines such access is not available to the prosecuting attorney or defense counsel. The State Court Administrator shall determine and develop the means of electronic access to such presentence reports, evaluations, and examinations. Upon application by the prosecuting attorney or defense counsel, the court may order that addresses, telephone numbers, and other contact information for victims or witnesses named in the report, evaluation, or examination be redacted upon a showing by a preponderance of the evidence that such redaction is warranted in the interests of public safety. The court may permit inspection of the presentence report, substance abuse evaluation, or psychiatric examination or examination of parts of the report, evaluation, or examination by any other person having a proper

interest therein whenever the court finds it is in the best interest of a particular offender. The court may allow fair opportunity for an offender to provide additional information for the court's consideration.

(9) If an offender is sentenced to imprisonment, a copy of the report of any presentence investigation, substance abuse evaluation, or psychiatric examination shall be transmitted immediately to the Department of Correctional Services. Upon request, the department shall provide a copy of the report to the Board of Parole and the Board of Pardons.

(10) Notwithstanding subsections (7) and (8) of this section, the Supreme Court or an agent of the Supreme Court acting under the direction and supervision of the Chief Justice shall have access to psychiatric examinations, substance abuse evaluations, and presentence investigations and reports for research purposes. The Supreme Court and its agent shall treat such information as confidential, and nothing identifying any individual shall be released.

Sec. 4. Section 29-4705, Revised Statutes Cumulative Supplement, 2024, is amended to read:

29-4705 (1) For purposes of this section, the terms plea agreement and victim have the same meanings as in section 81-1848.

(2) If a jailhouse informant receives leniency related to a pending charge, a conviction, or a sentence for a crime against a victim, in connection with offering or providing testimony against a suspect or defendant, the prosecutor shall notify such victim.

(3) Prior to reaching a plea agreement, the prosecutor shall proceed as provided in subsection (2) of section 23-1201. For purposes of this section, leniency means any plea bargain, reduced or dismissed charges, bail consideration, or reduction or modification of sentence.

Sec. 5. Section 81-1844.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1844.01 (1) The Nebraska Commission on Law Enforcement and Criminal Justice shall create a pamphlet or document that contains the following information:

- (a) A brief statement of the procedural steps of a criminal case;
- (b) The rights and procedures under sections 81-1843 to 81-1851;
- (c) Suggested procedures if the victim or the victim's immediate family is subjected to acts or threats of physical violence or intimidation by the defendant or at the direction of the defendant; and
- (d) The availability of victim's compensation awards and the address of the Crime Victim's Reparations Committee.

(2) Not later than seventy-two hours after arraignment of the defendant for the crime, the county attorney shall distribute to the victim, as defined in section 81-1848, the pamphlet or document of victim's rights created by the commission pursuant to this section.

Sec. 6. Section 81-1848, Reissue Revised Statutes of Nebraska, is amended to read:

81-1848 (1) For purposes of this section:

- (a) Intimate partner has the same meaning as in section 28-323;
- (b) Plea agreement means an agreement under which, as a result of a discussion between the defendant or defense counsel and the prosecuting attorney:
 - (i) A charge is to be dismissed or reduced; or
 - (ii) The defendant, if he or she pleads guilty to a charge, may receive less than the maximum penalty permitted by law; and
- (c) Victim means:
 - (i) A person who has had a personal confrontation with an offender as a result of a homicide under sections 28-302 to 28-306, a first degree assault under section 28-308, a second degree assault under section 28-309, a third degree assault under section 28-310 when the victim is an intimate partner, a first degree false imprisonment under section 28-314, a first degree sexual assault under section 28-319, a sexual assault of a child in the first degree under section 28-319.01, a second or third degree sexual assault under section 28-320, a sexual assault of a child in the second or third degree under section 28-320.01, a domestic assault in the first, second, or third degree under

section 28-323, or a robbery under section 28-324;

(ii) A person who has suffered serious bodily injury as defined in section 28-109 as a result of a motor vehicle accident when the driver was charged with a violation of section 60-6,196 or 60-6,197 or with a violation of a city or village ordinance enacted in conformance with either section;

(iii) In the case of a homicide, the nearest surviving relative of the deceased, but the term victim does not include the alleged perpetrator of the homicide. Victim also includes any surviving immediate family member of the homicide victim, such as a spouse, domestic partner, parent, sibling, child, or grandparent;

(iv) In the case of a violation of the Child Sexual Abuse Material Prevention Act:

(A) A person who was a child as defined in section 28-1802 and a participant or portrayed observer in the child sexual abuse material that is the subject of the violation and who has been identified and can be reasonably notified; and

(B) The parents, guardians, or duly appointed legal representative of the child victim, but the term victim does not include the alleged perpetrator of the crime;

(v) In the case of a sexual assault of a child, the child victim and the parents, guardians, or duly appointed legal representative of the child victim, but the term victim does not include the alleged perpetrator of the crime;

(vi) A person who was the victim of a theft under section 28-511, 28-512, 28-513, or 28-517 when (A) the value of the thing involved is five thousand dollars or more and (B) the victim and perpetrator were intimate partners; and

(vii) A sexual assault victim as defined in section 29-4309.

(2) In a case involving multiple victims, a victim of an offense described in subdivision (1)(c) of this section who is identified in or associated with a specific criminal count in a complaint, information, or indictment shall be considered a victim for purposes of this section notwithstanding the fact that such count is dismissed pursuant to a plea agreement.

(3) A victim shall have the following rights:

(a) To review publicly available criminal justice information about individuals, including arrest warrants, arrests, detentions, indictments, and other formal charges. This also includes the outcomes of these cases, such as sentencing, supervision, or release, but does not include intelligence or investigative information;

(b) To receive from the county attorney advance reasonable notice of any scheduled court proceedings and notice of any changes in that schedule;

(c) In a case involving abuse as defined in section 42-903, to submit a written statement to be considered by the court during any bond modification proceeding, when time permits;

(d) To be consulted regarding a plea agreement as provided in subsection (4) of this section;

(e) To be present throughout the entire trial of the defendant, except that the court may exclude the victim from the trial or any portion thereof if the court finds that the victim's presence would compromise the defendant's right to a fair trial;

(f)(i) To read, or to appoint a representative to read, his or her written impact statement aloud at the sentencing proceeding. The court may impose reasonable limitations, such as limits on the duration of such reading, to ensure the orderly and fair administration of justice. However, such limits shall not impede a victim's ability to deliver an oral statement if the victim so desires.

(ii) For purposes of subdivision (3)(f)(i) of this section, in the case of a homicide, the term victim also includes any survivor who, as determined on a case-by-case basis, suffered severe emotional harm as a result of the victim's death;

(g) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the following:

(i) The crimes for which the defendant is charged, the defendant's bond, and the time and place of any scheduled court proceedings;

(ii) In a case involving abuse as defined in section 42-903, any request for a modification of the defendant's bond, when time permits such notice;

(iii) The final disposition of the case;

(iv) The crimes for which the defendant was convicted;

(v) The victim's right to submit an impact statement to be used in the probation officer's preparation of a presentence investigation report concerning the defendant as provided in section 29-2261;

(vi) The address and telephone number of the probation office which is to prepare the presentence investigation report;

(vii) That a presentence investigation report and any statement by the victim included in such report will be made available to the defendant unless exempted from disclosure by order of the court; and

(viii) The victim's right to read, or to appoint a representative to read, his or her written impact statement aloud at the sentencing proceeding as provided in subdivision (3)(f) of this section;

(h) To be notified by the county attorney by any means reasonably calculated to give prompt actual notice of the time and place of any subsequent judicial proceedings if the defendant was acquitted on grounds of insanity;

(i) To be notified as provided in section 81-1850, to testify before the Board of Parole or submit a written statement for consideration by the board, and to be notified of the decision of and any action taken by the board;

(j) To submit a written statement for consideration at any conditional release proceedings, Board of Parole proceedings, pardon proceedings, or commutation proceedings. Conditional release proceeding means a proceeding convened pursuant to a Department of Correctional Services' decision to grant a furlough from incarceration for twenty-four hours or longer or a release into community-based programs, including educational release and work release; and

(k) To have any personal identifying information, other than the victim's name, not be disclosed on pleadings and documents filed in criminal actions that may be available to the public. The Supreme Court shall adopt and promulgate rules to implement this subdivision.

(4) Consistent with section 23-1201, prior to entering into a plea agreement, a prosecuting attorney shall consult with or make a good faith effort to consult with a victim regarding the content of and reasons for such plea agreement.

(5) Victims and witnesses of crimes shall have the following rights:

(a) To be informed on all writs of subpoena or notices to appear that they are entitled to apply for and may receive a witness fee;

(b) To be notified that a court proceeding to which they have been subpoenaed will not go on as scheduled in order to save the person an unnecessary trip to court;

(c) To receive protection from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts and to be provided with information as to the level of protection available;

(d) To be informed of financial assistance and other social services available as a result of being a witness or a victim of a crime, including information on how to apply for the assistance and services;

(e) To be informed of the procedure to be followed in order to apply for and receive any witness fee to which they are entitled;

(f) To be provided, whenever possible, a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants;

(g) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, shall be returned to the person within ten days after being taken;

(h) To be provided with appropriate employer intercession services to insure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize an employee's loss of pay and other benefits resulting from court appearances;

(i) To be entitled to a speedy disposition of the case in which they are

involved as a victim or witness in order to minimize the length of time they must endure the stress of their responsibilities in connection with the matter; and

(j) To have the family members of all homicide victims afforded all of the rights under this subsection and services analogous to those provided under section 81-1847.

Sec. 7. Section 81-1848.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-1848.01 (1) Upon the filing of an appeal by the defendant, the county attorney upon whom notice of appeal was served shall notify the Attorney General in writing of the name and last-known address of any victim as defined in section 81-1848.

(2) The Attorney General shall notify the victim of the following:

(a) That the defendant has filed an appeal of the conviction;

(b) A brief explanation of the appeal process, including possible dispositions;

(c) Whether the defendant has been released on bail or other recognizance pending the disposition of the appeal;

(d) The time and place of any appellate proceedings and any changes in the time or place of those proceedings;

(e) The result of the appeal; and

(f) The final disposition of the case within thirty days after the final disposition.

(3) In the event the defendant's conviction is reversed and the case is remanded to the trial court for further proceedings, the victim has the same rights as he or she had during the previous proceedings which led to the appeal.

Sec. 8. Section 81-1848.02, Reissue Revised Statutes of Nebraska, is amended to read:

81-1848.02 (1) As provided in subsections (2) and (3) of this section, the victim, as defined in section 81-1848, and the prosecuting attorney shall be

immediately notified of an escape by a prisoner confined and accused of, convicted of, or sentenced for committing a crime against the victim. The notice shall be given by any means reasonably calculated to give prompt actual notice to the victim and the prosecuting attorney.

(2) If the escape occurs before the sentence is executed or before the prisoner is delivered to the custody of the Department of Correctional Services or the county corrections agency, the chief law enforcement officer of the agency in charge of the prisoner's detention shall notify the victim and the prosecuting attorney of the escape.

(3) If the prisoner is confined pursuant to a sentence, the chief administrator of the facility where the prisoner was confined shall notify the victim and the prosecuting attorney.

Sec. 9. Section 81-1850, Revised Statutes Supplement, 2025, is amended to read:

81-1850 (1) For purposes of this section:

(a) Covered offense means:

- (i) Murder in the first degree, section 28-303;
- (ii) Murder in the second degree, section 28-304;
- (iii) Manslaughter, section 28-305;
- (iv) Motor vehicle homicide, section 28-306;
- (v) Assault in the first degree, section 28-308;
- (vi) Assault in the second degree, section 28-309;
- (vii) Assault by strangulation or suffocation, section 28-310.01;
- (viii) Terroristic threats, section 28-311.01;
- (ix) Stalking, section 28-311.03;
- (x) Kidnapping, section 28-313;
- (xi) False imprisonment in the first degree, section 28-314;
- (xii) Sexual abuse by a school employee, section 28-316.01;
- (xiii) Sexual assault in the first degree, section 28-319;
- (xiv) Sexual assault of a child in the first degree, section 28-319.01;
- (xv) Sexual assault in the second degree, section 28-320;

(xvi) Sexual assault of a child in the second or third degree, section 28-320.01;

(xvii) Child enticement by means of an electronic communication device, section 28-320.02;

(xviii) Sexual abuse of a protected individual, section 28-322.04;

(xix) Domestic assault in the first or second degree, section 28-323;

(xx) Sex trafficking, sex trafficking of a minor, labor trafficking, or labor trafficking of a minor, section 28-831; or

(xxi) An attempt, solicitation, or conspiracy to commit an offense listed in subdivision (1)(a) of this section; and

(b) Victim has the same meaning as in section 81-1848.

(2)(a) Except as provided in subdivision (2)(b) of this section, when a person is convicted of a felony, the county attorney shall forward the name and address of any victim of such convicted person to the Board of Parole, the Department of Correctional Services, the county corrections agency, the Department of Health and Human Services, and the Board of Pardons, as applicable.

(b) A victim may waive the right to notification under this section by notifying the county attorney, in which case the county attorney is not required to comply with subdivision (2)(a) of this section.

(c) The Board of Parole, the Department of Correctional Services, the county corrections agency, the Department of Health and Human Services, and the Board of Pardons shall include the victim's name in the file of the convicted person, but the name shall not be part of the public record of any parole or pardons hearings of the convicted person.

(d) Any victim, including a victim who has waived his or her right to notification, may request the notification prescribed in this section, as applicable, by sending a written request to the Board of Parole, the Department of Correctional Services, the county corrections agency, the Department of Health and Human Services, or the Board of Pardons any time after the convicted person is incarcerated and until the convicted person is no longer under the

jurisdiction of the Board of Parole, the county corrections agency, the Department of Correctional Services, or the Board of Pardons or, if the convicted person is under the jurisdiction of the Department of Health and Human Services, within the three-year period after the convicted person is no longer under the jurisdiction of the Board of Parole, the county corrections agency, the Department of Correctional Services, or the Board of Pardons.

(3) A victim whose name appears in the file of the convicted person shall be notified by the Board of Parole:

(a) Within ninety days after conviction of an offender, of the tentative date of release and the earliest parole eligibility date of such offender;

(b) Of any parole hearings or proceedings;

(c) Of any decision of the Board of Parole;

(d) When a convicted person who is on parole is returned to custody because of parole violations; and

(e) If the convicted person has been adjudged a mentally disordered sex offender or is a convicted sex offender, when such convicted person is released from custody or treatment.

Such notification shall be given in person, by telecommunication, or by mail.

(4) A victim whose name appears in the file of the convicted person shall be notified by the Department of Correctional Services or a county corrections agency:

(a) When a convicted person is granted a furlough or release from incarceration for twenty-four hours or longer or any transfer of the convicted person to community status;

(b) When a convicted person is released into community-based programs, including educational release and work release programs. Such notification shall occur at the beginning and termination of any such program;

(c) When a convicted person escapes or does not return from a granted furlough or release and again when the convicted person is returned into custody;

(d) When a convicted person is discharged from custody upon completion of his or her sentence. Such notice shall be given at least thirty days before discharge, when practicable;

(e) Of the (i) department's calculation of the earliest parole eligibility date of the prisoner with all potential good time or disciplinary credits considered if the sentence exceeds ninety days or (ii) county corrections agency's calculation of the earliest release date of the prisoner. The victim may request one notice of the calculation described in this subdivision. Such information shall be mailed not later than thirty days after receipt of the request;

(f) Of any reduction in the prisoner's minimum sentence; and

(g) Of the victim's right to submit a statement as provided in section 81-1848.

(5) A victim whose name appears in the file of a convicted person shall be notified by the Department of Health and Human Services:

(a) When a person described in subsection (6) of this section becomes the subject of a petition pursuant to the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act prior to his or her discharge from custody upon the completion of his or her sentence or within thirty days after such discharge. The county attorney who filed the petition shall notify the Department of Correctional Services of such petition. The Department of Correctional Services shall forward the names and addresses of victims appearing in the file of the convicted person to the Department of Health and Human Services; and

(b) When a person under a mental health board commitment pursuant to subdivision (a) of this subsection:

(i) Escapes from an inpatient facility providing board-ordered treatment and again when the person is returned to an inpatient facility;

(ii) Is discharged or has a change in disposition from inpatient board-ordered treatment;

(iii) Is granted a furlough or release for twenty-four hours or longer;

and

(iv) Is released into educational release programs or work release programs. Such notification shall occur at the beginning and termination of any such program.

(6) Subsection (5) of this section applies to a person convicted of a covered offense which is also alleged to be the recent act or threat underlying the commitment of such person as mentally ill and dangerous or as a dangerous sex offender as defined in section 83-174.01.

(7) A victim whose name appears in the file of a person convicted of a covered offense shall be notified, via certified mail, by the Board of Pardons:

(a) Of any pardon or commutation proceedings at least thirty calendar days prior to the proceedings; and

(b) If a pardon or commutation has been granted, within ten days after such granting.

(8) The Board of Parole, the Department of Correctional Services, the Department of Health and Human Services, and the Board of Pardons shall adopt and promulgate rules and regulations as needed to carry out this section.

(9) The victim's address and telephone number maintained by the Department of Correctional Services, the Department of Health and Human Services, the county corrections agency, the Board of Parole, and the Board of Pardons pursuant to subsection (2) of this section shall be exempt from disclosure under Nebraska public records laws and federal freedom of information laws, as such federal laws existed on January 1, 2004.

Sec. 10. Section 83-109, Reissue Revised Statutes of Nebraska, is amended to read:

83-109 (1) The Department of Health and Human Services shall have general control over the admission of patients and residents to all institutions over which it has jurisdiction. Each individual shall be assigned to the institution best adapted to care for him or her.

(2) A record of every patient or resident of every institution shall be kept complete from the date of his or her entrance to the date of his or her

discharge or death. Such records shall be accessible only (a) to the department, a legislative committee, the Governor, any federal agency requiring medical records to adjudicate claims for federal benefits, and any public or private agency under contract to provide facilities, programs, and patient services, (b) upon order of a judge, court, or mental health board, (c) in accordance with sections 20-161 to 20-166, (d) to the Nebraska State Patrol pursuant to section 69-2409.01, (e) to those portions of the record required to be released to a victim as defined in section 81-1848 in order to comply with the victim notification requirements pursuant to subsections (5) and (6) of section 81-1850, (f) to law enforcement and county attorneys when a crime occurs on the premises of an institution, (g) upon request when a patient or resident has been deceased for fifty years or more, (h) to current treatment providers, or (i) to treatment providers for coordination of care related to transfer or discharge. In addition, a patient or resident or his or her legally authorized representative may authorize the specific release of his or her records, or portions thereof, by filing with the department a signed written consent.

(3) Transfers of patients or residents from one institution to another shall be within the exclusive jurisdiction of the department and shall be recorded in the office of the department, with the reasons for such transfers.

(4) When the department is unable to assign a patient to a regional center or commit him or her to any other institution at the time of application, a record thereof shall be kept and the patient accepted at the earliest practicable date.

(5) The superintendents of the regional centers and Beatrice State Developmental Center shall notify the department immediately whenever there is any question regarding the propriety of the commitment, detention, transfer, or placement of any person admitted to a state institution. The department shall then investigate the matter and take such action as shall be proper. Any interested party who is not satisfied with such action may appeal such action, and the appeal shall be in accordance with the Administrative Procedure Act.

(6) The department shall have full authority on its own suggestion or upon the application of any interested person to investigate the physical and mental status of any patient or resident of any regional center or the Beatrice State Developmental Center. If upon such investigation the department considers such patient or resident fit to be released from the regional center or Beatrice State Developmental Center, it shall cause such patient or resident to be discharged or released on convalescent leave.

Sec. 11. Original sections 23-1201, 25-21,279, 81-1844.01, 81-1848, 81-1848.01, 81-1848.02, and 83-109, Reissue Revised Statutes of Nebraska, section 29-4705, Revised Statutes Cumulative Supplement, 2024, and sections 29-2261 and 81-1850, Revised Statutes Supplement, 2025, are repealed.

Sec. 12. The following sections are outright repealed: Sections 29-120, Reissue Revised Statutes of Nebraska, and section 29-119, Revised Statutes Supplement, 2025.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 1181 was passed by the One Hundred Ninth Legislature of Nebraska at its Second Session on the day of 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR