

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1225

Introduced by Raybould, 28.

Read first time January 21, 2026

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Nebraska Juvenile Code; to amend
- 2 section 43-274, Revised Statutes Cumulative Supplement, 2024; to
- 3 change provisions relating to certain expedited appeals; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 43-274, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

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

8 (2) The county attorney or city attorney may offer pretrial
9 diversion to the juvenile in accordance with a juvenile pretrial
10 diversion program established pursuant to sections 43-260.02 to
11 43-260.07.

12 (3)(a) If a juvenile appears to be a juvenile described in
13 subdivision (1), (2), (3)(b), or (4) of section 43-247, the county
14 attorney or city attorney may utilize restorative justice practices or
15 services as a form of, or condition of, diversion or plea bargaining or
16 as a recommendation as a condition of disposition, through a referral to
17 a restorative justice facilitator.

18 (b) For victim-involved offenses, a restorative justice facilitator
19 shall conduct a separate individual intake and assessment session with
20 each juvenile and victim to determine which, if any, restorative justice
21 practice is appropriate. All participation by the victim shall be
22 voluntary. If the victim declines to participate in any or all parts of
23 the restorative justice practice, a victim surrogate may be invited to
24 participate with the juvenile. If, after assessment, participation by the
25 juvenile is deemed inappropriate, the restorative justice facilitator
26 shall return the referral to the referring county attorney or city
27 attorney.

28 (c) A victim or his or her parent or guardian shall not be charged a
29 fee. A juvenile or his or her parent or guardian may be charged a fee
30 according to the policies and procedures of the restorative justice
31 facilitator and the referring county attorney or city attorney.

1 Restorative justice facilitators shall use a sliding fee scale based on
2 income and shall not deny services based upon the inability of a juvenile
3 or his or her parent or guardian to pay, if funding is otherwise
4 available.

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

9 (e) If a reparation plan agreement is reached, the restorative
10 justice facilitator shall forward a copy of the agreement to the
11 referring county attorney or city attorney. The terms of the reparation
12 plan agreement shall specify provisions for reparation, monitoring,
13 completion, and reporting. An agreement may include, but is not limited
14 to, one or more of the following:

15 (i) Participation by the juvenile in certain community service
16 programs;

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

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

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

20 and

21 (v) Any other areas of agreement.

22 (f) The restorative justice facilitator shall give notice to the
23 county attorney or city attorney regarding the juvenile's compliance with
24 the terms of the reparation plan agreement. If the juvenile does not
25 satisfactorily complete the terms of the agreement, the county attorney
26 or city attorney may:

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

29 (ii) Proceed with filing a juvenile court petition or criminal
30 charge.

31 (g) If a juvenile meets the terms of the reparation plan agreement,

1 the county attorney or city attorney shall either:

2 (i) Not file a juvenile court petition or criminal charge against
3 the juvenile for the acts for which the juvenile was referred for
4 restorative justice practice or services when referred as a diversion or
5 an alternative to diversion; or

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

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

10 (5)(a) When a transfer from juvenile court to county court or
11 district court is authorized because there is concurrent jurisdiction,
12 the county attorney or city attorney may move to transfer the
13 proceedings. Such motion shall be filed with the juvenile court petition
14 unless otherwise permitted for good cause shown. The juvenile court shall
15 schedule a hearing on such motion within fifteen days after the motion is
16 filed. The county attorney or city attorney has the burden by a
17 preponderance of the evidence to show why such proceeding should be
18 transferred. The juvenile shall be represented by counsel at the hearing
19 and may present the evidence as to why the proceeding should be retained.
20 After considering all the evidence and reasons presented by both parties,
21 the juvenile court shall retain the proceeding unless the court
22 determines that a preponderance of the evidence shows that the proceeding
23 should be transferred to the county court or district court. The court
24 shall make a decision on the motion within thirty days after the hearing.
25 The juvenile court shall set forth findings for the reason for its
26 decision.

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

1 upon a showing of exceptional cause. Appeals shall be submitted,
2 assigned, and scheduled for oral argument as soon as the appellee's brief
3 is due to be filed. The Court of Appeals shall conduct its review in an
4 expedited manner and shall render the judgment and opinion, if any, as
5 speedily as possible, and in no event later than ninety days after the
6 date the appeal was perfected. During the pendency of any such appeal,
7 the juvenile court may continue to enter temporary orders in the best
8 interests of the juvenile pursuant to section 43-295.

9 (c) If the proceeding is transferred from juvenile court to the
10 county court or district court, the county attorney or city attorney
11 shall file a criminal information in the county court or district court,
12 as appropriate, and the accused shall be arraigned as provided for a
13 person eighteen years of age or older in subdivision (1)(b) of section
14 29-1816.

15 (d)(i) Except as provided in subdivision (5)(d)(ii) of this section,
16 any admission, confession, or statement made by the juvenile to a
17 psychiatrist, psychologist, therapist, or licensed mental health
18 practitioner for purposes of a motion to transfer a case from juvenile
19 court to county court or district court shall be inadmissible in any
20 criminal or civil proceeding.

21 (ii) Subdivision (5)(d)(i) of this section does not prevent any such
22 admission, confession, or statement from being:

23 (A) Admissible in proceedings relating to such motion to transfer;

24 (B) Admissible in disposition proceedings for such juvenile under
25 the Nebraska Juvenile Code if the case is not transferred to county court
26 or district court;

27 (C) Included in any presentence investigation report for such
28 juvenile if the case is transferred to county court or district court;
29 and

30 (D) Admissible in such case to impeach such juvenile during cross-
31 examination if the juvenile testifies at trial or during juvenile court

1 proceedings and such testimony is materially inconsistent with a prior
2 statement made by the juvenile to a psychiatrist, psychologist,
3 therapist, or licensed mental health practitioner for purposes of the
4 motion to transfer such case.

5 **Sec. 2.** Original section 43-274, Revised Statutes Cumulative
6 Supplement, 2024, is repealed.