

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 407**

Introduced by Cavanaugh, J., 9.

Read first time January 17, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to juvenile justice; to amend sections 43-252,  
2 43-2,106.03, and 43-424, Reissue Revised Statutes of Nebraska, and  
3 sections 29-1816, 43-246.01, 43-251.01, 43-276, 43-279, 43-286, and  
4 43-2,129, Revised Statutes Cumulative Supplement, 2024; to provide  
5 for criminal proceedings against certain juveniles charged with  
6 felonies following unsuccessful rehabilitation under the Nebraska  
7 Juvenile Code; to provide for appeals and inadmissibility of certain  
8 statements by juveniles; to harmonize provisions; and to repeal the  
9 original sections.  
10 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 29-1816, Revised Statutes Cumulative Supplement,  
2 2024, is amended to read:

3           29-1816 (1)(a) The accused may be arraigned in county court or  
4 district court:

5           (i) If the accused was eighteen years of age or older when the  
6 alleged offense was committed;

7           (ii) If the accused was younger than eighteen years of age and was  
8 sixteen ~~fourteen~~ years of age or older when an alleged offense punishable  
9 as a Class I, IA, IB, IC, ID, II, or IIA felony was committed; ~~or~~

10           (iii) If the accused was younger than sixteen years of age and was  
11 thirteen years of age or older when an alleged offense punishable as a  
12 Class I, IA, IB, IC, ID, II, or IIA felony was committed, following a  
13 transfer as provided in section 8 of this act; or

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

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

24           (2) At the time of the arraignment, the county court or district  
25 court shall advise the accused, if the accused was younger than eighteen  
26 years of age at the time the alleged offense was committed, that the  
27 accused may move the county court or district court at any time not later  
28 than thirty days after arraignment, unless otherwise permitted by the  
29 court for good cause shown, to waive jurisdiction in such case to the  
30 juvenile court for further proceedings under the Nebraska Juvenile Code.  
31 This subsection does not apply if the case was transferred to county

1 court or district court from juvenile court.

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

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

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

23 (4) An order granting or denying transfer of the case from county  
24 court or district court to juvenile court shall be considered a final  
25 order for the purposes of appeal. Upon entry of an order, any party may  
26 appeal to the Court of Appeals within ten days. Such review shall be  
27 advanced on the court docket without an extension of time granted to any  
28 party except upon a showing of exceptional cause. Appeals shall be  
29 submitted, assigned, and scheduled for oral argument as soon as the  
30 appellee's brief is due to be filed. The Court of Appeals shall conduct  
31 its review in an expedited manner and shall render the judgment and

1 opinion, if any, as speedily as possible. During the pendency of an  
2 appeal from an order transferring the case to juvenile court, the  
3 juvenile court may enter temporary orders in the best interests of the  
4 juvenile.

5 (5)(a) Except as provided in subdivision (5)(b) of this section, any  
6 admission, confession, or statement made by the accused to a  
7 psychiatrist, psychologist, therapist, or licensed mental health  
8 practitioner for purposes of a motion to transfer a case from county  
9 court or district court to juvenile court shall be inadmissible in any  
10 criminal or civil proceeding.

11 (b) Subdivision (5)(a) of this section does not prevent any such  
12 admission, confession, or statement from being:

13 (i) Admissible in proceedings relating to such motion to transfer;

14 (ii) Admissible in disposition proceedings of such accused under the  
15 Nebraska Juvenile Code if the case is transferred to juvenile court;

16 (iii) Included in any presentence investigation report for such  
17 accused if the case is not transferred to juvenile court; and

18 (iv) Admissible in such case to impeach such accused during cross-  
19 examination if the accused testifies at trial or during juvenile court  
20 proceedings and such testimony is materially inconsistent with a prior  
21 statement made by the accused to a psychiatrist, psychologist, therapist,  
22 or licensed mental health practitioner for purposes of the motion to  
23 transfer such case.

24 (6) When the accused was younger than eighteen years of age when an  
25 alleged offense was committed, the county attorney or city attorney shall  
26 proceed under section 43-274.

27 **Sec. 2.** Section 43-246.01, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

29 43-246.01 (1) The juvenile court shall have exclusive original  
30 jurisdiction as to:

31 (a) Any juvenile described in subdivision (3) or (11) of section

1 43-247;

2 (b) Any juvenile who was under sixteen years of age at the time the  
3 alleged offense was committed and the offense falls under subdivision (1)  
4 of section 43-247;

5 (c) A party or proceeding described in subdivision (5) or (7) of  
6 section 43-247; and

7 (d) Any juvenile who was under sixteen ~~fourteen~~ years of age at the  
8 time the alleged offense was committed and the offense falls under  
9 subdivision (2) of section 43-247.

10 (2)(a) The juvenile court shall also have exclusive original  
11 jurisdiction as to:

12 (i) Any juvenile who is alleged to have committed an offense under  
13 subdivision (1) of section 43-247 and who was sixteen years of age or  
14 seventeen years of age at the time the alleged offense was committed; and

15 (ii) Any juvenile who was sixteen ~~fourteen~~ years of age or older at  
16 the time the alleged offense was committed and the offense falls under  
17 subdivision (2) of section 43-247 except offenses enumerated in  
18 subdivision (1)(a)(ii) of section 29-1816.

19 (b) Proceedings initiated under this subsection ~~(2) of this section~~  
20 may be transferred as provided in section 43-274.

21 (3)(a) The juvenile court shall also have exclusive original  
22 jurisdiction as to any juvenile who was thirteen years of age or older  
23 but less than sixteen years of age at the time the alleged offense was  
24 committed and the offense is enumerated in subdivision (1)(a)(iii) of  
25 section 29-1816.

26 (b) Proceedings initiated under this subsection may be transferred  
27 as provided in section 8 of this act.

28 (4)(a) ~~(3)(a)~~ The juvenile court shall have concurrent original  
29 jurisdiction with the county court or district court as to:

30 (i) Any juvenile described in subdivision (4) of section 43-247;

31 (ii) Any proceeding under subdivision (6), (8), (9), or (10) of

1 section 43-247; and

2 (iii) Any juvenile described in subdivision (1)(a)(ii) of section  
3 29-1816.

4 (b) Proceedings initiated under this subsection ~~(3) of this section~~  
5 may be transferred as provided in section 43-274.

6 **Sec. 3.** Section 43-251.01, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8 43-251.01 All placements and commitments of juveniles for  
9 evaluations or as temporary or final dispositions are subject to the  
10 following:

11 (1) No juvenile shall be confined in an adult correctional facility  
12 as a disposition of the court;

13 (2) A juvenile who is found to be a juvenile as described in  
14 subdivision (3) of section 43-247 shall not be placed in an adult  
15 correctional facility, the secure youth confinement facility operated by  
16 the Department of Correctional Services, or a youth rehabilitation and  
17 treatment center or committed to the Office of Juvenile Services;

18 (3) A juvenile who is found to be a juvenile as described in  
19 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or  
20 transferred to an adult correctional facility or the secure youth  
21 confinement facility operated by the Department of Correctional Services;

22 (4) A juvenile under the age of fourteen years shall not be placed  
23 with or committed to a youth rehabilitation and treatment center, except  
24 for a juvenile described in subdivision (1)(a)(iii) of section 29-1816;

25 (5)(a) A juvenile shall not be detained unless the physical safety  
26 of persons in the community would be seriously threatened or detention is  
27 necessary to secure the presence of the juvenile at the next hearing, as  
28 evidenced by a demonstrable record of willful failure to appear at a  
29 scheduled court hearing within the last twelve months;

30 (b) A child twelve years of age or younger shall not be placed in  
31 detention under any circumstances; and

1 (c) A juvenile shall not be placed into detention:

2 (i) To allow a parent or guardian to avoid his or her legal  
3 responsibility;

4 (ii) To punish, treat, or rehabilitate such juvenile;

5 (iii) To permit more convenient administrative access to such  
6 juvenile;

7 (iv) To facilitate further interrogation or investigation; or

8 (v) Due to a lack of more appropriate facilities except in case of  
9 an emergency as provided in section 43-430;

10 (6) A juvenile alleged to be a juvenile as described in subdivision  
11 (3) of section 43-247 shall not be placed in a juvenile detention  
12 facility, including a wing labeled as staff secure at such facility,  
13 unless the designated staff secure portion of the facility fully complies  
14 with subdivision (5) of section 83-4,125 and the ingress and egress to  
15 the facility are restricted solely through staff supervision; and

16 (7) A juvenile alleged to be a juvenile as described in subdivision  
17 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his  
18 or her home as a dispositional order of the court unless:

19 (a) All available community-based resources have been exhausted to  
20 assist the juvenile and his or her family; and

21 (b) Maintaining the juvenile in the home presents a significant risk  
22 of harm to the juvenile or community.

23 **Sec. 4.** Section 43-252, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 43-252 (1) The fingerprints of any juvenile less than fourteen years  
26 of age, except for a juvenile described in subdivision (1)(a)(iii) of  
27 section 29-1816, who has been taken into custody in the investigation of  
28 a suspected unlawful act, shall not be taken unless the consent of any  
29 district, county, associate county, associate separate juvenile court, or  
30 separate juvenile court judge has first been obtained.

31 (2) The fingerprints of any juvenile alleged or found to be a

1 juvenile as described in subdivision (3)(b) of section 43-247 shall not  
2 be taken.

3 (3) If the judge permits the fingerprinting, the fingerprints must  
4 be filed by law enforcement officers in files kept separate from those of  
5 persons of the age of majority.

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

13 **Sec. 5.** Section 43-276, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15 43-276 (1) The county attorney or city attorney, in making the  
16 determination whether to file a criminal charge, file a juvenile court  
17 petition, offer juvenile pretrial diversion or restorative justice, or  
18 transfer a case to or from juvenile court, and the juvenile court, county  
19 court, or district court in making the determination whether to transfer  
20 a case, shall consider: (a) The type of treatment such juvenile would  
21 most likely be amenable to; (b) whether there is evidence that the  
22 alleged offense included violence; (c) the motivation for the commission  
23 of the offense; (d) the age of the juvenile and the ages and  
24 circumstances of any others involved in the offense; (e) the previous  
25 history of the juvenile, including whether he or she had been convicted  
26 of any previous offenses or adjudicated in juvenile court; (f) the best  
27 interests of the juvenile; (g) consideration of public safety; (h)  
28 consideration of the juvenile's ability to appreciate the nature and  
29 seriousness of his or her conduct; (i) whether the best interests of the  
30 juvenile and the security of the public may require that the juvenile  
31 continue in secure detention or under supervision for a period extending



1 beyond his or her minority and, if so, the available alternatives best  
2 suited to this purpose; (j) whether the victim or juvenile agree to  
3 participate in restorative justice; (k) whether there is a juvenile  
4 pretrial diversion program established pursuant to sections 43-260.02 to  
5 43-260.07; (l) whether the juvenile has been convicted of or has  
6 acknowledged unauthorized use or possession of a firearm; (m) whether a  
7 juvenile court order has been issued for the juvenile pursuant to section  
8 43-2,106.03 or section 8 of this act; (n) whether the juvenile is a  
9 criminal street gang member; and (o) such other matters as the parties  
10 deem relevant to aid in the decision.

11 (2) Prior to filing a petition alleging that a juvenile is a  
12 juvenile as described in subdivision (3)(b) of section 43-247, the county  
13 attorney shall make reasonable efforts to refer the juvenile and family  
14 to community-based resources available to address the juvenile's  
15 behaviors, provide crisis intervention, and maintain the juvenile safely  
16 in the home. Failure to describe the efforts required by this subsection  
17 shall be a defense to adjudication.

18 **Sec. 6.** Section 43-279, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 43-279 (1) The adjudication portion of hearings shall be conducted  
21 before the court without a jury, applying the customary rules of evidence  
22 in use in trials without a jury. When the petition alleges the juvenile  
23 to be within the provisions of subdivision (1), (2), (3)(b), or (4) of  
24 section 43-247 and the juvenile or his or her parent, guardian, or  
25 custodian appears with or without counsel, the court shall inform the  
26 parties:

27 (a) Of the nature of the proceedings and the possible consequences  
28 or dispositions pursuant to sections 43-284 to 43-286, 43-289, and 43-290  
29 and section 8 of this act that may apply to the juvenile's case following  
30 an adjudication of jurisdiction;

31 (b) Of such juvenile's right to counsel as provided in sections

1 43-272 and 43-273;

2 (c) Of the privilege against self-incrimination by advising the  
3 juvenile, parent, guardian, or custodian that the juvenile may remain  
4 silent concerning the charges against the juvenile and that anything said  
5 may be used against the juvenile;

6 (d) Of the right to confront anyone who testifies against the  
7 juvenile and to cross-examine any persons who appear against the  
8 juvenile;

9 (e) Of the right of the juvenile to testify and to compel other  
10 witnesses to attend and testify in his or her own behalf;

11 (f) Of the right of the juvenile to a speedy adjudication hearing;  
12 and

13 (g) Of the right to appeal and have a transcript for such purpose.

14 After giving such warnings and admonitions, the court may accept an  
15 in-court admission or answer of no contest by the juvenile of all or any  
16 part of the allegations in the petition if the court has determined from  
17 examination of the juvenile and those present that such admission or  
18 answer of no contest is intelligently, voluntarily, and understandingly  
19 made and with an affirmative waiver of rights and that a factual basis  
20 for such admission or answer of no contest exists. The waiver of the  
21 right to counsel shall satisfy section 43-3102. The court may base its  
22 adjudication provided in subsection (2) of this section on such admission  
23 or answer of no contest.

24 (2) If the juvenile denies the petition or stands mute the court  
25 shall first allow a reasonable time for preparation if needed and then  
26 consider only the question of whether the juvenile is a person described  
27 by section 43-247. After hearing the evidence on such question, the court  
28 shall make a finding and adjudication, to be entered on the records of  
29 the court, whether or not the juvenile is a person described by  
30 subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof  
31 beyond a reasonable doubt. If an Indian child is involved, the standard

1 of proof shall be in compliance with the Nebraska Indian Child Welfare  
2 Act, if applicable.

3 (3) If the court shall find that the juvenile named in the petition  
4 is not within the provisions of section 43-247, it shall dismiss the  
5 case. If the court finds that the juvenile named in the petition is such  
6 a juvenile, it shall make and enter its findings and adjudication  
7 accordingly, designating which subdivision or subdivisions of section  
8 43-247 such juvenile is within; the court shall allow a reasonable time  
9 for preparation if needed and then proceed to an inquiry into the proper  
10 disposition to be made of such juvenile.

11 **Sec. 7.** Section 43-286, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 43-286 (1) When any juvenile is adjudicated to be a juvenile  
14 described in subdivision (1), (2), or (4) of section 43-247:

15 (a) The court may continue the dispositional portion of the hearing,  
16 from time to time upon such terms and conditions as the court may  
17 prescribe, including an order of restitution of any property stolen or  
18 damaged or an order requiring the juvenile to participate in restorative  
19 justice programs or community service programs, if such order is in the  
20 interest of the juvenile's reformation or rehabilitation, and, subject to  
21 the further order of the court, may:

22 (i) Place the juvenile on probation subject to the supervision of a  
23 probation officer; or

24 (ii) Permit the juvenile to remain in his or her own home or be  
25 placed in a suitable family home or institution, subject to the  
26 supervision of the probation officer;

27 (b) When it is alleged that the juvenile has exhausted all levels of  
28 probation supervision and options for community-based services and  
29 section 43-251.01 has been satisfied, a motion for commitment to a youth  
30 rehabilitation and treatment center may be filed and proceedings held as  
31 follows:

1 (i) The motion shall set forth specific factual allegations that  
2 support the motion and a copy of such motion shall be served on all  
3 persons required to be served by sections 43-262 to 43-267;

4 (ii) The Office of Juvenile Services shall be served with a copy of  
5 such motion and shall be a party to the case for all matters related to  
6 the juvenile's commitment to, placement with, or discharge from the  
7 Office of Juvenile Services; and

8 (iii) The juvenile shall be entitled to a hearing before the court  
9 to determine the validity of the allegations. At such hearing the burden  
10 is upon the state by a preponderance of the evidence to show that:

11 (A) All levels of probation supervision have been exhausted;

12 (B) All options for community-based services have been exhausted;

13 and

14 (C) Placement at a youth rehabilitation and treatment center is a  
15 matter of immediate and urgent necessity for the protection of the  
16 juvenile or the person or property of another or if it appears that such  
17 juvenile is likely to flee the jurisdiction of the court;

18 (c) After the hearing, the court may, as a condition of an order of  
19 intensive supervised probation, commit such juvenile to the Office of  
20 Juvenile Services for placement at a youth rehabilitation and treatment  
21 center operated in compliance with state law. Upon commitment by the  
22 court to the Office of Juvenile Services, the court shall immediately  
23 notify the Office of Juvenile Services of the commitment. Intensive  
24 supervised probation for purposes of this subdivision means that the  
25 Office of Juvenile Services shall be responsible for the care and custody  
26 of the juvenile until the Office of Juvenile Services discharges the  
27 juvenile from commitment to the Office of Juvenile Services. Upon  
28 discharge of the juvenile, the court shall hold a review hearing on the  
29 conditions of probation and enter any order allowed under subdivision (1)  
30 (a) of this section;

31 (d) The Office of Juvenile Services shall notify those required to

1 be served by sections 43-262 to 43-267, all interested parties, and the  
2 committing court of the pending discharge of a juvenile from the youth  
3 rehabilitation and treatment center sixty days prior to discharge and  
4 again in every case not less than thirty days prior to discharge. Upon  
5 notice of pending discharge by the Office of Juvenile Services, the court  
6 shall set a continued disposition hearing in anticipation of reentry. The  
7 Office of Juvenile Services shall work in collaboration with the Office  
8 of Probation Administration in developing an individualized reentry plan  
9 for the juvenile as provided in section 43-425. The Office of Juvenile  
10 Services shall provide a copy of the individualized reentry plan to the  
11 juvenile, the juvenile's attorney, and the county attorney or city  
12 attorney prior to the continued disposition hearing. At the continued  
13 disposition hearing, the court shall review and approve or modify the  
14 individualized reentry plan, place the juvenile under probation  
15 supervision, and enter any other order allowed by law. No hearing is  
16 required if all interested parties stipulate to the individualized  
17 reentry plan by signed motion. In such a case, the court shall approve  
18 the conditions of probation, approve the individualized reentry plan, and  
19 place the juvenile under probation supervision; and

20 (e) The Office of Juvenile Services is responsible for  
21 transportation of the juvenile to and from the youth rehabilitation and  
22 treatment center. The Office of Juvenile Services may contract for such  
23 services. A plan for a juvenile's transport to return to the community  
24 shall be a part of the individualized reentry plan. The Office of  
25 Juvenile Services may approve family to provide such transport when  
26 specified in the individualized reentry plan.

27 (2) When any juvenile is found by the court to be a juvenile  
28 described in subdivision (3)(b) of section 43-247, the court may enter  
29 such order as it is empowered to enter under subdivision (1)(a) of this  
30 section.

31 (3) When any juvenile is adjudicated to be a juvenile described in

1 subdivision (1), (2), (3)(b), or (4) of section 43-247, the court may  
2 order the juvenile to be assessed for referral to participate in a  
3 restorative justice program. Factors that the judge may consider for such  
4 referral include, but are not limited to: The juvenile's age,  
5 intellectual capacity, and living environment; the ages of others who  
6 were part of the offense; the age and capacity of the victim; and the  
7 nature of the case.

8 (4) When a juvenile is placed on probation and a probation officer  
9 has reasonable cause to believe that such juvenile has committed a  
10 violation of a condition of his or her probation, the probation officer  
11 shall take appropriate measures as provided in section 43-286.01.

12 (5)(a) When a juvenile is placed on probation or under the  
13 supervision of the court and it is alleged that the juvenile is again a  
14 juvenile described in subdivision (1), (2), (3)(b), or (4) of section  
15 43-247, a petition may be filed and the same procedure followed and  
16 rights given at a hearing on the original petition. If an adjudication is  
17 made that the allegations of the petition are true, the court may make  
18 any disposition authorized by this section for such adjudications and the  
19 county attorney may file a motion to revoke the juvenile's probation.

20 (b) When a juvenile is placed on probation or under the supervision  
21 of the court for conduct under subdivision (1), (2), (3)(b), or (4) of  
22 section 43-247 and it is alleged that the juvenile has violated a term of  
23 probation or supervision or that the juvenile has violated an order of  
24 the court, a motion to revoke probation or supervision or to change the  
25 disposition may be filed and proceedings held as follows:

26 (i) The motion shall set forth specific factual allegations of the  
27 alleged violations and a copy of such motion shall be served on all  
28 persons required to be served by sections 43-262 to 43-267;

29 (ii) The juvenile shall be entitled to a hearing before the court to  
30 determine the validity of the allegations. At such hearing the juvenile  
31 shall be entitled to those rights relating to counsel provided by section

1 43-272 and those rights relating to detention provided by sections 43-254  
2 to 43-256. The juvenile shall also be entitled to speak and present  
3 documents, witnesses, or other evidence on his or her own behalf. He or  
4 she may confront persons who have given adverse information concerning  
5 the alleged violations, may cross-examine such persons, and may show that  
6 he or she did not violate the conditions of his or her probation or  
7 supervision or an order of the court or, if he or she did, that  
8 mitigating circumstances suggest that the violation does not warrant  
9 revocation of probation or supervision or a change of disposition. The  
10 hearing shall be held within a reasonable time after the juvenile is  
11 taken into custody;

12 (iii) The hearing shall be conducted in an informal manner and shall  
13 be flexible enough to consider evidence, including letters, affidavits,  
14 and other material, that would not be admissible in an adversarial  
15 criminal trial;

16 (iv) The juvenile shall not be confined, detained, or otherwise  
17 significantly deprived of his or her liberty pursuant to the filing of a  
18 motion described in this section unless the requirements of subdivision  
19 (5) of section 43-251.01 and section 43-260.01 have been met. In all  
20 cases when the requirements of subdivision (5) of section 43-251.01 and  
21 section 43-260.01 have been met and the juvenile is confined, detained,  
22 or otherwise significantly deprived of his or her liberty as a result of  
23 his or her alleged violation of probation, supervision, or a court order,  
24 the juvenile shall be given a preliminary hearing. If, as a result of  
25 such preliminary hearing, probable cause is found to exist, the juvenile  
26 shall be entitled to a hearing before the court in accordance with this  
27 subsection;

28 (v) If the juvenile is found by the court to have violated the terms  
29 of his or her probation or supervision or an order of the court, the  
30 court may modify the terms and conditions of the probation, supervision,  
31 or other court order, extend the period of probation, supervision, or

1 other court order, or enter any order of disposition that could have been  
2 made at the time the original order was entered; and

3 (vi) In cases when the court revokes probation, supervision, or  
4 other court order, it shall enter a written statement as to the evidence  
5 relied on and the reasons for revocation.

6 (6)(a) Except as provided in subdivision (6)(b) of this section and  
7 section 8 of this act, the court shall not change a disposition unless  
8 the court finds that the juvenile has violated a term or condition of  
9 probation or supervision or an order of the court and the procedures in  
10 subdivision (5)(b) of this section have been satisfied.

11 (b) Upon motion of the juvenile, the court may modify the terms or  
12 conditions of probation or supervision or modify a dispositional order  
13 if:

14 (i) All parties stipulate to the particular modification; and

15 (ii) The juvenile has consulted with counsel or has waived counsel.

16 Any waiver must be particular to the modification and shall comply with  
17 section 43-3102.

18 (7) Costs incurred on behalf of a juvenile under this section shall  
19 be paid as provided in section 43-290.01.

20 (8) When any juvenile is adjudicated to be a juvenile described in  
21 subdivision (4) of section 43-247, the juvenile court shall within thirty  
22 days of adjudication transmit to the Director of Motor Vehicles an  
23 abstract of the court record of adjudication.

24 **Sec. 8.** (1) At any time after the disposition of a juvenile  
25 described in subdivision (1)(a)(iii) of section 29-1816, the county  
26 attorney may file a motion requesting the juvenile court to dismiss the  
27 petition and authorize the county attorney to refile any charges  
28 described in such subdivision as a criminal proceeding in district court.

29 (2)(a) The juvenile court shall schedule a hearing on such motion  
30 within fifteen days after the motion is filed.

31 (b) The juvenile shall be represented by counsel at the hearing and



1 may present the evidence as to why the proceeding should be retained.

2 (c) After considering all the evidence and reasons presented by both  
3 parties, the juvenile court shall retain the proceeding unless the court  
4 determines that the county attorney has shown, by a preponderance of the  
5 evidence, that the juvenile is not amenable to rehabilitation under the  
6 Nebraska Juvenile Code and that a criminal proceeding would be more  
7 appropriate.

8 (d) The juvenile court shall make a decision on the motion within  
9 thirty days after the hearing. The juvenile court shall set forth  
10 findings for the reason for its decision.

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

23 (4) If the motion is granted, the county attorney or city attorney  
24 shall file a criminal information in the district court and the juvenile  
25 shall be arraigned as provided for a person eighteen years of age or  
26 older in subdivision (1)(b) of section 29-1816.

27 (5) If a motion under this section is granted, any statute of  
28 limitations for an offense described in subdivision (1)(a)(iii) of  
29 section 29-1816, including a statute of limitations which would otherwise  
30 have expired, shall be extended until the later of:

31 (a) One year after the date the motion to transfer is granted; or

1       (b) One year after entry of final judgment in an appeal concerning  
2 the motion to transfer.

3       (6) An order under this section shall be considered by the county  
4 attorney in making a future determination under section 43-276 regarding  
5 such juvenile and by the court when considering a future transfer motion  
6 under section 29-1816 or 43-274 or this section or any future charge or  
7 petition regarding such juvenile.

8       (7)(a) Except as provided in subdivision (7)(b) of this section, any  
9 admission, confession, or statement made by the juvenile in a proceeding  
10 under this section shall be inadmissible in any criminal or civil  
11 proceeding.

12       (b) This subsection does not prevent any such admission, confession,  
13 or statement from being:

14       (i) Admissible in proceedings relating to the motion under this  
15 section;

16       (ii) Admissible in any subsequent proceedings for such juvenile  
17 under the Nebraska Juvenile Code if the case is not transferred to  
18 district court;

19       (iii) Included in any presentence investigation report for such  
20 juvenile if the case is transferred to district court; and

21       (iv) Admissible in such case to impeach such juvenile during cross-  
22 examination if the juvenile testifies at trial or during juvenile court  
23 proceedings and such testimony is materially inconsistent with the  
24 admission, confession, or statement.

25       **Sec. 9.** Section 43-2,106.03, Reissue Revised Statutes of Nebraska,  
26 is amended to read:

27       43-2,106.03 Any time after the disposition of a juvenile described  
28 in subdivision (1), (2), (3)(b), or (4) of section 43-247, upon the  
29 motion of any party or the court on its own motion, a hearing may be held  
30 regarding the amenability of the juvenile to the rehabilitative services  
31 that can be provided under the Nebraska Juvenile Code. The court may

1 enter an order, based upon evidence presented at the hearing, finding  
2 that a juvenile is not amenable to rehabilitative services that can be  
3 provided under the Nebraska Juvenile Code. The reasons for such a finding  
4 shall be stated in the order. Such an order shall be considered by the  
5 county attorney in making a future determination under section 43-276  
6 regarding such juvenile and by the court when considering a future  
7 transfer motion under section 29-1816 or 43-274 or section 8 of this act  
8 or any future charge or petition regarding such juvenile.

9 **Sec. 10.** Section 43-2,129, Revised Statutes Cumulative Supplement,  
10 2024, is amended to read:

11 43-2,129 Sections 43-245 to 43-2,129 and section 8 of this act shall  
12 be known and may be cited as the Nebraska Juvenile Code.

13 **Sec. 11.** Section 43-424, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 43-424 If a juvenile assaults an employee of a youth rehabilitation  
16 and treatment center or another juvenile who has been committed to the  
17 youth rehabilitation and treatment center or escapes or attempts to  
18 escape from a youth rehabilitation and treatment center, the chief  
19 executive officer of the youth rehabilitation and treatment center shall  
20 document the assault, escape, or attempt to escape and send a copy of  
21 such documentation to the committing court and the county attorney of the  
22 county in which the committing court is located as soon as possible after  
23 the determination that such assault, escape, or attempt to escape has  
24 occurred. Such documentation may be offered as evidence presented at any  
25 hearing conducted pursuant to section 43-2,106.03 or section 8 of this  
26 act.

27 **Sec. 12.** Original sections 43-252, 43-2,106.03, and 43-424, Reissue  
28 Revised Statutes of Nebraska, and sections 29-1816, 43-246.01, 43-251.01,  
29 43-276, 43-279, 43-286, and 43-2,129, Revised Statutes Cumulative  
30 Supplement, 2024, are repealed.