

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 65

Introduced by DeBoer, 10.

Read first time January 09, 2025

Committee:

1 A BILL FOR AN ACT relating to courts; to amend sections 25-1914, 25-3010,
2 29-1920, 29-2207, 29-2262.04, 29-2262.06, 29-2704, 29-4106, 29-4121,
3 33-103, 33-107.01, 33-107.03, 33-126.05, 33-154, 33-155, 33-156,
4 33-157, 43-261, 43-290, 47-633, and 81-1429, Reissue Revised
5 Statutes of Nebraska, and sections 24-703, 25-1140.09, 29-1903,
6 29-2262, 33-106, 33-124, 43-254, 43-260.04, 43-272, and 43-2,129,
7 Revised Statutes Cumulative Supplement, 2024; to exempt individuals
8 under nineteen years of age from payment of certain court fees and
9 costs, probation fees, and DNA collection and testing costs; to
10 provide that such individuals are presumed to be indigent for
11 purposes of fees related to criminal discovery; to prohibit recovery
12 of costs and fees in proceedings under the Nebraska Juvenile Code
13 from juveniles and their parents or guardians as prescribed; to
14 change provisions relating to juvenile pretrial diversion programs,
15 appointed counsel, guardians ad litem, and recoupment of certain
16 costs; to prohibit imposition of a fine as a penalty in a juvenile
17 proceeding; to eliminate obsolete provisions; to harmonize
18 provisions; and to repeal the original sections.
19 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** (1) Court costs and fees described in subsection (2) of
2 this section shall not be assessed against:

3 (a) A juvenile or the juvenile's parent or guardian in any
4 proceeding under the Nebraska Juvenile Code under subdivision (1), (2),
5 or (3)(b) of section 43-247; or

6 (b) A defendant in a criminal proceeding, for an offense other than
7 a traffic misdemeanor or infraction, which was alleged to have been
8 committed when such defendant was under nineteen years of age, or such
9 defendant's parent or guardian.

10 (2) This section applies to court costs and fees, including, but not
11 limited to, docket or filing fees, appeal bonds or deposits, witness
12 fees, mileage fees, program participation fees, and probation fees, and
13 includes, but is not limited to, any such court costs or fees imposed
14 under any of the following sections: Section 24-703, 25-1140.09, 25-1914,
15 25-3010, 29-1903, 29-2207, 29-2262, 29-2262.04, 29-2262.06, 29-2704,
16 29-4106, 29-4121, 33-103, 33-106, 33-107.01, 33-107.03, 33-124,
17 33-126.05, 33-154, 33-155, 33-156, 33-157, 47-633, or 81-1429.

18 (3) This section does not apply to bail bonds, costs, or fees
19 described in section 29-901 or subsection (5) of section 43-253.

20 **Sec. 2.** Section 24-703, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 24-703 (1) Each original member shall contribute monthly four
23 percent of his or her monthly compensation to the fund until the maximum
24 benefit as limited in subsection (1) of section 24-710 has been earned.
25 It shall be the duty of the Director of Administrative Services in
26 accordance with subsection (7) of this section to make a deduction of
27 four percent on the monthly payroll of each original member who is a
28 judge of the Supreme Court, a judge of the Court of Appeals, a judge of
29 the district court, a judge of a separate juvenile court, a judge of the
30 county court, a clerk magistrate of the county court who was an associate
31 county judge and a member of the fund at the time of his or her

1 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
2 Compensation Court showing the amount to be deducted and its credit to
3 the fund. The Director of Administrative Services and the State Treasurer
4 shall credit the four percent as shown on the payroll and the amounts
5 received from the various counties to the fund and remit the same to the
6 director in charge of the judges retirement system who shall keep an
7 accurate record of the contributions of each judge.

8 (2)(a) In addition to the contribution required under subdivision
9 (c) of this subsection, beginning on July 1, 2004, each future member who
10 became a member prior to July 1, 2015, and who has not elected to make
11 contributions and receive benefits as provided in section 24-703.03 shall
12 contribute monthly six percent of his or her monthly compensation to the
13 fund until the maximum benefit as limited in subsection (2) of section
14 24-710 has been earned. After the maximum benefit as limited in
15 subsection (2) of section 24-710 has been earned, such future member
16 shall make no further contributions to the fund, except that (i) any time
17 the maximum benefit is changed, a future member who has previously earned
18 the maximum benefit as it existed prior to the change shall contribute
19 monthly six percent of his or her monthly compensation to the fund until
20 the maximum benefit as changed and as limited in subsection (2) of
21 section 24-710 has been earned and (ii) such future member shall continue
22 to make the contribution required under subdivision (c) of this
23 subsection.

24 (b) In addition to the contribution required under subdivision (c)
25 of this subsection, beginning on July 1, 2004, a judge who became a
26 member prior to July 1, 2015, and who first serves as a judge on or after
27 July 1, 2004, or a future member who became a member prior to July 1,
28 2015, and who elects to make contributions and receive benefits as
29 provided in section 24-703.03 shall contribute monthly eight percent of
30 his or her monthly compensation to the fund until the maximum benefit as
31 limited by subsection (2) of section 24-710 has been earned. In addition

1 to the contribution required under subdivision (c) of this subsection,
2 after the maximum benefit as limited in subsection (2) of section 24-710
3 has been earned, such judge or future member shall contribute monthly
4 four percent of his or her monthly compensation to the fund for the
5 remainder of his or her active service.

6 (c) Beginning on July 1, 2009, a member or judge described in
7 subdivisions (a) and (b) of this subsection shall contribute monthly an
8 additional one percent of his or her monthly compensation to the fund.

9 (d) Beginning on July 1, 2015, a judge who first serves as a judge
10 on or after such date shall contribute monthly ten percent of his or her
11 monthly compensation to the fund.

12 (e) It shall be the duty of the Director of Administrative Services
13 to make a deduction on the monthly payroll of each such future member who
14 is a judge of the Supreme Court, a judge of the Court of Appeals, a judge
15 of the district court, a judge of a separate juvenile court, a judge of
16 the county court, a clerk magistrate of the county court who was an
17 associate county judge and a member of the fund at the time of his or her
18 appointment as a clerk magistrate, or a judge of the Nebraska Workers'
19 Compensation Court showing the amount to be deducted and its credit to
20 the fund. This shall be done each month. The Director of Administrative
21 Services and the State Treasurer shall credit the amount as shown on the
22 payroll and the amounts received from the various counties to the fund
23 and remit the same to the director in charge of the judges retirement
24 system who shall keep an accurate record of the contributions of each
25 judge.

26 (3)(a) Except as otherwise provided in this subsection and section 1
27 of this act, a Nebraska Retirement Fund for Judges fee of ~~six dollars~~
28 ~~through June 30, 2021, eight dollars beginning July 1, 2021, through June~~
29 ~~30, 2022, nine dollars beginning July 1, 2022, through June 30, 2023, ten~~
30 ~~dollars beginning July 1, 2023, through June 30, 2024, eleven dollars~~
31 ~~beginning July 1, 2024, through June 30, 2025, and twelve dollars~~

1 ~~beginning July 1, 2025,~~ shall be taxed as costs in each (i) civil cause
2 of action, criminal cause of action, traffic misdemeanor or infraction,
3 and city or village ordinance violation filed in the district courts, the
4 county courts, and the separate juvenile courts, (ii) filing in the
5 district court of an order, award, or judgment of the Nebraska Workers'
6 Compensation Court or any judge thereof pursuant to section 48-188, (iii)
7 appeal or other proceeding filed in the Court of Appeals, and (iv)
8 original action, appeal, or other proceeding filed in the Supreme Court.
9 In county courts a sum shall be charged which is equal to ten percent of
10 each fee provided by sections 33-125, 33-126.02, 33-126.03, and
11 33-126.06, rounded to the nearest even dollar. No judges retirement fee
12 shall be charged for filing a report pursuant to sections 33-126.02 and
13 33-126.06.

14 (b) The fee increases described in subdivision (a) of this
15 subsection shall not be taxed as a cost in any criminal cause of action,
16 traffic misdemeanor or infraction, or city or village ordinance violation
17 filed in the district court or the county court. The fee on such criminal
18 causes of action, traffic misdemeanors or infractions, or city or village
19 ordinance violations shall remain six dollars on and after July 1, 2021.

20 (c) When collected by the clerk of the district or county court,
21 such fees shall be remitted to the State Treasurer within ten days after
22 the close of each calendar month for credit to the Nebraska Retirement
23 Fund for Judges. In addition, information regarding collection of court
24 fees shall be submitted to the director in charge of the judges
25 retirement system by the State Court Administrator within ten days after
26 the close of each calendar month.

27 (d) The board may charge a late administrative processing fee not to
28 exceed twenty-five dollars if the information is not timely received or
29 the money is delinquent. In addition, the board may charge a late fee of
30 thirty-eight thousandths of one percent of the amount required to be
31 submitted pursuant to this section for each day such amount has not been

1 received. Such late fees shall be remitted to the director who shall
2 promptly thereafter remit such fees to the State Treasurer for credit to
3 the fund.

4 (e) No Nebraska Retirement Fund for Judges fee which is
5 uncollectible for any reason shall be waived by a county judge as
6 provided in section 29-2709.

7 (4) All expenditures from the fund shall be authorized by voucher in
8 the manner prescribed in section 24-713. The fund shall be used for the
9 payment of all annuities and other benefits to members and their
10 beneficiaries and for the expenses of administration.

11 ~~(5)(a) Prior to July 1, 2021:~~

12 ~~(i) Beginning July 1, 2013, and each fiscal year thereafter, the~~
13 ~~board shall cause an annual actuarial valuation to be performed that will~~
14 ~~value the plan assets for the year and ascertain the contributions~~
15 ~~required for such fiscal year. The actuary for the board shall perform an~~
16 ~~actuarial valuation of the system on the basis of actuarial assumptions~~
17 ~~recommended by the actuary, approved by the board, and kept on file with~~
18 ~~the board using the entry age actuarial cost method. Under this method,~~
19 ~~the actuarially required funding rate is equal to the normal cost rate,~~
20 ~~plus the contribution rate necessary to amortize the unfunded actuarial~~
21 ~~accrued liability on a level percentage of salary basis. The normal cost~~
22 ~~under this method shall be determined for each individual member on a~~
23 ~~level percentage of salary basis. The normal cost amount is then summed~~
24 ~~for all members;~~

25 ~~(ii) Beginning July 1, 2006, any existing unfunded liabilities shall~~
26 ~~be reinitialized and amortized over a thirty-year period, and during each~~
27 ~~subsequent actuarial valuation through June 30, 2021, changes in the~~
28 ~~unfunded actuarial accrued liability due to changes in benefits,~~
29 ~~actuarial assumptions, the asset valuation method, or actuarial gains or~~
30 ~~losses shall be measured and amortized over a thirty-year period~~
31 ~~beginning on the valuation date of such change;~~

1 ~~(iii) If the unfunded actuarial accrued liability under the entry~~
2 ~~age actuarial cost method is zero or less than zero on an actuarial~~
3 ~~valuation date, then all prior unfunded actuarial accrued liabilities~~
4 ~~shall be considered fully funded and the unfunded actuarial accrued~~
5 ~~liability shall be reinitialized and amortized over a thirty-year period~~
6 ~~as of the actuarial valuation date; and~~

7 ~~(iv) If the actuarially required contribution rate exceeds the rate~~
8 ~~of all contributions required pursuant to the Judges Retirement Act,~~
9 ~~there shall be a supplemental appropriation sufficient to pay for the~~
10 ~~differences between the actuarially required contribution rate and the~~
11 ~~rate of all contributions required pursuant to the Judges Retirement Act.~~

12 (5)(a) ~~(b)~~ Beginning July 1, 2021, and each fiscal year thereafter:

13 (i) The board shall cause an annual actuarial valuation to be
14 performed that will value the plan assets for the year and ascertain the
15 contributions required for such fiscal year. The actuary for the board
16 shall perform an actuarial valuation of the system on the basis of
17 actuarial assumptions recommended by the actuary, approved by the board,
18 and kept on file with the board using the entry age actuarial cost
19 method. Under such method, the actuarially required funding rate is equal
20 to the normal cost rate, plus the contribution rate necessary to amortize
21 the unfunded actuarial accrued liability on a level percentage of salary
22 basis. The normal cost under such method shall be determined for each
23 individual member on a level percentage of salary basis. The normal cost
24 amount is then summed for all members;

25 (ii) Any changes in the unfunded actuarial accrued liability due to
26 changes in benefits, actuarial assumptions, the asset valuation method,
27 or actuarial gains or losses shall be measured and amortized over a
28 twenty-five-year period beginning on the valuation date of such change;

29 (iii) If the unfunded actuarial accrued liability under the entry
30 age actuarial cost method is zero or less than zero on an actuarial
31 valuation date, then all prior unfunded actuarial accrued liabilities

1 shall be considered fully funded and the unfunded actuarial accrued
2 liability shall be reinitialized and amortized over a twenty-five-year
3 period as of the actuarial valuation date; and

4 (iv) If the actuarially required contribution rate exceeds the rate
5 of all contributions required pursuant to the Judges Retirement Act,
6 there shall be a supplemental appropriation sufficient to pay for the
7 differences between the actuarially required contribution rate and the
8 rate of all contributions required pursuant to the act.

9 (b) ~~(c)~~ Upon the recommendation of the actuary to the board, and
10 after the board notifies the Nebraska Retirement Systems Committee of the
11 Legislature, the board may combine or offset certain amortization bases
12 to reduce future volatility of the actuarial contribution rate. Such
13 notification to the committee shall be in writing and include, at a
14 minimum, the actuary's projection of the contributions to fund the plan
15 if the combination or offset were not implemented, the actuary's
16 projection of the contributions to fund the plan if the combination or
17 offset were implemented, and the actuary's explanation of why the
18 combination or offset is in the best interests of the plan at the
19 proposed time.

20 (c) ~~(d)~~ For purposes of this subsection, the rate of all
21 contributions required pursuant to the Judges Retirement Act includes (i)
22 member contributions, (ii) state contributions pursuant to subsection (6)
23 of this section which shall be considered as a contribution for the plan
24 year ending the prior June 30, (iii) court fees as provided in subsection
25 (3) of this section, and (iv) all fees pursuant to sections 25-2804,
26 33-103, 33-103.01, 33-106.02, 33-123, 33-124, 33-125, 33-126.02,
27 33-126.03, and 33-126.06, as directed to be remitted to the fund.

28 (6)(a) In addition to the contributions otherwise required by this
29 section, beginning July 1, 2023, and on July 1 of each year thereafter,
30 or as soon thereafter as administratively possible, the State Treasurer
31 shall transfer from the General Fund to the Nebraska Retirement Fund for

1 Judges an amount equal to five percent of the total annual compensation
2 of all members of the retirement system except as otherwise provided in
3 this subsection and as such rate shall be adjusted or terminated by the
4 Legislature. No adjustment may cause the total contribution rate
5 established in this subsection to exceed five percent. For purposes of
6 this subsection, (i) total annual compensation is based on the total
7 member compensation reported in the most recent annual actuarial
8 valuation report for the retirement system produced for the board
9 pursuant to section 84-1503 and (ii) the contribution described in this
10 subsection shall be considered as a contribution for the plan year ending
11 the prior June 30.

12 (b) If the funded ratio on the actuarial value of assets is at or
13 above one hundred percent for two consecutive years as reported in the
14 annual actuarial valuation report, the actuary shall assess whether the
15 percentage of the state contribution rate should be adjusted based on
16 projected annual actuarial valuation report results including the funded
17 ratio, actuarial contribution, and expected revenue sources using several
18 assumed investment return scenarios that the actuary deems to be
19 reasonable, and shall make a recommendation to the board as part of the
20 annual actuarial valuation report.

21 (c) If the state contribution rate has been adjusted to less than
22 five percent and the funded ratio on the actuarial value of assets is
23 below one hundred percent for two consecutive years as reported in the
24 annual actuarial valuation report, the actuary shall assess whether the
25 percentage of the state contribution rate should be adjusted based on
26 projected annual actuarial valuation report results including the funded
27 ratio, actuarial contribution, and expected revenue sources using several
28 assumed investment return scenarios that the actuary deems to be
29 reasonable, and shall make a recommendation to the board as part of the
30 annual actuarial valuation report.

31 (d) If an annual actuarial valuation report includes a

1 recommendation from the actuary to adjust the contribution rate as
2 described in subdivision (b) or (c) of this subsection, the board shall
3 provide written notice electronically to the Nebraska Retirement Systems
4 Committee of the Legislature, to the Governor, and to the Supreme Court
5 of such recommendation within seven business days after voting to approve
6 an annual actuarial valuation report. The notice shall include the
7 actuary's recommendation and analysis regarding such adjustment.

8 (e) Following receipt of the actuary's recommendation and analysis
9 pursuant to this subsection, the Nebraska Retirement Systems Committee of
10 the Legislature shall determine the amount of any adjustment of the
11 contribution rate and, if necessary, shall propose any such adjustment to
12 the Legislature.

13 (7) The state or county shall pick up the member contributions
14 required by this section for all compensation paid on or after January 1,
15 1985, and the contributions so picked up shall be treated as employer
16 contributions pursuant to section 414(h)(2) of the Internal Revenue Code
17 in determining federal tax treatment under the code and shall not be
18 included as gross income of the member until such time as they are
19 distributed or made available. The contributions, although designated as
20 member contributions, shall be paid by the state or county in lieu of
21 member contributions. The state or county shall pay these member
22 contributions from the same source of funds which is used in paying
23 earnings to the member. The state or county shall pick up these
24 contributions by a compensation deduction through a reduction in the
25 compensation of the member. Member contributions picked up shall be
26 treated for all purposes of the Judges Retirement Act in the same manner
27 and to the extent as member contributions made prior to the date picked
28 up.

29 **Sec. 3.** Section 25-1140.09, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 25-1140.09 (1) On the application of the county attorney or any

1 party to a suit in which a record of the proceedings has been made, upon
2 receipt of the notice provided in section 29-2525, or upon the filing of
3 a praecipe for a bill of exceptions by an appealing party in the office
4 of the clerk of the district court as provided in section 25-1140, the
5 court reporter shall prepare a transcribed copy of the proceedings so
6 recorded or any part thereof. The reporter shall be entitled to receive,
7 in addition to his or her salary, a per-page fee as prescribed by the
8 Supreme Court for the original copy and each additional copy, to be paid
9 by the party requesting the same except as otherwise provided in this
10 section.

11 (2) When the transcribed copy of the proceedings is required by the
12 county attorney, the fee therefor shall be paid by the county in the same
13 manner as other claims are paid. When the defendant in a criminal case,
14 after conviction, makes an affidavit that he or she is unable by reason
15 of his or her poverty to pay for such copy, the court or judge thereof
16 may, by order endorsed on such affidavit, direct delivery of such
17 transcribed copy to such defendant, and the fee shall be paid by the
18 county in the same manner as other claims are allowed and paid. When such
19 copy is prepared in any criminal case in which the sentence adjudged is
20 capital, the fees therefor shall be paid by the county in the same manner
21 as other claims are allowed or paid.

22 (3) The fee for preparation of a bill of exceptions and the
23 procedure for preparation, settlement, signature, allowance,
24 certification, filing, and amendment of a bill of exceptions shall be
25 regulated and governed by rules of practice prescribed by the Supreme
26 Court. The fee paid shall be taxed, by the clerk of the district court,
27 to the party against whom the judgment or decree is rendered except as
28 otherwise ordered by the presiding district judge.

29 (4) Fees under this section shall not be charged for any individual
30 described in section 1 of this act. In such case the fees shall be paid
31 by the county in the same manner as other claims are allowed or paid.

1 **Sec. 4.** Section 25-1914, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 25-1914 (1) On appeal in any case taken from the district court to
4 the Court of Appeals or Supreme Court, other than an appeal pursuant to
5 section 71-6904, the appellant or appellants shall, within thirty days
6 after the entry of the judgment, decree, or final order sought to be
7 reversed, vacated, or modified or within thirty days after the entry of
8 the order overruling a motion for a new trial in such cause, (a) ~~(1)~~ file
9 in the district court a bond or undertaking in the sum of seventy-five
10 dollars to be approved by the clerk of the district court, conditioned
11 that the appellant shall pay all costs adjudged against him or her in the
12 appellate court, or (b) ~~(2)~~ make a cash deposit with the clerk of at
13 least seventy-five dollars for the same purpose. If a supersedeas bond is
14 executed, no bond for costs shall be required. The giving of either form
15 of bond or the making of such deposit shall be certified to by the clerk
16 of the district court in the transcript for the appellate court. The
17 appeal may be dismissed on motion and notice in the appellate court if no
18 bond has been given and certified in the transcript or within such
19 additional time as may be fixed by the appellate court for good cause
20 shown.

21 (2) This section does not apply to an individual described in
22 section 1 of this act.

23 **Sec. 5.** Section 25-3010, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 25-3010 A ~~Beginning January 1, 2007,~~ a fee of one dollar shall be
26 taxed as costs in each criminal proceeding, including traffic infractions
27 and misdemeanors, filed in all courts of this state for violations of
28 state law or city or village ordinances. No such fee shall be collected
29 in any juvenile court proceeding, ~~or~~ when waived under section 29-2709,
30 or from an individual described in section 1 of this act. Such fee shall
31 be remitted to the State Treasurer on forms prescribed by the State

1 Treasurer within ten days after the close of each calendar quarter. The
2 State Treasurer shall credit the money to the Civil Legal Services Fund.

3 **Sec. 6.** Section 29-1903, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 29-1903 (1) The amount of the witness fee and mileage in traffic,
6 criminal, and juvenile cases is governed by section 33-139.

7 (2) A witness in a traffic, criminal, or juvenile case shall be
8 entitled to a witness fee and mileage after appearing in court in
9 response to a subpoena. The clerk of the court shall immediately submit a
10 claim for payment of witness fees and mileage on behalf of all such
11 witnesses to the county clerk in cases involving a violation of state law
12 or to the city clerk in cases involving a violation of a city ordinance.
13 All witness fees and mileage paid by a defendant as part of the court
14 costs ordered by the court to be paid shall be reimbursed to the county
15 or city treasurer as appropriate.

16 (3) Any person accused of crime amounting to a misdemeanor or felony
17 shall have compulsory process to enforce the attendance of witnesses in
18 his or her behalf.

19 (4) No costs or fees under this section shall be assessed against an
20 individual described in section 1 of this act.

21 **Sec. 7.** Section 29-1920, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 29-1920 The ~~Whenever a defendant is adjudged indigent,~~ the
24 reasonable costs incurred in the operation of the provisions of sections
25 29-1912 to 29-1921 shall be taxed as costs against the prosecuting
26 authority whenever: -

27 (1) The defendant is adjudged indigent; or

28 (2) Section 1 of this act applies.

29 **Sec. 8.** Section 29-2207, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-2207 Except as provided in section 1 of this act, in ~~In~~ every

1 case of conviction of any person for any felony or misdemeanor, it shall
2 be the duty of the court or magistrate to render judgment for the costs
3 of prosecution against the person convicted and remit the assessment as
4 provided in section 33-157.

5 **Sec. 9.** Section 29-2262, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 29-2262 (1) When a court sentences an offender to probation, it
8 shall attach such reasonable conditions as it deems necessary or likely
9 to insure that the offender will lead a law-abiding life. No offender
10 shall be sentenced to probation if he or she is deemed to be a habitual
11 criminal pursuant to section 29-2221.

12 (2) The court may, as a condition of a sentence of probation,
13 require the offender:

14 (a) To refrain from unlawful conduct;

15 (b) To be confined periodically in the county jail or to return to
16 custody after specified hours but not to exceed the lesser of ninety days
17 or the maximum jail term provided by law for the offense;

18 (c) To meet his or her family responsibilities;

19 (d) To devote himself or herself to a specific employment or
20 occupation;

21 (e) To undergo medical or psychiatric treatment and to enter and
22 remain in a specified institution for such purpose;

23 (f) To pursue a prescribed secular course of study or vocational
24 training;

25 (g) To attend or reside in a facility established for the
26 instruction, recreation, or residence of persons on probation;

27 (h) To refrain from frequenting unlawful or disreputable places or
28 consorting with disreputable persons;

29 (i) To possess no firearm or other dangerous weapon if convicted of
30 a felony, or if convicted of any other offense, to possess no firearm or
31 other dangerous weapon unless granted written permission by the court;

1 (j) To remain within the jurisdiction of the court and to notify the
2 court or the probation officer of any change in his or her address or his
3 or her employment and to agree to waive extradition if found in another
4 jurisdiction;

5 (k) To report as directed to the court or a probation officer and to
6 permit the officer to visit his or her home;

7 (l) To pay a fine in one or more payments as ordered;

8 (m) Except as provided in subsection (8) of this section, to ~~To~~ pay
9 for tests to determine the presence of drugs or alcohol, psychological
10 evaluations, offender assessment screens, and rehabilitative services
11 required in the identification, evaluation, and treatment of offenders if
12 such offender has the financial ability to pay for such services;

13 (n) To perform community service as outlined in sections 29-2277 to
14 29-2279 under the direction of his or her probation officer;

15 (o) To be monitored by an electronic surveillance device or system
16 and, except as provided in subsection (8) of this section, to pay the
17 cost of such device or system if the offender has the financial ability;

18 (p) To participate in a community correctional facility or program
19 as provided in the Community Corrections Act;

20 (q) To satisfy any other conditions reasonably related to the
21 rehabilitation of the offender;

22 (r) To make restitution as described in sections 29-2280 and
23 29-2281; or

24 (s) Except as provided in subsection (8) of this section, to ~~To~~ pay
25 for all costs imposed by the court, including court costs and the fees
26 imposed pursuant to section 29-2262.06.

27 (3) When jail time is imposed as a condition of probation under
28 subdivision (2)(b) of this section, the court shall advise the offender
29 on the record the time the offender will serve in jail assuming no good
30 time for which the offender will be eligible under section 47-502 is lost
31 and assuming none of the jail time imposed as a condition of probation is

1 waived by the court.

2 (4) Jail time may only be imposed as a condition of probation under
3 subdivision (2)(b) of this section if:

4 (a) The court would otherwise sentence the defendant to a term of
5 imprisonment instead of probation; and

6 (b) The court makes a finding on the record that, while probation is
7 appropriate, periodic confinement in the county jail as a condition of
8 probation is necessary because a sentence of probation without a period
9 of confinement would depreciate the seriousness of the offender's crime
10 or promote disrespect for law.

11 (5) In all cases in which the offender is guilty of violating
12 section 28-416, a condition of probation shall be mandatory treatment and
13 counseling as provided by such section.

14 (6) In all cases in which the offender is guilty of a crime covered
15 by the DNA Identification Information Act, a condition of probation shall
16 be the collecting of a DNA sample pursuant to the act and, except as
17 provided in subsection (8) of this section, the paying of all costs
18 associated with the collection of the DNA sample prior to release from
19 probation.

20 (7) For any offender sentenced to probation, the court shall enter
21 an order to provide the offender's (a) name, (b) probation officer, and
22 (c) conditions of probation to the Nebraska Commission on Law Enforcement
23 and Criminal Justice which shall provide access to such information to
24 law enforcement agencies through the state's criminal justice information
25 system.

26 (8) An individual described in section 1 of this act shall not be
27 required to pay any costs or fees as a condition of probation.

28 **Sec. 10.** Section 29-2262.04, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 29-2262.04 Selected offenders in intensive supervision probation
31 programs shall receive the highest level of supervision that is provided

1 to probationers. Such programs may include, but shall not be limited to,
2 highly restricted activities, daily contact between the offender and the
3 probation officer, monitored curfew, home visitation, employment
4 visitation and monitoring, drug and alcohol screening, treatment
5 referrals and monitoring, and restitution and community service. Except
6 as provided in section 1 of this act, selected ~~Selected~~ offenders
7 monitored by an electronic device or system shall be required to pay the
8 cost of such a device or system if the offender has the financial
9 ability. It is the intent of the Legislature that such programs shall
10 minimize any risk to the public.

11 **Sec. 11.** Section 29-2262.06, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 29-2262.06 (1) Except as otherwise provided in this section,
14 whenever a district court or county court sentences an adult offender to
15 probation, the court shall require the probationer to pay a one-time
16 administrative enrollment fee and thereafter a monthly probation
17 programming fee. An individual described in section 1 of this act shall
18 not be required to pay any fees under this section. No court or
19 governmental entity shall charge such an individual any local fee for
20 participation in a non-probation-based program or service.

21 (2) Participants in non-probation-based programs or services in
22 which probation personnel or probation resources are utilized pursuant to
23 an interlocal agreement authorized by subdivision (16) of section 29-2252
24 and in which all or a portion of the costs of such probation personnel or
25 such probation resources are covered by funds provided pursuant to
26 section 29-2262.07 shall pay the one-time administrative enrollment fee
27 described in subdivision (3)(a) of this section and the monthly probation
28 programming fee described in subdivision (3)(c) of this section. In
29 addition, the provisions of subsections (4), (7), and (10) of this
30 section applicable to probationers apply to participants in non-
31 probation-based programs or services. Any participant in a non-probation-

1 based program or service who defaults on the payment of any such fees
2 may, at the discretion of the court, be subject to removal from such non-
3 probation-based program or service. This subdivision does not preclude a
4 court or other governmental entity from charging additional local fees
5 for participation in such non-probation-based programs and services or
6 other similar non-probation-based programs and services.

7 (3) The court shall establish the administrative enrollment fee and
8 monthly probation programming fees as follows:

9 (a) Adult probationers placed on either probation or intensive
10 supervision probation and participants in non-probation-based programs or
11 services shall pay a one-time administrative enrollment fee of thirty
12 dollars. The fee shall be paid in a lump sum upon the beginning of
13 probation supervision or participation in a non-probation-based program
14 or service;

15 (b) Adult probationers placed on probation shall pay a monthly
16 probation programming fee of twenty-five dollars, not later than the
17 tenth day of each month, for the duration of probation; and

18 (c) Adult probationers placed on intensive supervision probation and
19 participants in non-probation-based programs or services shall pay a
20 monthly probation programming fee of thirty-five dollars, not later than
21 the tenth day of each month, for the duration of probation or
22 participation in a non-probation-based program or service.

23 (4) The court shall waive payment of the monthly probation
24 programming fees in whole or in part if after a hearing a determination
25 is made that such payment would constitute an undue hardship on the
26 offender due to limited income, employment or school status, or physical
27 or mental handicap. Such waiver shall be in effect only during the period
28 of time that the probationer or participant in a non-probation-based
29 program or service is unable to pay his or her monthly probation
30 programming fee.

31 (5) If a probationer defaults in the payment of monthly probation

1 programming fees or any installment thereof, the court may revoke his or
2 her probation for nonpayment, except that probation shall not be revoked
3 nor shall the offender be imprisoned for such nonpayment if the
4 probationer is financially unable to make the payment, if he or she so
5 states to the court in writing under oath, and if the court so finds
6 after a hearing.

7 (6) If the court determines that the default in payment described in
8 subsection (5) of this section was not attributable to a deliberate
9 refusal to obey the order of the court or to failure on the probationer's
10 part to make a good faith effort to obtain the funds required for
11 payment, the court may enter an order allowing the probationer additional
12 time for payment, reducing the amount of each installment, or revoking
13 the fees or the unpaid portion in whole or in part.

14 (7) No probationer or participant in a non-probation-based program
15 or service shall be required to pay more than one monthly probation
16 programming fee per month. This subsection does not preclude local fees
17 as provided in subsection (2) of this section.

18 (8) The imposition of monthly probation programming fees in this
19 section shall be considered separate and apart from the fees described in
20 subdivisions (2)(m) and (o) of section 29-2262.

21 (9) Any adult probationer received for supervision pursuant to
22 section 29-2637 or the Interstate Compact for Adult Offender Supervision
23 shall be assessed both a one-time administrative enrollment fee and
24 monthly probation programming fees during the period of time the
25 probationer is actively supervised by Nebraska probation authorities.

26 (10) The probationer or participant in a non-probation-based program
27 or service shall pay the fees described in this section to the clerk of
28 the court. The clerk of the court shall remit all fees so collected to
29 the State Treasurer for credit to the Probation Program Cash Fund.

30 **Sec. 12.** Section 29-2704, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-2704 (1) Upon examination in county court on complaint of a
2 felony, whether the accused is held to answer in court or discharged, the
3 court may file with the county clerk a certified transcript of the costs
4 as assessed under section 29-2709, giving the items of the same, and to
5 whom each is due, and on what account. As early as may be after the
6 filing of such bill, but without assembling for the special purpose, the
7 county board of the proper county shall examine into such bill of costs
8 as to its correctness, justice, and legality and may, if need be, examine
9 under oath any person upon the subject, which oath may be administered by
10 the county clerk.

11 (2) It shall be the duty of the board to disallow any item, in whole
12 or in part, of such bill that is found to be unlawful or needlessly
13 incurred, or if it appears that the complaint was made for a felony when
14 it should have been for a misdemeanor only, it may in its discretion
15 disallow the entire bill or any part thereof.

16 (3) The board may order that such bill, or so much thereof as it
17 finds to be lawful and just, be paid from the county treasury, whereupon
18 the county clerk shall draw warrants upon the county treasurer for the
19 sums respectively due to each person upon such bill so allowed, which
20 warrants the treasurer shall pay from the county general fund. The amount
21 of costs so allowed shall be certified by the county clerk, and the
22 certificate filed with the papers in the cause, in the office of the
23 clerk of the district court. Except as provided in section 1 of this act,
24 if ~~If~~ the defendant shall be convicted, judgment shall be rendered
25 against him or her for the costs so allowed, in addition to the costs
26 made in the district court.

27 **Sec. 13.** Section 29-4106, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 29-4106 (1) A person who is convicted of a felony offense or other
30 specified offense on or after July 15, 2010, who does not have a DNA
31 sample available for use in the State DNA Sample Bank, shall ~~at his or~~

1 ~~her own expense,~~ have a DNA sample collected. Except as provided in
2 section 1 of this act, such sample shall be collected at such person's
3 expense. Such sample shall be collected:

4 (a) Upon intake to a prison, jail, or other detention facility or
5 institution to which such person is sentenced. If the person is already
6 confined at the time of sentencing, the person shall have a DNA sample
7 collected immediately after the sentencing. Such DNA sample shall be
8 collected at the place of incarceration or confinement. Such person shall
9 not be released unless and until a DNA sample has been collected; or

10 (b) As a condition for any sentence which will not involve an intake
11 into a prison, jail, or other detention facility or institution. Such DNA
12 samples shall be collected as follows:

13 (i) In any county containing a city of the metropolitan class, a
14 person placed on probation or who received a penalty of a fine or time
15 served shall have such DNA sample collected by a probation officer at a
16 probation office. Such person shall not be released unless and until a
17 DNA sample has been collected; and

18 (ii) In all other counties, a person placed on probation shall have
19 such DNA sample collected by a probation officer at a probation office,
20 and a person not placed on probation who receives a penalty of a fine or
21 time served shall have such DNA sample collected by the county sheriff.
22 Such person shall not be released unless and until a DNA sample has been
23 collected.

24 (2) A person who has been convicted of a felony offense or other
25 specified offense before July 15, 2010, who does not have a DNA sample
26 available for use in the State DNA Sample Bank, and who is still serving
27 a term of confinement or probation for such felony offense or other
28 specified offense on July 15, 2010, shall not be released prior to the
29 expiration of his or her maximum term of confinement or revocation or
30 discharge from his or her probation unless and until a DNA sample has
31 been collected.

1 (3) Except as provided in section 1 of this act, a A person who is
2 serving a term of probation and has a DNA sample collected pursuant to
3 this section shall pay all costs associated with the collection of the
4 DNA sample.

5 (4) If the court waives the cost of taking a DNA sample for any
6 reason, a county jail or other county detention facility or institution
7 collecting the DNA sample shall not be held financially responsible for
8 the cost of the DNA sample kit.

9 **Sec. 14.** Section 29-4121, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 29-4121 Except as provided in section 1 of this act, ~~The~~ cost of
12 DNA testing ordered under subsection (5) of section 29-4120 shall be paid
13 by the person filing the motion, unless the court determines such person
14 to be indigent. If the person filing such motion is determined by the
15 court to be indigent or is a person described in section 1 of this act,
16 the costs shall be paid by the state in the following manner:

17 (1) If the Commission on Public Advocacy has been appointed to
18 represent the person filing the motion, as determined under section
19 29-4122, the costs of testing shall be paid by the commission from funds
20 appropriated by the Legislature; and

21 (2) If the Commission on Public Advocacy has not been appointed to
22 represent the person filing the motion, the court shall hold a hearing to
23 determine the costs for DNA testing. The court shall order the commission
24 to pay such costs. The order shall be forwarded by the clerk of the court
25 to the commission, along with copies of all invoices for such DNA
26 testing. Upon receipt, the commission shall pay such costs from funds
27 appropriated by the Legislature.

28 **Sec. 15.** Section 33-103, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 33-103 (1) Except as provided in subsection (2) of this section:

31 (a) At the time of filing an appeal, original action, or other

1 proceeding in the Court of Appeals or Supreme Court there shall be paid
2 to the clerk the sum of one hundred dollars as a docket fee. Fifty
3 dollars of such fee shall be remitted to the State Treasurer for credit
4 to the Nebraska Retirement Fund for Judges; and -

5 (b) The clerk shall charge fees for copies of documents and
6 certificates at the rate provided in section 25-1280.

7 (2) No fee shall be charged under this section for an individual
8 described in section 1 of this act.

9 **Sec. 16.** Section 33-106, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 33-106 (1) No fee shall be charged under this section for an
12 individual described in section 1 of this act.

13 (2) ~~(1)~~ In addition to the judges' retirement fund fee provided in
14 section 24-703 and the fees provided in section 33-106.03 and except as
15 otherwise provided by law, the fees of the clerk of the district court
16 shall be as provided in this section. There shall be a docket fee of
17 forty-two dollars for each civil and criminal case except:

18 (a) There shall be a docket fee of twenty-five dollars for each case
19 commenced by filing a transcript of judgment from another court in this
20 state for the purpose of obtaining a lien;

21 (b) For proceedings under the Nebraska Workers' Compensation Act and
22 the Employment Security Law, when provision is made for the fees that may
23 be charged; and

24 (c) There shall be a docket fee of twenty-seven dollars for each
25 criminal case appealed to the district court from any court inferior
26 thereto.

27 (3) ~~(2)~~ In all cases, other than those appealed from an inferior
28 court or original filings which are within jurisdictional limits of an
29 inferior court and when a jury is demanded in district court, the docket
30 fee shall cover all fees of the clerk, except that the clerk shall be
31 paid for each copy or transcript ordered of any pleading, record, or

1 other document and that the clerk shall be entitled to a fee of fifteen
2 dollars for a records management fee which will be taxed as costs of the
3 case.

4 (4) ~~(3)~~ In all civil cases, except habeas corpus cases in which a
5 poverty affidavit is filed and approved by the court, and for all other
6 services, the docket fee or other fee shall be paid by the party filing
7 the case or requesting the service at the time the case is filed or the
8 service requested.

9 (5) ~~(4)~~ For any other service which may be rendered or performed by
10 the clerk but which is not required in the discharge of his or her
11 official duties, the fee shall be the same as that of a notary public but
12 in no case less than one dollar.

13 **Sec. 17.** Section 33-107.01, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 33-107.01 (1) Except as provided in subsection (3) of this section:

16 (a) A legal services fee of six dollars and twenty-five cents shall
17 be taxed as costs in each case filed in each separate juvenile court and
18 district court, including appeals to such courts, and on each case filed
19 in each county court except those filed in county court pursuant to its
20 jurisdiction under section 25-2802; and -

21 (b) A legal services fee of six dollars and twenty-five cents shall
22 be taxed as costs for each appeal and original action filed in the Court
23 of Appeals and the Supreme Court.

24 (2) Such fees shall be remitted to the State Treasurer on forms
25 prescribed by the State Treasurer within ten days after the close of each
26 month for credit to the Legal Aid and Services Fund.

27 (3) No fee shall be charged under this section for an individual
28 described in section 1 of this act.

29 **Sec. 18.** Section 33-107.03, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 33-107.03 (1) Except as provided in subsection (3) of this section,

1 ~~in~~ In addition to all other court costs assessed according to law, a
2 court automation fee of eight dollars shall be taxed as costs for each
3 case filed in each county court, separate juvenile court, and district
4 court, including appeals to such courts, and for each appeal and original
5 action filed in the Court of Appeals and the Supreme Court.

6 (2) The fees shall be remitted to the State Treasurer on forms
7 prescribed by the State Treasurer within ten days after the end of each
8 month. The State Treasurer shall credit the fees to the Supreme Court
9 Automation Cash Fund.

10 (3) No fee shall be charged under this section for an individual
11 described in section 1 of this act.

12 **Sec. 19.** Section 33-124, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 33-124 (1) Except as provided in subsection (3) of this section, in
15 ~~In~~ criminal matters, including preliminary and juvenile hearings, the
16 county court shall receive, for any and all services rendered up to and
17 including the judgment or dismissal of the action and the issuance of
18 mittimus or discharge to the jailer, a fee of twenty dollars.

19 (2) Of such twenty-dollar fee, twelve dollars ~~the following amounts~~
20 shall be remitted to the State Treasurer for credit to the Nebraska
21 Retirement Fund for Judges. ~~:(a) Six dollars through June 30, 2021, (b)~~
22 ~~beginning July 1, 2021, through June 30, 2022, eight dollars, (c)~~
23 ~~beginning July 1, 2022, through June 30, 2023, nine dollars, (d)~~
24 ~~beginning July 1, 2023, through June 30, 2024, ten dollars, (e) beginning~~
25 ~~July 1, 2024, through June 30, 2025, eleven dollars, and (f) beginning~~
26 ~~July 1, 2025, twelve dollars.~~

27 (3) No fee shall be charged under this section for an individual
28 described in section 1 of this act.

29 **Sec. 20.** Section 33-126.05, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 33-126.05 (1) Except as provided in subsection (4) of this section,

1 ~~the~~ The county court shall be allowed the following miscellaneous fees:
2 For delayed birth registration, for the entire proceedings, ten dollars;
3 for depositing will for safekeeping and indexing the same, two dollars;
4 and for each use of any credit card authorized by the court for any
5 payment, a fee established in the manner provided in subsection (3) of
6 section 81-118.01. The legal fees for printing notices required by law to
7 be printed in some newspaper shall be allowed in addition to the fees
8 allowed in this section.

9 (2) For the following services performed by the county court, it
10 shall be entitled to receive the following fees: For temporary
11 restraining order in injunction, in the absence of the district judge,
12 five dollars; for appointment of appraisers in condemnation proceedings,
13 fifteen dollars, plus one dollar for each additional parcel of land
14 included in the petition when there is more than one; and for certifying
15 report of appraisers to the county clerk or register of deeds and making
16 transcript of the same to the district court, one dollar per page.

17 (3) Except as provided in subsection (4) of this section, in ~~an~~
18 addition to the fees provided in sections 33-123 to 33-125, the county
19 court shall be entitled to the following fees: For providing photocopies,
20 twenty-five cents per page; and for executing certificate and affixing
21 the seal, one dollar.

22 (4) No fee shall be charged under subsection (1) or (3) of this
23 section for an individual described in section 1 of this act.

24 **Sec. 21.** Section 33-154, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 33-154 (1) Except as provided in subsection (3) of this section, in
27 ~~an~~ addition to all other court costs assessed according to law, a
28 training fee of one dollar shall be taxed as costs for each case filed in
29 each county court and district court, including appeals to such courts,
30 and for each appeal and original action filed in the Court of Appeals and
31 the Supreme Court.

1 (2) The fees shall be remitted to the State Treasurer on forms
2 prescribed by the State Treasurer within ten days after the end of each
3 month. The State Treasurer shall credit the fees to the Supreme Court
4 Education Fund.

5 (3) No fee shall be charged under this section for an individual
6 described in section 1 of this act.

7 **Sec. 22.** Section 33-155, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 33-155 (1) Except as provided in subsection (3) of this section, in
10 ~~in~~ addition to all other court costs assessed according to law, a dispute
11 resolution fee of seventy-five cents shall be taxed as costs for each
12 case filed in each county court and district court, including appeals to
13 such courts, and for each appeal and original action filed in the Court
14 of Appeals and the Supreme Court.

15 (2) The fees shall be remitted to the State Treasurer on forms
16 prescribed by the State Treasurer within ten days after the end of each
17 month. The State Treasurer shall credit the fees to the Dispute
18 Resolution Cash Fund.

19 (3) No fee shall be charged under this section for an individual
20 described in section 1 of this act.

21 **Sec. 23.** Section 33-156, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 33-156 (1)(a) Except as provided in subsection (3) of this section,
24 in ~~(1)~~ ~~in~~ addition to all other court costs assessed according to law, an
25 indigent defense fee of three dollars shall be taxed as costs for each
26 case filed in each county court and district court, including appeals to
27 such courts, and for each appeal and original action filed in the Court
28 of Appeals and the Supreme Court.

29 (b) The fees shall be remitted to the State Treasurer on forms
30 prescribed by the State Treasurer within ten days after the end of the
31 month. The State Treasurer shall credit the fees to the Commission on

1 Public Advocacy Operations Cash Fund.

2 (2) In cases under the DNA Testing Act, costs shall be paid as
3 provided in such act.

4 (3) No fee shall be charged under this section for an individual
5 described in section 1 of this act.

6 **Sec. 24.** Section 33-157, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 33-157 (1)(a) Except as provided in subsection (3) of this section,
9 in (1) — ~~In~~ addition to all other costs assessed according to law, an
10 assessment of one dollar shall be assessed for each conviction of a
11 person for any misdemeanor or felony in county court or district court
12 and each affirmation on appeal. No such assessment shall be collected in
13 any juvenile court proceeding. No county shall be liable for the
14 assessment imposed pursuant to this section.

15 (b) The assessments shall be remitted to the State Treasurer on
16 forms prescribed by the State Treasurer within ten days after the end of
17 the month.

18 (2) The Nebraska Crime Victim Fund is created. The fund shall
19 contain the amounts remitted pursuant to subsection (1) of this section
20 and section 83-184. The fund shall be administered by the Nebraska
21 Commission on Law Enforcement and Criminal Justice. As soon as funds
22 become available, the commission shall direct the State Treasurer to
23 transfer money from the Nebraska Crime Victim Fund to the Department of
24 Correctional Services Facility Cash Fund and the Supreme Court Automation
25 Cash Fund to pay for the initial costs in implementing Laws 2010, LB510,
26 in amounts to be determined by the Department of Correctional Services
27 and the Supreme Court and certified to the commission. When such costs
28 are fully reimbursed, the Nebraska Crime Victim Fund shall terminate and
29 the State Treasurer shall distribute seventy-five percent of the funds
30 remitted pursuant to subsection (1) of this section and section 83-184 to
31 the Victim's Compensation Fund to be awarded as compensation for losses

1 and expenses allowable under the Nebraska Crime Victim's Reparations Act
2 and shall distribute twenty-five percent of such funds to the Reentry
3 Cash Fund.

4 (3) No fee shall be charged under this section for an individual
5 described in section 1 of this act.

6 **Sec. 25.** Section 43-254, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 43-254 (1) Pending the adjudication of any case, and subject to
9 subdivision (5) of section 43-251.01, if it appears that the need for
10 placement or further detention exists, the juvenile may be:

11 (a) Placed or detained a reasonable period of time on order of the
12 court in the temporary custody of either the person having charge of the
13 juvenile or some other suitable person;

14 (b) Kept in some suitable place provided by the city or county
15 authorities;

16 (c) Placed in any proper and accredited charitable institution;

17 (d) Placed in a state institution, except any adult correctional
18 facility, when proper facilities are available and the only local
19 facility is a city or county jail, at the expense of the committing
20 county on a per diem basis as determined from time to time by the head of
21 the particular institution;

22 (e) Placed in the temporary care and custody of the Department of
23 Health and Human Services when it does not appear that there is any need
24 for secure detention, except that no juvenile alleged to be a juvenile
25 described in subdivision (1), (2), (3)(b), or (4) of section 43-247 shall
26 be placed in the care and custody or under the supervision of the
27 department; or

28 (f) Offered supervision options as determined pursuant to section
29 43-260.01, through the Office of Probation Administration as ordered by
30 the court and agreed to in writing by the parties, if the juvenile is
31 alleged to be a juvenile described in subdivision (1), (2), (3)(b), or

1 (4) of section 43-247 and it does not appear that there is any need for
2 secure detention.

3 (2) For a juvenile alleged to be a juvenile described in subdivision
4 (4) of section 43-247, the The court may assess the cost of such
5 placement or detention in whole or in part to the parent of the juvenile
6 as provided in section 43-290.

7 (3) If a juvenile has been removed from his or her parent, guardian,
8 or custodian pursuant to subdivision (6) of section 43-248, the court may
9 enter an order continuing detention or placement upon a written
10 determination that continuation of the juvenile in his or her home would
11 be contrary to the health, safety, or welfare of such juvenile and that
12 reasonable efforts were made to preserve and reunify the family if
13 required under section 43-283.01.

14 **Sec. 26.** Section 43-260.04, Revised Statutes Cumulative Supplement,
15 2024, is amended to read:

16 43-260.04 (1) A juvenile pretrial diversion program shall:

17 (a) ~~(1)~~ Be an option available for the county attorney or city
18 attorney based upon his or her determination under this subdivision. The
19 county attorney or city attorney may use the following information:

20 (i) ~~(a)~~ The juvenile's age;

21 (ii) ~~(b)~~ The nature of the offense and role of the juvenile in the
22 offense;

23 (iii) ~~(c)~~ The number and nature of previous offenses involving the
24 juvenile;

25 (iv) ~~(d)~~ The dangerousness or threat posed by the juvenile to
26 persons or property; or

27 (v) ~~(e)~~ The recommendations of the referring agency, victim, and
28 advocates for the juvenile;

29 (b) ~~(2)~~ Permit participation by a juvenile only on a voluntary basis
30 and shall include a juvenile diversion agreement described in section
31 43-260.06;

1 (c) ~~(3)~~ Allow the juvenile to consult with counsel prior to a
2 decision to participate in the program;

3 (d) ~~(4)~~ Be offered to the juvenile when practicable prior to the
4 filing of a juvenile petition or a criminal charge but after the arrest
5 of the juvenile or issuance of a citation to the juvenile if after the
6 arrest or citation a decision has been made by the county attorney or
7 city attorney that the offense will support the filing of a juvenile
8 petition or criminal charges;

9 (e) ~~(5)~~ Provide screening services for use in creating a diversion
10 plan utilizing appropriate services for the juvenile;

11 (f) ~~(6)~~ Result in dismissal of the juvenile petition or criminal
12 charges if the juvenile successfully completes the program;

13 (g) ~~(7)~~ Be designed and operated to further the goals stated in
14 section 43-260.03 and comply with sections 43-260.04 to 43-260.07; and

15 (h) ~~(8)~~ Require information received by the program regarding the
16 juvenile to remain confidential unless a release of information is signed
17 upon admission to the program or is otherwise authorized by law. ~~;~~ and

18 (2)(a) A juvenile pretrial diversion program shall respond ~~(9)(a)~~
19 ~~Respond~~ to a public inquiry in the same manner as if there were no
20 information or records concerning participation in the diversion program.
21 Information or records pertaining to participation in the diversion
22 program shall not be disseminated to any person other than:

23 (i) A criminal justice agency as defined in section 29-3509;

24 (ii) The individual who is the subject of the record or any persons
25 authorized by such individual; or

26 (iii) Other persons or agencies authorized by law.

27 (b) An individual, a person, or an agency requesting information
28 subject to subdivision (2)(a) ~~(9)(a)~~ of this section shall provide the
29 diversion program with satisfactory verification of his, her, or its
30 identity.

31 (3) A juvenile pretrial diversion program shall not require payment

1 of program fines or fees as a condition of participation in or completion
2 of such program. The ability of a juvenile or the juvenile's parent or
3 guardian to pay any fee or fine shall not be considered in determining
4 whether to offer participation in such program. Failure to pay a fine or
5 fee shall not prevent a juvenile's records from being sealed.

6 **Sec. 27.** Section 43-261, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 43-261 (1)(a) A juvenile court petition and all subsequent
9 proceedings shall be entitled In the Interest
10 of, a Juvenile, inserting the juvenile's name
11 in the blank. The written petition shall be signed by the county
12 attorney, specify which subdivision of section 43-247 is alleged and set
13 forth the facts, state the juvenile's month and year of birth, and
14 request the juvenile court to determine whether support will be ordered
15 pursuant to section 43-290. An allegation under subdivision (1), (2), or
16 (4) of section 43-247 is to be made with the same specificity as a
17 criminal complaint. It is sufficient if the petition is based upon
18 information and belief.

19 (b) A juvenile court petition is filed with the clerk of the court
20 having jurisdiction over the matter. If such court is a separate juvenile
21 court, the petition is filed with the clerk of the district court. If
22 such court is a county court sitting as a juvenile court, the petition is
23 filed with the clerk of the county court.

24 (2) In all cases involving violation of a city or village ordinance,
25 the city attorney or village prosecutor may file a petition in juvenile
26 court. If such a petition is filed, for purposes of such proceeding,
27 references in the Nebraska Juvenile Code to county attorney are construed
28 to include a city attorney or village prosecutor.

29 (3) Any fees to cover costs associated with filing a petition
30 alleging a juvenile to be within subdivision (1), (2), or (3)(b) of
31 section 43-247 shall not be assessed against the juvenile or the

1 juvenile's parent or guardian.

2 **Sec. 28.** Section 43-272, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 43-272 (1)(a) In counties having a population of less than one
5 hundred fifty thousand inhabitants:

6 (i) When any juvenile court petition is filed alleging jurisdiction
7 of a juvenile pursuant to subdivision (2) of section 43-247, counsel
8 shall be appointed for such juvenile; and

9 (ii) In any other instance in which a juvenile is brought without
10 counsel before a juvenile court, the court shall advise such juvenile and
11 his or her parent or guardian of their right to retain counsel and shall
12 inquire of such juvenile and his or her parent or guardian as to whether
13 they desire to retain counsel.

14 (b) In counties having a population of one hundred fifty thousand or
15 more inhabitants, when any juvenile court petition is filed alleging
16 jurisdiction of a juvenile pursuant to subdivision (1), (2), (3)(b), or
17 (4) of section 43-247, counsel shall be appointed for such juvenile.

18 (c) The court shall inform any juvenile described in this subsection
19 and his or her parent or guardian of such juvenile's right to counsel at
20 county expense if none of them is able to afford counsel. If the juvenile
21 or his or her parent or guardian desires to have counsel appointed for
22 such juvenile, or the parent or guardian of such juvenile cannot be
23 located, and the court ascertains that none of such persons are able to
24 afford an attorney, the court shall forthwith appoint an attorney to
25 represent such juvenile for all proceedings before the juvenile court. ~~7~~
26 ~~except that if an attorney is appointed to represent such juvenile and~~
27 ~~the court later determines that a parent of such juvenile is able to~~
28 ~~afford an attorney, the court shall order such parent or juvenile to pay~~
29 ~~for services of the attorney to be collected in the same manner as~~
30 ~~provided by section 43-290. If the parent willfully refuses to pay any~~
31 ~~such sum, the court may commit him or her for contempt, and execution may~~

1 ~~issue at the request of the appointed attorney or the county attorney or~~
2 ~~by the court without a request.~~

3 (2) The court, on its own motion or upon application of a party to
4 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)
5 If the juvenile has no parent or guardian of his or her person or if the
6 parent or guardian of the juvenile cannot be located or cannot be brought
7 before the court; (b) if the parent or guardian of the juvenile is
8 excused from participation in all or any part of the proceedings; (c) if
9 the parent is a juvenile or an incompetent; (d) if the parent is
10 indifferent to the interests of the juvenile; or (e) in any proceeding
11 pursuant to the provisions of subdivision (3)(a) of section 43-247.

12 A guardian ad litem shall have the duty to protect the interests of
13 the juvenile for whom he or she has been appointed guardian, and shall be
14 deemed a parent of the juvenile as to those proceedings with respect to
15 which his or her guardianship extends.

16 (3) The court shall appoint an attorney as guardian ad litem. A
17 guardian ad litem shall act as his or her own counsel and as counsel for
18 the juvenile, unless there are special reasons in a particular case why
19 the guardian ad litem or the juvenile or both should have separate
20 counsel. In such cases the guardian ad litem shall have the right to
21 counsel, except that the guardian ad litem shall be entitled to appointed
22 counsel without regard to his or her financial ability to retain counsel.
23 Whether such appointed counsel shall be provided at the cost of the
24 county shall be determined as provided in subsection (1) of this section.

25 (4) ~~The By July 1, 2015,~~ the Supreme Court shall provide by court
26 rule standards for guardians ad litem for juveniles in juvenile court
27 proceedings.

28 (5) ~~The By July 1, 2017,~~ the Supreme Court shall provide guidelines
29 setting forth standards for all attorneys who practice in juvenile court.

30 **Sec. 29.** Section 43-290, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 43-290 (1) It is the purpose of this section to promote parental
2 responsibility and to provide for the most equitable use and availability
3 of public money.

4 (2) Pursuant to a petition filed by a county attorney or city
5 attorney having knowledge of a juvenile in his or her jurisdiction who
6 appears to be a juvenile described in subdivision (3)(a), (3)(c) ~~(1),~~
7 ~~(2), (3),~~ or (4) of section 43-247, whenever the care or custody of a
8 juvenile is given by the court to someone other than his or her parent,
9 which shall include placement with a state agency, or when a juvenile is
10 given medical, psychological, or psychiatric study or treatment under
11 order of the court, the court shall make a determination of support to be
12 paid by a parent for the juvenile at the same proceeding at which
13 placement, study, or treatment is determined or at a separate proceeding.
14 Such proceeding, which may occur prior to, at the same time as, or
15 subsequent to adjudication, shall be in the nature of a disposition
16 hearing.

17 (3) At such proceeding, after summons to the parent of the time and
18 place of hearing served as provided in sections 43-262 to 43-267, the
19 court may order and decree that the parent shall pay, in such manner as
20 the court may direct, a reasonable sum that will cover in whole or part
21 the support, study, and treatment of the juvenile, which amount ordered
22 paid shall be the extent of the liability of the parent. The court in
23 making such order shall give due regard to the cost of the support,
24 study, and treatment of the juvenile, the ability of the parent to pay,
25 and the availability of money for the support of the juvenile from
26 previous judicial decrees, social security benefits, veterans benefits,
27 or other sources. Support thus received by the court shall be transmitted
28 to the person, agency, or institution having financial responsibility for
29 such support, study, or treatment and, if a state agency or institution,
30 remitted by such state agency or institution quarterly to the Director of
31 Administrative Services for credit to the proper fund.

1 (4) Whenever medical, psychological, or psychiatric study or
2 treatment is ordered by the court, whether or not the juvenile is placed
3 with someone other than his or her parent, or if such study or treatment
4 is otherwise provided as determined necessary by the custodian of the
5 juvenile, the court shall inquire as to the availability of insured or
6 uninsured health care coverage or service plans which include the
7 juvenile. The court may order the parent to pay over any plan benefit
8 sums received on coverage for the juvenile. The payment of any deductible
9 under the health care benefit plan covering the juvenile shall be the
10 responsibility of the parent. If the parent willfully fails or refuses to
11 pay the sum ordered or to pay over any health care plan benefit sums
12 received, the court may proceed against him or her as for contempt,
13 either on the court's own motion or on the motion of the county attorney
14 or authorized attorney as provided in section 43-512, or execution shall
15 issue at the request of any person, agency, or institution treating or
16 maintaining such juvenile. The court may afterwards, because of a change
17 in the circumstances of the parties, revise or alter the order of payment
18 for support, study, or treatment.

19 (5) If the juvenile has been committed to the care and custody of
20 the Department of Health and Human Services, the department shall pay the
21 costs for the support, study, or treatment of the juvenile which are not
22 otherwise paid by the juvenile's parent.

23 (6) If no provision is otherwise made by law for the support or
24 payment for the study or treatment of the juvenile, compensation for the
25 support, study, or treatment shall be paid, when approved by an order of
26 the court, out of a fund which shall be appropriated by the county in
27 which the petition is filed.

28 (7) The juvenile court shall retain jurisdiction over a parent
29 ordered to pay support for the purpose of enforcing such support order
30 for so long as such support remains unpaid but not to exceed ten years
31 from the nineteenth birthday of the youngest child for whom support was

1 ordered.

2 (8) The court shall not assess any costs described in this section
3 against a juvenile or the juvenile's parent or guardian in any case filed
4 under subdivision (1), (2), or (3)(b) of section 43-247. However, the
5 court may inquire as to the availability of insured or uninsured health
6 care coverage or service plans which include the juvenile. If such
7 coverage or plans are in effect, the court may order the parent or
8 guardian to continue paying any deductible for such coverage or plan.

9 **Sec. 30.** No fine shall be imposed against a juvenile or parent or
10 guardian of a juvenile in any proceeding under the Nebraska Juvenile
11 Code.

12 **Sec. 31.** Section 43-2,129, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 43-2,129 Sections 43-245 to 43-2,129 and section 30 of this act
15 shall be known and may be cited as the Nebraska Juvenile Code.

16 **Sec. 32.** Section 47-633, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 47-633 (1) Except as provided in subsection (3) of this section, in
19 ~~In~~ addition to all other court costs assessed according to law, a uniform
20 data analysis fee of one dollar shall be taxed as costs for each case
21 filed in each county court, separate juvenile court, and district court,
22 including appeals to such courts, and for each appeal and original action
23 filed in the Court of Appeals and the Supreme Court.

24 (2) The fees shall be remitted to the State Treasurer on forms
25 prescribed by the State Treasurer within ten days after the end of each
26 month. The State Treasurer shall credit the fees to the Community
27 Corrections Uniform Data Analysis Cash Fund.

28 (3) No fee shall be charged under this section for an individual
29 described in section 1 of this act.

30 **Sec. 33.** Section 81-1429, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-1429 A Law Enforcement Improvement Fund fee of two dollars shall
2 be taxed as costs in each criminal proceeding, including traffic
3 infractions and misdemeanors, filed in all courts of this state for
4 violations of state law or city or village ordinances. No such fee shall
5 be collected in any juvenile court proceeding, ~~or~~ when waived under
6 section 29-2709, or from any individual described in section 1 of this
7 act. Such fee shall be remitted to the State Treasurer on forms
8 prescribed by the State Treasurer within ten days after the close of each
9 calendar quarter. The State Treasurer shall credit the money to the Law
10 Enforcement Improvement Fund.

11 **Sec. 34.** Original sections 25-1914, 25-3010, 29-1920, 29-2207,
12 29-2262.04, 29-2262.06, 29-2704, 29-4106, 29-4121, 33-103, 33-107.01,
13 33-107.03, 33-126.05, 33-154, 33-155, 33-156, 33-157, 43-261, 43-290,
14 47-633, and 81-1429, Reissue Revised Statutes of Nebraska, and sections
15 24-703, 25-1140.09, 29-1903, 29-2262, 33-106, 33-124, 43-254, 43-260.04,
16 43-272, and 43-2,129, Revised Statutes Cumulative Supplement, 2024, are
17 repealed.