

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 19, 2003

LB 43

office to a very comprehensive juvenile pretrial diversion program with a hired director who works with the youth that are sent to that program. So it provides, the bill, LB 43, provides in statute that city attorneys and county attorneys may establish the juvenile pretrial diversion programs with the concurrence of their respective governing board. Then we set out in statute the things that the program should have, and some things that it may have, and then we also create some definitions and, probably most importantly, have a reporting process. Under LB 43, the program provides the city or county attorney with the discretion to determine who is eligible. It permits participation by a juvenile only on a voluntary basis, it allows the juvenile to consult with counsel prior to a decision to participate in the program, and it must be offered to the juvenile prior to an adjudication but after an arrest of the juvenile or issuance of a citation. The result would be dismissal of the juvenile petition or criminal charges if the juvenile successfully completes the program. Now the "may" part is providing screening services to the court, it establishes goals for the diverted juveniles and monitoring of those performance goals, overseeing the payment of any victim restitution, and providing information to interested parties on how diverted juveniles have performed in the program. It defines the program and it requires that by December 1 of 2003, every county attorney or city attorney that has established a pretrial diversion program shall annually report to the Nebraska Crime Commission information pertaining to the program on its rules and regulations. It will take us a good first step in seeing that we have a more comprehensive approach to juvenile justice in Nebraska. It brings standards to juvenile diversion in Nebraska. The program that...or the task force had consultation from Dr. Denise Herz of the University of Nebraska at Omaha Criminal Justice Department, and we believed that this bill would fulfill one of the key requirements from the 2000 legislation. Having the information will help us know what's going on in Nebraska in terms of juvenile diversion and also help the Crime Commission in their efforts to support juvenile diversion in Nebraska. Crime Commission has an extensive training program manual and other ways to assist with this, but without the structure of this bill it's just kind of a little bit loose in terms of being able to be effective. So that's