

JUDICIARY COMMITTEE

**One-Hundred Second Nebraska Legislature
Second Session**

2012

SUMMARY AND DISPOSITION OF BILLS



Senator Brad Ashford, Chairperson
Senator Steve Lathrop, Vice-Chairperson
Senator Colby Coash
Senator Brenda Council
Senator Burke Harr
Senator Tyson Larson
Senator Scott Lautenbaugh
Senator Amanda McGill

Committee Staff: Stacey Conroy, Committee Counsel
LaMont Rainey, Committee Counsel
Oliver VanDervoort, Committee Clerk

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CHILDREN/CHILD VISITATION AND CUSTODY

LB 737 (*Gloor*) Provide procedures for submitting national criminal history record information checks with respect to home studies for adoptions

LB 768 (*Howard*) Change provisions relating to access to adoption case files

LB 844 (*Hadley*) Change child support, medical support, and parenting time provisions

LB 935 (*Smith*) Change grandparent child visitation provisions to person with a legitimate interest

LB 940 (*Harr*) Change provisions relating to guardians ad litem in adoption proceedings

LB 993 (*Ashford*) Change provisions relating to child abuse and neglect teams and child advocacy centers

LB 1086 (*Lautenbaugh*) Provide an additional ground for seeking grandparent visitation

LB 1172 (*Pirsch*) Provide an additional ground for termination of parental rights

CIVIL PROCEDURE

LB 734 (*Schumacher*) Change provisions relating to replevin

LB 793 (*Lautenbaugh*) Limit frivolous civil actions filed by prisoners

LB 812 (*Harr*) Change garnishment provisions

LB 920 (*McGill*) Change harassment protection order and domestic abuse protection order provisions

LB 1021 (*Schilz*) Change provisions relating to actions involving motor vehicle collisions with domestic animals

LB 1056 (*Pirsch*) Change provisions relating to harassment and domestic abuse protection orders

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LB 814 (*Schilz*) Include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act

CORRECTIONS/COMMUNITY CORRECTIONS

LB 817 (*Pirsch*) Change duties of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice

LB 840 (*Council*) Provide powers and duties relating to inmate mail

LB 881 (*Coash*) Change medical services payment provisions relating to jails and correctional facilities

COURTS

LB 744 (*Schilz*) Change provisions relating to court fees

LB 790 (*Coash*) Transfer a county court judgeship to another district

LB 862 (*Coash*) Change the salary of Supreme Court judges

LB 865 (*McGill*) Authorize the voluntary waiver of compensation by jurors

LB 908 (*Lautenbaugh*) Change the disposition of indigent defense court fees

CRIMINAL OFFENSES AND PENALTIES

LB 730 (*Mello*) Change provisions relating to theft of services

LB 799 (*Cornett*) Change penalties for child abuse

LB 804 (*Lautenbaugh*) Change provisions relating to justification for use of force

LB 806 (*Lautenbaugh*) Authorize the State Racing Commission to regulate wagering on historic horse races

LB 815 (*Fulton*) Change penalty and statute of limitations regarding concealing the death of another person

LB 948 (*Lambert*) Change provisions and a penalty relating to intimidation by telephone call

LB 951 (*Harr*) Provide for assault with a bodily fluid against a first responder

LB 1096 (*Ashford*) Prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime

LB 1119 (*Karpisek*) Prohibit sale, possession, and use of flying lantern-type devices

LB 1127 (*Christensen*) Change provisions and penalties relating to issuing or passing a bad check or issuing a no-account check

LB 1145 (*McGill*) Change and provide provisions and penalties relating to human trafficking and pandering

LB 1169 (*Pirsch*) Require reporting of disappearance or death of a child as prescribed

CRIMINAL PROCEDURE

LB 816 (*Pirsch*) Change provisions relating to evidentiary use of set-aside convictions

LB 1111 (*Flood*) Change provisions relating to penalties involving operator's license revocation

DEATH PENALTY

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LB 912 (*McCoy*) Provide requirements for local laws regulating discrimination

FIREARMS

LB 785 (*Christensen*) Authorize possession of firearms as prescribed

LB 802 (*Lautenbaugh*) Authorize carrying of concealed handguns by certain authorities within the scope of their employment

LB 807 (*Lautenbaugh*) Change Concealed Handgun Permit Act application provisions

JUVENILES

LB 787 (*McGill*) Authorize inspection and regulation of staff secure facilities by the Jail Standards Board

LB 917 (*Cornett*) Change truancy provisions for absences relating to military employment activities

LB 933 (*Ashford*) Change provisions relating to truancy

LB 972 (*Ashford*) Transfer the youth rehabilitation and treatment centers from the Office of Juvenile Services to the Department of Correctional Services

LB 985 (*Krist*) Provide for a juvenile justice pilot program

LB 1088 (*Ashford*) Change notice, summons, and warrant provisions of the Nebraska Juvenile Code

LB 1099 (*Council*) Change expense provisions under the Nebraska Juvenile Code

LB 1153 (*Lathrop*) Require timely provision of juvenile court-ordered treatment or services

LB 1165 (*Fulton*) Change provisions relating to truancy and excessive absenteeism

LAW ENFORCEMENT

LB 721 (*Larson*) Redefine the term police animal

LB 919 (*Schilz*) Change court fees, sheriff's fees, and handgun certificate fees

LB 1046 (*Harr*) Change provisions relating to law enforcement certification and continuing education

LIABILITY

LB 843 (*Schumacher*) Authorize a cause of action relating to no-reserve auctions

LB 1107 (*Pirsch*) Change provisions relating to the movement of vehicles and other property after an accident and provide immunity

LB 1120 (*Karpisek*) Limit liability for bucking bull activities

MARRIAGE

LB 899 (*Lathrop*) Provide procedures for a legal separation decree

LB 1000 (*McGill*) Change certain marriage related fees

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MISCELLANEOUS

LB 728 (*Mello*) Provide for the distribution of money received by the state due to a settlement or court order or judgment

LB 777 (*Haar*) Change provisions relating to distribution of certain supplemental funds

LB 805 (*Lautenbaugh*) Remove the social security number requirement from certain firework permits and license applications

LB 839 (*Council*) Require reporting of sexual misconduct by a school employee

LB 937 (*Smith*) Regulate dealers in the business of buying and reselling precious items

LB 941 (*Smith*) Change restrictions on disposition of pawned and secondhand goods

LB 1049 (*Cornett*) Create and change provisions relating to the purchase of certain metals

LB 1051 (*Coash*) Change registry provisions regarding adult protective services and child protection cases

LB 1162 (*Nelson*) Provide for appointment of nonresidents as notaries public

PROPERTY, REAL ESTATE AND PROBATE

LB 783 (*Wightman*) Change provisions relating to powers of personal representatives

LB 939 (*Harr*) Change certain notice provisions for conservators

LB 1029 (*Lambert*) Require an address from a complainant or trustee for acceptance of demands of payment relating to real property

LB 1113 (*Flood*) Adopt the Nebraska Uniform Power of Attorney Act

LB 1134 (*Avery*) Change agency procedures for eminent domain

SEX OFFENDER STATUTES

LB 914 (*McGill*) **Change provisions relating to reductions in sex offender registration periods**

STATE AGENCIES

LB 1009 (*Ashford*) Provide that probation records are not subject to public disclosure

LB 1164 (*Fulton*) Prohibit the Attorney General from bringing an action pursuant to a certain federal statute that addresses the distribution in commerce of general service incandescent lamps

TOBACCO

INDEX OF BILLS

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	FINAL DISPOSITION
12	Wightman	Eliminate "without parole" provisions relating to life imprisonment	01/21/11	General File	Governor Approved
13	Wightman	Change provisions relating to life imprisonment without parole	01/21/11	IPP'd 1-28-11	
15	Wightman	Change district court execution of judgment provisions	01/28/11	General File w/AM 161	Governor Approved
16	Wightman	Change composition of certain district court judicial districts	03/17/11	Bill Withdrawn	
17	Wightman	Change civil procedure complete court record provisions	01/28/11	General File w/AM 159	Governor Approved
19	McCoy	Prohibit the use of certain drug substances as prescribed	01/19/10	General File	Governor Approved
20	McCoy	Regulate the sale of methamphetamine precursors	01/19/11	General File w/AM 64	Governor Approved
48	Janssen	Adopt the Illegal Immigration Enforcement Act	03/02/11	Held in Committee	IPP'D
61	Heidemann	Change and provide penalties relating to unlawful intrusion	01/21/11	General File w/AM 211	Governor Approved
66	Cornett	Change provisions relating to DNA collection	01/19/11	General File w/AM 241	Governor Approved
79	McGill	Provide grants for court appointed special advocate programs	01/20/11	Partially amended into LB 463	IPP'D
80	McGill	Change Nebraska Juvenile Code provisions relating to juvenile care plans	02/09/11	General File w/AM 289	Partially amended into LB 648 then IPP'd 5-26-11
85	Karpisek	Adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	01/20/11	General File	Partially amended into LB 157 then IPP'd 5-26-11
88	Christensen	Provide signage requirements and duties for the Nebraska State Patrol regarding concealed handguns	01/21/11	Held in Committee	IPP'D
94	Howard	Allow petitioners for adoption of a state ward to read the child's case file	01/20/11	General File w/AM 180	Governor Approved
100	Coash	Change provisions relating to the criminal responsibility of intoxicated persons and the insanity defense	01/21/11	General File w/AM 165	Governor Approved
115	Council	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	02/03/11	Held in Committee	IPP'D
124	Avery	Provide for cultural history information in adoption records	01/20/11	General File w/AM 1037	Governor Approved
128	Avery	Change DNA collection provisions	01/19/11	IPP'd 2-11-11	

129	Avery	Eliminate the statute of limitation for certain felonies	01/27/11	Held in Committee	IPP'D
133	Ashford	Require inclusion of sentencing costs in presentence reports	02/02/11	Held in Committee	IPP'D
136	Lautenbaugh	Change number of years between appearances before Board of Pardons	01/19/11	Held in Committee	IPP'D
137	Lautenbaugh	Change provisions relating to post conviction relief	02/02/11	General File w/AM 735	Governor Approved
138	Lautenbaugh	Change residency requirements under the Concealed Handgun Permit Act	02/16/11	Partially amended into LB 512	IPP'D
147	Hadley	Change family law provisions relating to court orders, forum, child support, and visitation	02/03/11	Held in Committee	IPP'D
157	Coash	Change guardianship and conservatorship provisions	01/20/11	General File	Governor Approved
167	Fischer	Change the Relocation Assistance Act	01/26/11	General File	Governor Approved
191	Council	Change provisions relating to sentence reductions	02/02/11	General File	Governor Approved
197	Dubas	Allow breast-feeding as prescribed	01/26/11	General File	Governor Approved
201	Council	Change probation fees	01/27/11	Held in Committee	IPP'D
202	Council	Authorize petitions for recall and resentencing for certain minors sentenced to life imprisonment	01/27/11	General File w/AM 399 Partially amended into LB 251	IPP'D
203	Council	Change sentencing requirements with respect to certain minors	01/27/11	Held in Committee	IPP'D
226	Gloor	Create the offense of assault with a bodily fluid against a public safety officer	02/04/11	General File w/AM 1068	Governor Approved
231	Christensen	Change provisions relating to issuing a bad check	02/02/11	Held in Committee	IPP'D
232	Christensen	Change use of force provisions to include protection of an unborn child as prescribed	02/23/11	Held in Committee	IPP'D
242	Hadley	Change provisions relating to assault, assault on an officer, and offenses by a confined person	02/04/11	Held in Committee	IPP'D
251	Council	Change court fees	01/26/11	General File w/AM 945 LB 202 partially amended into LB 251	IPP'D
258	Krist	Provide that entry onto land by land surveyor is not criminal trespass	02/10/11	Held in Committee	IPP'D
275	Fulton	Change provisions relating to the offense of escape	02/02/11	Held in Committee	IPP'D
276	Council	Change a penalty from death to life imprisonment without possibility of parole and change other penalties as prescribed	03/04/11	General File	IPP'D
284	Krist	Change provisions relating to unlawful picketing of a funeral	02/04/11	General File	Governor Approved

293	Avery	Change provisions relating to reclaiming of property from a pawnbroker or junk dealer	01/26/11	Held in Committee	IPP'D
296	Coash	Eliminate oath requirements for filing of a criminal complaint and for verifying information	02/25/11	General File	Partially amended into LB 669 then IPP'd 5-26-11
298	Christensen	Change provisions relating to self-protection	02/23/11	Held in Committee	IPP'D
300	Ashford	Change provisions relating to the Community Trust	03/04/11	Partially Amended into LB 390	IPP'D
301	Ashford	Change provisions for sealing records under the Nebraska Juvenile Code	02/24/11	Partially amended into LB 463	IPP'D
302	Ashford	Provide for a restructuring plan for the court system	01/28/11	General File	IPP'D
310	McGill	Change provisions relating to protection orders	01/26/11	General File w/AM 965	Governor Approved
324	Howard	Require fetal alcohol determination prior to adoption of a state ward	02/17/11	Held in Committee	IPP'D
339	Ashford	Change Nebraska Juvenile Code predisposition evaluation procedures	02/09/11	Partially amended into LB 669	IPP'D
349	Lautenbaugh	Change demand for trial by jury provisions	02/25/11	Partially amended into LB 669	IPP'D
350	Lautenbaugh	Change medical lien and personal injury damage suit provisions	03/17/11	Held in Committee	IPP'D
351	Lautenbaugh	Change court procedure relating to substitution of parties	02/11/11	Held in Committee	IPP'D
390	Ashford	Change provisions relating to jails and corrections and create the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice	01/27/11	General File w/AM 1537	Governor Approved
398	Lathrop	Change provisions relating to notaries public	01/28/11	General File w/AM 1789	Governor Approved
402	Howard	Change penalties relating to third-degree assault on a social worker and provide for social worker safety training	02/04/11	Held in Committee	IPP'D
408	Fulton	Change provisions relating to divorce	02/03/11	Held in Committee	IPP'D
415	Wallman	Change provisions relating to contraband in a detention facility or providing an inmate with contraband	02/10/11	General File w/AM 525	Governor Vetoed
447	Fulton	Change provisions relating to vehicular pursuit	02/25/11	Held in Committee	IPP'D
451	Ashford	Change court fees, procedures, offices, and judgeships	02/11/11	Partially amended into LB 669	IPP'D
452	Ashford	Provide for lottery winnings and tax refund intercept for debts owed to courts	01/28/11	Held in Committee	IPP'D
460	Ashford	Change the Sex Offender Registration Act	03/16/11	Held in Committee	IPP'D
461	Pirsch	Adopt the Freedom of Conscience Act	03/09/11	Held in Committee	IPP'D

463	Ashford	Change juvenile penalty, records, service plan, probation sanctions, and truancy provisions	02/24/11	General File w/AM 754	Governor Approved
469	Karpisek	Prohibit retail sale of novelty lighters and provide a penalty	02/10/11	Held in Committee	IPP'D
475	Lautenbaugh	Change garnishment provisions to include independent contractors providing services to government entities	02/11/11	Held in Committee	IPP'D
476	Lautenbaugh	Change civil procedure service and return of summons provisions	02/11/11	Partially amended into LB 669	IPP'D
479	Lathrop	Authorize a minor to give consent to evidence collection and examination and treatment in cases of sexual assault	02/10/11	General File w/AM 335	Governor Approved
488	Nordquist	Adopt the Child Support Transparency Act	02/03/11	Held in Committee	IPP'D
508	Bloomfield	Authorize certain residency restrictions near parks for sexual predators	03/16/11	Held in Committee	IPP'D
512	Christensen	Change provisions relating to mental health determinations regarding the possession and purchase of handguns	02/23/11	General File w/AM 225	Governor Approved
513	Christensen	Adopt the Escort Services Accountability and Permit Act	02/25/11	Held in Committee	IPP'D
515	Christensen	Adopt the Federal Health Care Nullification Act and provide a civil right of action and criminal penalties relating to enforcement	03/17/11	Held in Committee	IPP'D
516	Christensen	Authorize carrying of concealed handguns in educational institutions by security personnel, administrators, or teaching staff	02/16/11	Held in Committee	IPP'D
518	Christensen	Change certain penalty and violation provisions of the Concealed Handgun Permit Act	02/23/11	Held in Committee	IPP'D
521	Fulton	Provide how certain drugs used to induce an abortion shall be administered	03/09/11	General File w/AM 1100	Governor Approved
536	Wightman	Adopt the Nebraska Uniform Real Property Transfer on Death Act	02/17/11	General File w/AM 1668	Governor Approved
538	Karpisek	Change provisions relating to the disposition of seized firearms	02/16/11	General File w/AM2329	Amended into LB 807 which Governor Approved
545	Pahls	Establish a copay for medical services provided at a correctional facility	03/16/11	Held in Committee	IPP'D
552	Nordquist	Prohibit impersonation by electronic means and provide penalties	02/10/11	Held in Committee	IPP'D
565	Ashford	Require secure storage of firearms and notice of such requirement by retailers upon sale and create the offense of improper storage of a firearm	03/17/11	Held in Committee	IPP'D
569	Coash	Require employers to e-verify the immigration status of new employees	03/02/11	Held in Committee	IPP'D

598	Fulton	Change timing of certain foster care permanency hearings	02/09/11	Held in Committee	IPP'D
609	Pirsch	Adopt the Correctional Facility Reimbursement Act	03/16/11	Held in Committee	IPP'D
612	Pirsch	Increase statute of limitations for plaintiffs suffering injury from sexual assault as a child	03/17/11	General File w/AM 789	Governor Approved
618	Harr	Authorize possession of firearms as prescribed for school or school event security	02/16/11	General File w/AM 391	Partially amended into LB 512 then IPP'd 5-26-11
622	Lautenbaugh	Change provisions relating to confiscation and destruction of firearms	02/16/11	Held in Committee	IPP'D
644	Lautenbaugh	Change provisions applicable to attorney licensure requirements	02/11/11	Held in Committee	IPP'D
647	Christensen	Prohibit the use of certain foreign laws in Nebraska courts	03/17/11	Held in Committee	IPP'D
648	Christensen	Change provisions relating to notice for foster care reviews and hearings	02/09/11	General File w/AM 802	Governor Approved
649	Christensen	Require the Judiciary Committee to develop legislative recommendations for guardians ad litem for children and youth	02/09/11	Held in Committee	IPP'D
652	Christensen	Change provisions relating to theft penalties	03/10/11	Held in Committee	IPP'D
658	Karpisek	Change the fee for obtaining a handgun certificate	02/23/11	Held in Committee	IPP'D
660	Karpisek	Create the offense of providing a bodily fluid sample containing a controlled substance	03/03/11	Held in Committee	IPP'D
665	Pirsch	Change provisions relating to criminal child enticement	03/10/11	General File	Governor Approved
667	Flood	Change provisions governing motor vehicle homicide, alcohol violations involving minors, driving under the influence of alcohol or drugs, bail, ignition interlock devices, and administrative license revocation	03/03/11	General File w/AM 162	Governor Approved
668	Flood	Change penalties relating to the purchase, receipt, or acquisition of pseudoephedrine or phenylpropanolamine	03/04/11	General File	Partially amended into LB 20
669	Flood	Change provisions relating to sealing of juvenile court records	02/24/11	General File w/AM 1342	Partially amended into LB 463 and Governor Approved
670	Flood	Authorize court-ordered conditions for dispositions under the Nebraska Juvenile Code	02/24/11	General File w/AM 1447	Gutted and replaced with LB 814 approved by Governor
671	Flood	Prohibit a sex offender from changing his or her name	03/16/11	Held in Committee	IPP'D

673	Flood	Change support liens and provide for military parents and children in cases of divorce	02/03/11	General File w/AM 1254	Governor Approved
675	Pirsch	Provide and change penalties and enforcement relating to driving under the influence and the duty to stop at motor vehicle accidents and create an offense relating to certain controlled substances	03/03/11	General File w/AM 1380	Governor Approved
676	Lathrop	Change provisions relating to emergency protective custody under the Nebraska Mental Health Commitment Act	02/17/11	Held in Committee	
677	Lathrop	Provide criminal penalties for assault on a health care provider in the first, second, and third degrees	02/04/11	Held in Committee	Governor Approved
689	Christensen	Change provisions relating to human trafficking	03/10/11	Held in Committee	IPP'D
690	Brasch	Change consent and parental notification provisions regarding abortion	03/09/11	General File w/AM 1429	Governor Approved
693	Carlson	Adopt the Alcoholic Liquor Liability Act	03/03/11	Held in Committee	IPP'D
694	Conrad	Change provisions relating to certain medical evidence	02/17/11	Held in Committee	
721	Larson	Redefine the term police animal	01/19/12	General File	Governor Approved
722	Coash	Authorize fines or costs to be deducted from a defendant's cash bond	02/24/12	General File w/AM 2327	Governor Approved
728	Mello	Provide for the distribution of money received by the state due to a settlement or court order or judgment	02/15/12	Held in Committee	IPP'D
730	Mello	Change provisions relating to theft of services	01/27/12	Held in Committee	IPP'D
734	Schumacher	Change provisions relating to replevin	01/18/12	General File	Governor Approved
737	Gloor	Provide procedures for submitting national criminal history record information checks with respect to home studies for adoptions	02/01/12	General File	Governor Approved
744	Schilz	Change provisions relating to court fees	WITHDRAWN	WITHDRAWN	WITHDRAWN
768	Howard	Change provisions relating to access to adoption case files	01/20/12	General File	Governor Approved
777	Haar	Change provisions relating to distribution of certain supplemental funds	02/15/12	Held in Committee	IPP'D
783	Wightman	Change provisions relating to powers of personal representatives	01/18/12	Held in Committee	IPP'D
785	Christensen	Authorize possession of firearms as prescribed	02/22/12	Held in Committee	IPP'D
787	McGill	Authorize inspection and regulation of staff secure facilities by the Jail Standards Board	01/26/12	General File w/AM 2266	IPP'D

790	Coash	Transfer a county court judgeship to another district	01/18/12	General File	Governor Approved
793	Lautenbaugh	Limit frivolous civil actions filed by prisoners	01/20/12	General File w/AM 2056	Governor Approved
797	Avery	Define sexual contact to include kissing without consent	WITHDRAWN	WITHDRAWN	WITHDRAWN
799	Cornett	Change penalties for child abuse	01/19/12	General File	Governor Approved
802	Lautenbaugh	Authorize carrying of concealed handguns by certain authorities within the scope of their employment	01/25/12	Held in Committee	IPP'D
804	Lautenbaugh	Change provisions relating to justification for use of force	01/25/12	General File	Governor Approved
805	Lautenbaugh	Remove the social security number requirement from certain firework permit and license applications	01/25/12	General File	Governor Approved
806	Lautenbaugh	Authorize the State Racing Commission to regulate wagering on historic horse-races	01/25/12	General File W/AM	Governor's Veto Override Failed
807	Lautenbaugh	Change Concealed Handgun Permit Act application provisions	01/19/12	General File W/AM	Governor Approved
812	Harr	Change garnishment provisions	02/01/12	Held in Committee	IPP'D
814	Schilz	Include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act	01/19/12	General File	Amended into LB 670 and Governor Approved
815	Fulton	Change penalty and statute of limitations regarding concealing the death of another person	01/19/12	Held in Committee	IPP'D
816	Pirsch	Change provisions relating to evidentiary use of set-aside convictions	02/02/12	General File	Amended into LB 817 and Governor Approved
817	Pirsch	Change duties of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice	02/02/12	General File	Governor Approved
839	Council	Require reporting of sexual misconduct by a school employee	01/25/12	Held in Committee	IPP'D
840	Council	Provide powers and duties relating to inmate mail	01/27/12	Held in Committee	IPP'D
843	Schumacher	Authorize a cause of action relating to no-reserve auctions	01/20/12	Held in Committee	IPP'D
844	Hadley	Change child support, medical support, and parenting time provisions	02/09/12	Held in Committee	IPP'D
856	Larson	Change provisions relating to reporting of cruelty to animals and create the offense of obtaining employment at an animal facility with intent to disrupt operations	WITHDRAWN	WITHDRAWN	WITHDRAWN
862	Coash	Change the salary of Supreme Court judges	01/20/12	General File w/AM 1778	Governor Approved

865	McGill	Authorize the voluntary waiver of compensation by jurors	01/18/12	General File w/AM 2305	Governor Approved
881	Coash	Change medical services payment provisions relating to jails and correctional facilities	01/27/12	General File	Governor Approved
899	Lathrop	Provide procedures for a legal separation decree	02/01/12	General File	Governor Approved
908	Lautenbaugh	Change the disposition of indigent defense court fees	01/18/12	General File w/AM 2319	IPP'D
912	McCoy	Provide requirements for local laws regulating discrimination	02/22/12	Held in Committee	IPP'D
914	McGill	Change provisions relating to reductions in sex offender registration periods	02/22/12	Held in Committee	IPP'D
917	Cornett	Change truancy provisions for absences relating to military employment activities	02/13/12	Held in Committee	IPP'D
919	Schilz	Change court fees, sheriff's fees, and handgun certificate fees	02/08/12	Held in Committee	IPP'D
920	McGill	Change harassment protection order and domestic abuse protection order provisions	01/26/12	General File w/AM 2097	Amended into LB 310 and Governor Approved
933	Ashford	Change provisions relating to truancy	02/03/12	General File w/AM 2001	Governor Approved
935	Smith	Change grandparent child visitation provisions to person with a legitimate interest	02/09/12	Held in Committee	IPP'D
937	Smith	Regulate dealers in the business of buying and reselling precious items	02/16/12	Held in Committee	IPP'D
939	Harr	Change certain notice provisions for conservators	02/01/12	Held in Committee	IPP'D
940	Harr	Change provisions relating to guardians ad litem in adoption proceedings	02/23/12	Held in Committee	IPP'D
941	Smith	Change restrictions on disposition of pawned and secondhand goods	02/16/12	General File	Governor Approved
948	Lambert	Change provisions and a penalty relating to intimidation by telephone call	01/27/12	General File	IPP'D
951	Harr	Provide for assault with a bodily fluid against a first responder	02/02/12	Held in Committee	IPP'D
972	Ashford	Transfer the youth rehabilitation and treatment centers from the Office of Juvenile Services to the Department of Correctional Services	01/26/12	General File w/AM 2598	Governor Approved
985	Krist	Provide for a juvenile justice pilot program	01/26/12	General File	Governor Approved
993	Ashford	Change provisions relating to child abuse and neglect teams and child advocacy centers	02/13/12	General File	Governor Approved
1000	McGill	Change certain marriage related fees	02/01/12	Held in Committee	IPP'D
1009	Ashford	Provide that probation records are not subject to disclosure	02/02/12	Held in Committee	IPP'D

1021	Schilz	Change provisions relating to actions involving motor vehicle collisions with domestic animals	02/08/12	Held in Committee	IPP'D
1029	Lambert	Require an address from a complainant or trustee for acceptance of demands of payment relating to real property	02/15/12	Held in Committee	IPP'D
1046	Harr	Change provisions relating to law enforcement certification and continuing education	02/16/12	General File	Amended into LB 817 and Governor Approved
1049	Cornett	Create and change provisions relating to the purchase of certain metals	02/08/12	General File	Governor Approved
1051	Coash	Change registry provisions regarding adult protective services and child protection cases	02/01/12	General File w/AM 2314	Governor Approved
1056	Pirsch	Change provisions relating to harassment and domestic abuse protection orders	02/23/12	Held in Committee	Amended into LB 310 and Governor Approved
1086	Lautenbaugh	Provide an additional ground for seeking grandparent visitation	02/09/12	Held in Committee	IPP'D
1088	Ashford	Change notice, summons, and warrant provisions of the Nebraska Juvenile Code	02/23/12	Held in Committee	IPP'D
1093	Hadley	Change provisions relating to foreclosure proceedings for delinquent real estate taxes		RE-REFERENCED TO REVENUE COMMITTEE	
1096	Ashford	Prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime	02/24/12	Held in Committee	IPP'D
1099	Council	Change expense provisions under the Nebraska Juvenile Code	02/23/12	Held in Committee	IPP'D
1107	Pirsch	Change provisions relating to the movement of vehicles and other property after an accident and provide immunity	02/08/12	Held in Committee	IPP'D
1111	Flood	Change provisions relating to penalties involving operator's license revocation	02/24/12	Held in Committee	IPP'D
1113	Flood	Adopt the Nebraska Uniform Power of Attorney Act	02/15/12	General File	Governor Approved
1119	Karpisek	Prohibit sale, possession, and use of flying lantern-type devices	02/02/12	Held in Committee	IPP'D
1120	Karpisek	Limit liability for bucking bull activities	02/08/12	Held in Committee	IPP'D
1127	Christensen	Change provisions and penalties relating to issuing or passing a bad check or issuing a no-account check	02/16/12	Held in Committee	IPP'D
1134	Avery	Change agency procedures for eminent domain	02/15/12	Held in Committee	IPP'D
1145	McGill	Change and provide provisions and penalties relating to human trafficking and pandering	02/16/12	General File	Governor Approved
1153	Lathrop	Require timely provision of juvenile court-ordered treatment or services	02/23/12	Held in Committee	IPP'D

1162	Nelson	Provide for appointment of nonresidents as notaries public	02/22/12	Held in Committee	IPP'D
1164	Fulton	Prohibit the Attorney General from bringing an action pursuant to a certain federal statute that addresses the distribution in commerce of general service incandescent lamps	02/24/12	Held in Committee	IPP'D
1165	Fulton	Change provisions relating to truancy and excessive absenteeism	02/03/12	Held in Committee	IPP'D
1169	Pirsch	Require reporting of disappearance or death of a child as prescribed	02/22/12	Held in Committee	IPP'D
1172	Pirsch	Provide an additional ground for termination of parental rights	02/09/12	Held in Committee	IPP'D
LR28	Fulton	Encourage all municipal, county, and state law enforcement agencies to participate in the Secure Communities program by the year 2012	03/02/11	Held in Committee	IPP'D
LR39	Council	Provide the Nebraska Legislature recommends certain basic principles as a guide for state and federal immigration policy and call upon Congress to enact reforms	03/02/11	Held in Committee	IPP'D

BILLS PASSED DURING THE 2012 LEGISLATIVE SESSION

LB 66 (Cornett) Change provisions relating to DNA collection

LB66, introduced by **Sen. Cornett**, specifies that probation officers are responsible for taking DNA samples from convicted felons placed on probation who do not enter into a prison, jail, detention facility or other institution.

In counties without a city of the metropolitan class, an individual not placed on probation who receives a fine or a penalty of time served will have a DNA sample collected by the county sheriff.

In addition, a county jail, detention facility or other institution that collects the sample will not be held financially responsible for the cost of the DNA sample kit if the court waives the cost of taking a DNA sample for any reason.

The Legislature passed the bill 49-0 and the Governor approved on April 11, 2012.

LB 310 (McGill) Change provisions relating to protection orders

Legislative Bill 310 would authorize the court to appoint an attorney for an indigent person seeking a harassment protection order or a protection order under the Protection from Domestic Abuse Act if the respondent has an attorney and a hearing is held on the petition. The appointment would be for the hearing only and the hearing cannot be continued beyond one week. If an ex parte order is issued, it shall stay in effect until the date of the continued hearing. If a petitioner requests that a protection order be dismissed or if a protection order is denied, it cannot be considered bad faith for purposes of assessing fees and costs without additional evidence of bad faith.

The bill would change the definition of abuse under the Protection from Domestic Abuse Act to include placing, by means of credible threat, another person in fear of bodily injury. The bill would remove from the definition of abuse: placing, by *physical menace*, another person in fear of *imminent* bodily injury. The bill would also increase penalties for violating a protection order under the Act from a Class II Misdemeanor to a Class I Misdemeanor. For those with a prior conviction for violating a protection order under the Act, the penalty would increase from Class I Misdemeanor to a Class IV Felony, regardless of who the protection order was granted to.

Committee Amendment AM 965 was adopted on general file to strike the proposed provisions regarding the appointment of attorneys for indigent petitioners as well as the provisions regarding what can be considered bad faith for purposes of assessing fees and costs. On select file, AM 1917 was adopted to address concerns raised during general file debate about changes to the definition of abuse in the Protection from Domestic Abuse Act. To clarify the new language and identify the standard to be met, the amendment would define “credible threat” in order to help prevent the statute from being used frivolously.

After being placed on final reading, the bill was returned to select file for a specific amendment AM 2259. to add amended versions of LB 920 and LB 1056. The amendment stuck the new provisions in LB 920 regarding the court's consideration of the petition and affidavit as offered evidence. The amendment also replaced the actual notice provisions in the original LB 920 with the new language proposed in LB 1056. The harassment protection order statute was amended to provide that if the respondent is present at a hearing, the respondent would be deemed to have notice of the protection order and further service would not be required. If the respondent has been properly served with an ex parte protection order and does not appear at the hearing, the temporary order would be deemed granted and remain in effect with no additional service required. The domestic abuse protection order statutes would be amended to provide that an order issued ex parte is a temporary order. If the respondent fails to appear at the evidentiary hearing on the temporary order, then the temporary order would be deemed a final protection order. If the respondent has been properly served with an ex parte temporary protection order and does not appear at the hearing, the temporary order would be deemed granted and remain in effect with no additional service required. If the respondent is present at a hearing on the domestic abuse protection order, the respondent would be deemed to have notice of the protection order and further service would not be required.

Legislative Bill 310 was passed by the Legislature by a vote of 42-0-7 and approved by the Governor on April 5, 2012.

LB 398 (Lathrop) Change provisions relating to notaries public

Legislative Bill 398 would amend current statute sections related to notaries public and other public officers. The bill includes the following provisions:

- Election commissioners would have the authority to administer oaths and affirmations and to take acknowledgments of deeds, mortgages and all other instruments in writing.
- A notary public may be appointed in spite of a conviction for felony or other crime involving fraud or dishonesty if it was prior to the five years previous to the application.
- A person would have to reside in or have a regular place of work or business in the state in order to be appointed a notary public.
- Would modify application requirements.
- Would disqualify a notary public from notarizing if they have a financial or beneficial interest in the transaction, is a party in the transaction or does not understand the certification method used in the transaction.
- Would remove powers and authorizations of notaries public related to acceptance and payment and foreign laws.
- Would amend the procedure for removal of notaries public.
- Would authorize the Secretary of State to promulgate rules and regulations.

Committee Amendment AM 1789 was adopted on general file to address opposition to the provisions regarding appointment of non-resident notaries public. The amendment struck the new language on page 3, lines 13 and 15 and inserted new language allowing the Secretary of State to appoint someone who resides in a border state. The appointment would be allowed if that person is employed in or has a regular place of work or business in Nebraska and the Secretary of State has evidence of such employment or place of work or business.

Legislative Bill 398 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 10, 2012.

LB 536 (Wightman) Adopt the Nebraska Uniform Real Property Transfer on Death Act

Legislative Bill 536 would enact the Nebraska Real Property Transfer on Death Act. The bill would provide an asset specific mechanism for the non-probate transfer of land. The Nebraska Real Property Transfer on Death Act mirrors the Uniform Real Property Transfer on Death Act, promulgated by the Uniform Law Commission in 2009. The Act would permit owners of interests in real property to execute and record a transfer on death (TOD) deed which would enable an owner of real property to pass the property to a beneficiary on the owner's death without probate. By this deed, the owner identifies the beneficiary or beneficiaries who will succeed to the property at the owner's death. During the owner's lifetime, the beneficiaries would have no interest in the property, and the owner would retain full power to transfer or encumber the property or to revoke the TOD deed.

The Nebraska Real Property Transfer on Death Act would establish the requirements for the creation and revocation of a TOD deed and clarifies the effect of the TOD deed on all parties while the transferor is living and after the transferor dies. The Nebraska Real Property Transfer on Death Act would provide optional forms to create or revoke a TOD deed. The TOD deed must contain all of the essential elements and formalities of a properly recordable inter vivos deed. The TOD deed must state that the transfer to the beneficiary occurs on the transferor's death and must be properly recorded during the transferor's lifetime in the office of the recorder of deeds where the property is located. The capacity required to create a TOD deed is the same as the capacity to make a will.

A TOD deed does not operate until the transferor's death and remains revocable until then. The transferor may revoke the deed by recording an instrument of revocation such as a direct revocation of the TOD deed or a subsequent TOD deed that names a different beneficiary. If the transferor disposes of the property during lifetime, the TOD deed is ineffective. Until the transferor's death, a recorded TOD deed has no effect — it does not affect any right or interest of the transferor or any other person in the property. The TOD deed creates no legal or equitable interest in the designated beneficiary. Liability of the beneficiary and property for claims against the transferor's estate is limited to cases where the estate is insolvent. A designated beneficiary may disclaim all or part of the transferred interest.

Committee Amendment AM 1668 is a white copy amendment that replaces the original bill and was adopted on general file. The amendment incorporates substantive and technical changes that eliminate the opposition expressed at the hearing on the bill. On pages 19 and 20, the amendment would change the filing requirements for Form 521, which must be filed with the register of deeds upon a transfer of property. Under the amendment, the Form 521 would have to be accompanied by a death certificate when a transfer of property occurs by way of a TOD deed, a joint tenancy deed, or the expiration of a life estate. The intent of this change is to give counties additional notice of property being transferred on death for purposes of collecting inheritance taxes. The TOD deed form would be removed from the bill under AM 1668. On page 1, the definition of "person" would be changed to specify that a "person" under a trust means the trustee of the trust and the term "business trust" would be removed from the definition. On page 4, the amendment would clarify the revocation provisions to state that a deed recorded during the owner's life may revoke a previously recorded transfer on death deed expressly or by inconsistency. On page 15, the amendment would change language to clarify that a renunciation

would be ineffective to the extent that the property has been assigned, conveyed encumbered, pledged, or transferred. Language would be added under AM 1668 on page 21 to clarify the effect of a transfer on death deed. On page 24, the amendment would add a stamp tax exemption for certified or authenticated death certificates pertaining to TOD deeds.

On select file, AM 2046 was adopted to address concerns raised on general file. The amendment provides that a TOD deed must be signed under oath not only by the transferor, but also by two disinterested witnesses declaring that to the best of their knowledge the transferor is not a minor and is of sound mind and under no constraint or undue influence. A form is provided in statute for such declarations. The amendment also provides that a TOD deed is subject to common law principles of equity except to the extent modified by the Act. The amendment also provides that a TOD deed and a revocation of a TOD deed must be filed with the register of deeds in the county where the property is located within 30 days after execution and before the transferor's death. The amendment also provides that a TOD deed may include provisions regarding the disposition of the transferor's interest in crops growing on the estate upon his or her death. Also on select file, AM 2042 was adopted to add the provisions of LB 818, as amended by the Revenue Committee Amendment AM 1846, to exempt transfer of property deeds between a husband and wife from the document stamp tax. Floor Amendment FA 33 was adopted to add "a proportionate" after the word "after" on page 3, line 13 in AM 1668. After being placed on final reading, the bill was returned to select file for specific amendment, AM 2232. The amendment was adopted to strike "a proportionate" from page 6, line 12, which was adopted on select file under FA 33.

Legislative Bill 536 was passed by the Legislature by a vote of 40-0-9 and approved by the Governor on April 5, 2012.

LB 612 (Pirsch) Increase statute of limitations for plaintiffs suffering injury from sexual assaults as a child

Legislative Bill 612 would create a specific statute of limitations for civil actions in cases of sexual assault of a child. A child victim of sexual assault would have 12 years after the cause of action accrues to file the lawsuit. Under current law, the victim would have four years from the time he or she reaches the age of 21 to file the lawsuit.

Committee Amendment AM 789 was adopted on general file to clarify the intent of the bill by providing that the victim would have 12 years after their 21st birthday to file the lawsuit. On select file, AM 1896 was adopted to further clarify the intent that a criminal prosecution of an alleged perpetrator is not required to maintain a civil action under this statute section.

Legislative Bill 612 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 7, 2012.

LB670 (Flood) Include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act

LB 670 introduced by Sen. Flood was originally introduced to deal with the Nebraska Juvenile Code but was amended to only contain the provisions of LB814, which was introduced to address the drug known as “bath salts” by Sen. Schilz.

The amended bill expands the Uniform Controlled Substances Act to ban the compounds that are used to make bath salts, which are chemically created substances similar in effects as methamphetamine's, LSD and PCP.

The penalty for possessing bath salts as provided by LB 670, is Class IV felony and manufacturing or distributing the drug is a Class III felony.

The Legislature passed the bill with an “Emergency Clause” 47-0 and the Governor approved on April 10, 2012.

LB677 (Lathrop) Provide criminal penalties for assault on a health care professional in the first, second, and third degrees

Under LB677, introduced by Sen. Lathrop, a person who is convicted of assault on a health care professional while the health care provider is engaged in his or her official duties, would serve a mandatory minimum sentence of:

- six months imprisonment for third degree assault;
- one year imprisonment for second degree assault; and
- two years imprisonment for first degree assault.

The Committee, amended the bill with AM1704 that would require a health care professional to have been assaulted while performing their official duties at a hospital or health clinic for the mandatory minimum sentence to be applied.

Amendment 1704 would also require hospitals and health clinics to display signs informing patients of the mandatory minimum sentence for assault on health care professionals, the amendment was adopted 29-3

On Select File, Senator Lathrop amended LB 677 with AM2022, which removed the mandatory minimums and added enhanced penalties for assault on health care professionals on duty at a hospital or a health clinic similar to those penalties provided for Law Enforcement. A person convicted of such an assault would be guilty of a Class IIIA felony. The Legislature passed the bill on a 45-0 vote and was approved by the Governor on March 7, 2012.

LB 721 (Larson) Redefine the term police animal

LB721, introduced by Sen. Larson, expands the definition of police animal to include a horse or dog owned by the state or any county, city, or village for the purpose of assisting a peace officer acting pursuant to his authority. The Legislature passed the bill 49-0 and the Governor approved on April 10, 2012.

LB 722 (Coash) Authorize fines or costs to be deducted from a defendant's cash bond

Legislative Bill 722 would amend statute section 29-2206 to provide for fines or costs owed by an offender to be deducted from the cash bond posted by the offender.

Committee Amendment AM 2327 was adopted on general file to strike “cash” from page 2, line 25 to clarify that the new provision applies to all bonds. The amendment also limits the application of the new provision to the extent that a bond is not otherwise encumbered by a valid lien, levy, execution or assignment to counsel of record or the person who posted the bond.

Legislative Bill 722 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 10, 2012.

LB 734 (Schumacher) Change provisions relating to replevin

LB 734 would provide for the court to set a date to return property in a replevin action that deviates from the current 20 day requirement in statute. Under the bill, a date that is later than 20 days after issuance of the order may be specified in an order of delivery.

Legislative Bill 734 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 10, 2012.

LB 737 (Gloor) Provide procedures for submitting national criminal history record checks with respect to home studies for adoption

Legislative Bill 737 would clarify the requirements for requesting that the Nebraska State Patrol conduct and file a national criminal history record information check for adoptive home studies and prospective adoptive parents. The request must be submitted to the Nebraska State Patrol for a Federal Bureau of Investigation background check and accompanied by two sets of fingerprint cards or an equivalent electronic submission and the appropriate fee.

Legislative Bill 737 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 10, 2012.

LB 768 (Howard) Change provisions relating to access to adoption case files

Legislative Bill 768 would remove from statute a date that limits the application of provisions allowing petitioners for adoption of a state ward to read the child's case file. The provision was passed into law in 2011 under LB 94.

Legislative Bill 768 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 10, 2012.

LB 790 (Coash) Transfer a county court judgeship to another district

Legislative Bill 790 would transfer one county court judgeship from district 5 (Merrick, Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward, Saunders) to district 3 (Lancaster County). There is an emergency clause attached to this bill.

Legislative Bill 790 was passed by the Legislature by a vote of 38-8-3 and approved by the Governor on March 14, 2012.

LB 793 (Lautenbaugh) Limit frivolous civil actions filed by prisoners

Legislative Bill 793 would prohibit a prisoner from filing a civil action, other than for post-conviction relief or a petition for habeas corpus relief, in forma pauperis (without liability for court fees or costs) if the prisoner has filed three or more civil actions in state or federal court which have been declared frivolous by the court. A court may permit the prisoner to proceed in forma pauperis if the court determines the person is in imminent danger of serious bodily injury. The bill was designated as a Speaker Priority.

Committee Amendment AM 2056 was adopted on general file to strike "declared" on page 2, line 19 and insert "found." On page 2, line 22, the amendment would strike "may" and insert "shall." The word "imminent" would be stricken from line 23 on page 2.

Legislative Bill 793 was passed by the Legislature by a vote of 47-1-1 and approved by the Governor on April 16, 2012.

LB 799 (Cornett) Change penalties for child abuse

LB 799, introduced by Sen. Cornett, makes child abuse resulting in serious bodily injury a Class IIIA felony and a Class III felony if the offense is committed negligently and results in the death of a child.

The bill clarifies that criminal negligence refers to a person who knew or should have known the danger involved and acted recklessly with respect to the safety or health of the child. The Legislature passed the bill 46-0 and was approved by the Governor on April 10, 2012.

LB 804 (Lautenbaugh) Change provisions relating to justification for use of force

LB 804, introduced by Sen. Lautenbaugh, would provide for civil immunity to an actor engaging in acts of self-defense or defense of another within the actor's dwelling or occupied vehicle.

LB 804 was amended in committee by AM2268, which struck all original sections and inserted the following new sections:

Section 1, would revise 28-1416(2) by striking this subsection, which section provided that even though conduct was justifiable under sections 28-1406 to 28-1416 that finding did not "abolish or impair" any remedy for the conduct under any civil action; and

A new subsection(2) is created to provide that the "justification defense" provided under 28-1406 to 28-1416 shall be available in any civil action for "assault and battery" or "intentional wrongful death" and where applicable shall be a bar to recovery. AM2268 advanced from Committee by a 6-0 vote and

was adopted by the legislature by a 45-0 vote. The Governor Approved LB 804 on April 11, 2012.

LB 805 (Lautenbaugh) Remove the social security number requirement from certain firework permit and license applications

LB 805, introduced by Sen. Lautenbaugh, seeks to preserve the privacy and identity of individuals seeking a license to sell fireworks in the state of Nebraska, by removing the requirement of listing the individual's social security number on the license application. The Legislature passed the bill 49-0 and the Governor approved on April 10, 2012.

LB 807 (Lautenbaugh) Change concealed handgun permit act application provisions

LB 807, introduced by Sen. Lautenbaugh, clarifies that a criminal charge would not immediately disqualify a person from receiving a concealed carry permit.

Currently, the permit application of a person with any "violations of law" can be rejected based on the Nebraska State Patrols interpretation of Nebraska Revised Statute 69-2433 and LB 807 would clarify the statute to refer to convictions instead of violations of law.

AM 1785, a Judiciary Committee amendment adding an emergency clause to the bill was adopted on a 35-0 vote.

Senator Karpisek, amended LB 807 on Select File with AM2382, which amendment consisted of LB 538, which amends section 29-820 to clarify that firearms in the possession of law enforcement agencies through a voluntary surrender or which have been taken into custody for safekeeping and which have not been seized or used in the commission of a crime can be released to the owner without obtaining a court order.

Under current law, Section 29-820 directs that when law enforcement agencies have firearms that have a lawful use and are no longer required as evidence, the items can be released or disposed of only "on order of the court as the court may deem adequate." The statute applies to items that are "seized or held." That language implies the statute applies regardless of how law enforcement obtained the firearm and it extends to firearms that are "held" because they've been turned over to police voluntarily for safekeeping or which police have just found.

When criminal charges are filed, the court decides what happens to the guns. But if no charges are filed or even considered, there is inconsistency in how law enforcement agencies throughout the state apply this statute. Some agencies require a court order to return any firearm that is "held" but hasn't been seized and some do not. AM2382 would clarify the procedure to provide consistent implementation of the law. The Legislature passed the bill 48-1 and the Governor approved on April 18, 2012.

LB 817 (Pirsch) Change provisions relating to law enforcement certification and continuing education, evidentiary use of set-aside convictions, and duties of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice

LB 817, introduced by Sen. Pirsch, is a follow up bill to LB 390 from last year which eliminated the

Community Corrections Council and created the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice.

LB 817 clarifies that the focus of the new Division is on research, evaluation and data analysis, creates a new duty for the Division to handle all offender data in a confidential manner and not release any identifiable information, and cleans up the Community Corrections Act by eliminating outdated and duplicative duties.

LB 817 was amended on general file by Sen. Pirsch through Amendment 2603, which amendment added the contents of LB 816, which bill provided that convictions that have been set-aside as provided under section 29-2264(5) does not preclude the use of the conviction as evidence of the commission of a felony or misdemeanor to determine whether or not a law enforcement certificate or application for a certificate may be denied, suspended or revoked.

LB 817 was also amended on general file by Sen. Harr through Amendment 2636, which amendment added the contents of LB 1046, which bill changes provisions relating to law enforcement certification and continuing education.

AM2636 requires that each law enforcement officer attend at least twenty hours of continuing education courses in the areas of criminal justice and law enforcement during each calendar year.

AM2636 creates a central registry that will maintain training records with the Director of the Nebraska Law Enforcement Training Center. Every law enforcement agency of the state, or any of its political subdivisions, shall send the certified reports at the completion of the continuing education requirements by its law enforcement officers.

AM2636 also provides that an exemption is allowed if the officer is able to show good cause for not completing the continuing education requirements if a waiver has been granted. A law enforcement officer is not required to meet the continuing education requirements in the year in which he or she first becomes fully certified.

LB 817 with AM 2603 and AM2636 incorporated was adopted 47-0 by the Legislature and signed by the Governor on April 18, 2012.

LB 862 (Coash) Change the salary of Supreme Court Judges

Legislative Bill 862 would increase the salaries of the Nebraska Supreme Court Judges starting July 1, 2012. The current salary is \$142,759.50.

Although the bill only specifies salary increases for Supreme Court Judges, other judges (district, county, juvenile, appellate and worker's compensation court judges) will also receive an increase in salary as their salaries are statutorily tied to the Supreme Court judge salaries.

Committee Amendment AM 1778 was adopted on select file to strike "XXX" and insert a dollar amount to reflect a two percent salary increase starting July 1, 2012. The new salary for the Supreme Court Judges would be \$145,614.74.

Legislative Bill 862 was passed by the Legislature by a vote of 48-0-1 and approved by the Governor on April 11, 2012.

LB 865 (McGill) Authorize the voluntary waiver of compensation by jurors

Legislative Bill 865 would provide that jurors may voluntarily waive the compensation due to them for their service. The bill would change provisions allowing a county clerk to deduct the amount of any delinquent personal taxes due to the county from a juror's compensation to allow deduction of real estate taxes as well.

Committee Amendment AM 2305 was adopted on general file to remove the proposed changes to provisions allowing a county clerk to deduct the amount of any delinquent personal taxes from a juror's compensation.

Legislative Bill 865 was passed by the Legislature by a vote of 45-0-4 and approved by the Governor on April 10, 2012.

LB 881 (Coash) Change medical services payment provisions relating to jails and correctional facilities

LB 881, Introduced by Sen. Coash, Section 47-703(2) of the Nebraska Code provides that the arresting agency is responsible for the cost of medical care to treat injuries or wounds suffered by detainees during the course of apprehension or arrest. In all other cases the correctional facility is responsible for the cost of providing medical care to its inmates. LB 881 clarifies these responsibilities by emphasizing that the apprehending agency or arresting agency is chargeable for the costs of medical services related to injuries or wounds caused during the course of apprehension or arrest, and not the agency responsible for operation of the institution or facility in which the recipient of the services is lodged. The Legislature passed the bill 45-0 and the Governor approved on April 10, 2012.

LB 899 (Lathrop) Provide procedures for a legal separation decree

Legislative Bill 899 would codify procedures for a legal separation decree that are similar to the procedures for the dissolution of marriage. The bill would allow the court to enter a decree of separation without a hearing if certain conditions are met. The complaint filed in a legal separation proceeding would require an allegation that the couple has been legally married but will live separate and apart after the legal separation. If both parties state under oath or affirm that they will live separate and apart or one party so state and the other does not deny, the court may, after a hearing, enter a decree of legal separation. If one party denies under oath or affirmation that he or she wants a legal separation, then the court shall consider all the relevant factor and grant or deny the decree. The decree may be entered without a hearing if both parties waive the hearing requirement and the court has sufficient basis to make a finding on the courts jurisdiction over the mater and both parties have certified in writing that they have made every reasonable effort to reconcile and have entered into a written agreement resolving all issues presented in the pleadings.

On general file, AM 2393 was adopted to clarify the provisions of the bill with the law regarding hearings held to determine the adequacy of parenting plans submitted to the court. The amendment would change the parenting plan law in section 43- 2935 to give the court discretion to require a hearing or not if both parties to the legal separation or divorce have waived the requirement for a hearing.

Legislative Bill 899 was passed by the Legislature by a vote of 45-0-4 and approved by the Governor on April 10, 2012.

LB 933 (Ashford) Change provisions relating to truancy

Legislative Bill 933 would amend the law on excessive absenteeism in Statute Section 79-209. When a child has missed more than twenty days of school in a year, the case would not be reported to the county attorney. Rather, the case would be reviewed by the school district and the county attorney to determine if any further action is necessary to address the child's attendance. If the county attorney needs to meet with the parents in the review process then the meeting would be at a location determined by the school. The bill would also remove redundant language regarding the authority of the county attorney to file charges and petitions.

Committee Amendment AM 2001 was adopted on general file to strike the new language on page 4 of the green copy and reinsert the reporting requirement. Under AM 2001, the attendance officer would be required to report to the county attorney when a child has been absent more than twenty days on a form on which one of the following three recommendations has been checked off: 1) The absences are due to documented illness or are otherwise excused, 2) The school requests more time to work with the student before the county attorney intervenes and 3) The school has used all reasonable efforts to address the child's absence from school without success and recommends intervention by the county attorney. If further action is needed after the twenty-day report, any initial meeting between the county attorney, the parents and the school must be at a location determined by the school.

Also on general file, the Legislature adopted AM 2245 to AM 2001 to make the 20-day reporting requirement discretionary as applied to schools if all of the 20 absences were due to illness that made attendance impossible or impracticable or were otherwise excused by school authorities. If any of the absences were not excused, the school must refer the case to the county attorney with a statement that the school requests more time to work with the student or that the school recommends intervention by the county attorney.

Legislative Bill 933 was passed by the Legislature by a vote of 44-0-5 and approved by the Governor on April 6, 2012.

LB 941 (Smith) Change restrictions on disposition of pawned and secondhand goods

LB 941, introduced by Sen. Smith, would change restrictions relating to the disposition of items acquired by pawnbrokers, dealers in secondhand goods and junk dealers. Under current law, all such dealers are prohibited from disposing of any property received or purchased for a period of 14 days, unless the item is secondhand jewelry, than 5 days. LB 941 would require dealers to hold all items, including secondhand jewelry, for a period of 14 days. The Legislature passed the bill 45-0 and the Governor approved on April 10, 2012.

LB 972 (Ashford) Transfer the youth rehabilitation and treatment centers from the Office of Juvenile Services to the Department of Correctional Services

Legislative Bill 972 would transfer supervision and control of the youth rehabilitation and treatment centers (“YRTCs”) from the Office of Juvenile Services to the Department of Correctional Services. A new division would be created under Corrections to oversee the secure youth confinement facility in Omaha and the YRTCs in Kearney and Geneva. The new division would be called the Division of Juvenile Rehabilitation and Treatment. The Director of the Department of Correctional Services shall have a duty to issue detainers for the apprehension of those who run away from the YRTCs or the secure youth confinement facility. The duty could be delegated to the assistant director or the CEO of one of the YRTCs or the secure youth confinement facility. The juvenile court could not conduct review hearings while a juvenile is committed to the Division of Juvenile Rehabilitation and Treatment. At least five business days prior to parole of a juvenile from a YRTS, the Division must notify the juvenile court and OJS. Juveniles released from the YRTCs on parole would be deemed committed to the Office of Juvenile Services. The Division must design and provide programs and treatment services for the juveniles placed at the YRTCs. The Division must have access to all records pertaining to a juvenile committed to it. There shall be immunity from civil and criminal liability for those who release information to the Division in good faith. In determining the parole date for a juvenile the Division must consider the same elements currently in statute for OJS to consider prior to parole.

Committee Amendment AM 2598 was adopted on general file to strike the original sections of LB 972 and insert the following provisions:

- The minimum age of a juvenile placed with or committed to a YRTC is raised from twelve to fourteen.
- In determining how to file a petition or charge on a juvenile under the age of sixteen for a law violation, the county attorney must consider whether the juvenile has previously been committed to a YRTC.
- If a juvenile committed to a YRTC assaults an employee of another youth at a YRTC or escapes or attempts to escape, the CEO of the YRTC must document such act and send a copy to the committing court and prosecutor as soon as possible. Such documentation may be offered as evidence in any hearing conducted regarding the amenability of the juvenile to the rehabilitative services that can be provided under the Nebraska Juvenile Code.
- The OJS shall collaborate with Corrections regarding training of all employees and the safety and security of the YRTCs. The OJS annual report to the Legislature shall include information regarding such collaboration.

Legislative Bill 972 was passed by the Legislature by a vote of 49-0-0 and approved by the Governor on April 10, 2012.

LB 985 (Krist) Provide for a juvenile justice pilot program

Legislative Bill 985 would require the establishment and administration of the Nebraska Juvenile Services Delivery Project by the Office of Probation Administration. The Project has been operating in Douglas County since 2009. The Project was developed in collaboration between the Office of Probation Administration and the Department of Health and Human Services to provide community-based services for youth under Probation who would otherwise have been made wards of the state to access services. Currently, the Project makes funds from the Department of Health and Human Services available to Probation through an inter-agency contract for case management and service delivery. The Project provides the juvenile court with additional dispositional options for juveniles who are eligible

for probation without committing them to the care and custody of the Department of Health and Human Services or the Office of Juvenile Services. Since implementation, the Project has served approximately 635 youth who would have otherwise become wards of the state and received a higher, more restrictive level of care. Of those juvenile served under the Project, 83% have accessed services while remaining in their homes and schools. By providing services to youth in their communities, the cost of care is significantly reduced and outcomes are improved by preventing unnecessary penetration further into the juvenile justice system. This bill would codify the establishment of the Project. The bill would also allow for expansion of the Project and require an evaluation of the Project by the University of Nebraska Medical Center College of Public Health.

The A bill that accompanies LB 985 would transfer \$226,750 from the Community Corrections Uniform Data Analysis Cash Fund to the General Fund and would appropriate the same amount from the General Fund to the University of Nebraska Medical Center College of Public Health to pay for the evaluation. The A bill would also transfer \$8,408,817 in FY 2012-13 and FY 2013-14 from the budget of the Department of Health and Human Services to the General Fund and would appropriate the same amount to the Supreme Court to establish and expand the Project.

Legislative Bill 985 was passed by the Legislature by a vote of 38-0-11 and approved by the Governor on April 5, 2012.

LB 993 (Ashford) Change provisions relating to child abuse and neglect teams and child advocacy centers

Legislative Bill 993 would amend the statutes that provide for child advocacy centers; child abuse and neglect investigation teams and child abuse and neglect treatment teams. The amendments would update the language to reflect current practice and expand the responsibilities of the teams and the centers.

The purpose of the child advocacy centers would be more clearly identified to require a location for conducting forensic interviews and medical examinations and for coordinating the team response to reports of abuse and neglect. The protocols and procedures of each child abuse and neglect investigation team would have to be enhanced to provide for: mandatory reporting of abuse and training for professionals regarding identification and reporting of abuse; assigning roles and responsibilities for the initial response to reports of abuse; how reports will be shared between HHS and law enforcement; coordinating the investigation – to include arranging for video-recorded forensic interviews with kids who are alleged to be victims of sexual abuse or serious physical abuse or neglect, have witnessed violent crime, are found in a drug endangered environment or have been removed from a kidnapping; arranging for temporary custody of a child as needed to ensure the child's safety; determining what cases will be reviewed by the team, including cases of sexual abuse, serious physical abuse and neglect, drug-endangered children and serious or ongoing domestic violence; cases determined by HHS to be of high or very high risk and any other case referred by a team member when a system response issue has been identified. The protocols and procedures of each child abuse and neglect treatment team would have to be enhanced to provide for: staffing and coordinating “voluntary” cases in which ongoing services are provided by HHS or a contracted agency but the juvenile court is not involved and status offense cases. The duty to report the names of the team members and the number of times the team met

annually to the Crime Commission would be transferred from the county attorney to the representative from the child advocacy center from each team.

The A bill that accompanies LB 993 would appropriate \$500,000 from the General Fund in FY 2012-13 and FY 2013-14 to the Department of Health and Human Services for state aid for child advocacy centers to assist in implementing the provisions of LB 993.

Legislative Bill 993 was passed by the Legislature by a vote of 48-0-1 and approved by the Governor on April 11, 2012.

LB 1049 (Cornett) Create and change provisions relating to the purchase of certain metals

LB 1049, introduced by Sen. Cornett, adds manhole covers and sewer grates to the regulated metals property in Statute 69-401. It also provides that no secondary metals recycler shall purchase or receive any manhole cover or sewer grate unless 1) an authorized representative of the political subdivision that owns the stamped property 2) a third party who has a legitimate bill-of-sale, letter of authorization or similar approval from the political subdivision.

LB 1049 also provides that payment for a manhole cover or sewer grate shall be by draft or check and sent through the US Mail, postage prepaid, to the official address of the finance department of the political subdivision or to the third part seller. It also makes changes to 69-404 in that if there is a purchase of more than one hundred fifty (\$150) for copper, then the check shall be sent by US Mail, postage paid. The Legislature passed the bill 44-1 and the Governor approved on April 10, 2012.

LB 1051 (Coash) Change registry provisions regarding adult protective services and child protection cases

Legislative Bill 1051 would make a series of technical changes to clarify provisions of the Adult Protective Services Act. The bill would change the definition of abuse in the Act by replacing “denial of essential services” with “neglect.” The definition of “denial of essential services” would be replaced with a definition of “neglect” which would include essential services being denied or not provided. The definition of “sexual abuse would be expanded to include “unlawful intrusion” and “sexual exploitation.” A definition of “sexual exploitation” would be added to the Act. The definition of “unreasonable confinement “would be expanded to include “false imprisonment.”

A new section would be added to the Act to provide that when the investigation of alleged abuse is completed, the alleged abuser shall be given written notice of the determination of the investigation and whether the alleged abuser will be entered into the registry. If the alleged abuser will be entered into the registry, the notice must be sent by certified mail with return receipt requested or first class mail. The notice must include the nature of the report; the classification of the report and the right of the alleged abuser to request to amend or expunge identifying information or remove the substantiated report from the registry. If the alleged abuser will not be entered into the registry, the notice must be sent by first class mail.

The bill would amend statute section 28-376 to remove the requirement that the Adult Protective Services Registry contain each report of alleged abuse and to provide that the registry contain all substantiated reports of abuse. The bill would also provide that the alleged abuser would be entitled to get a copy of the information contained in the registry upon request. As the bill would remove the

requirement that unfounded reports of abuse be included in the registry, the bill would also remove the requirement that unfounded cases be expunged from the registry.

The bill would amend the notice provisions related to the central register of child protection cases in statute section 28-713.01. The amendments would provide that if the subject of the report will be entered into the registry, the notice must be sent by certified mail with return receipt requested or first class mail. The notice must include the right of the alleged abuser to request to amend or expunge identifying information or remove the substantiated report from the registry. If the subject of the report will not be entered into the registry, the notice must be sent by first class mail.

Committee Amendment AM 2314 was adopted to further clarify the definitions of “abuse,” “neglect” and “exploitation” to eliminate confusion of the terms within the Act.

Legislative Bill 1051 was passed by the Legislature by a vote of 44-0-5 and approved by the Governor on April 10, 2012.

LB 1113 (Flood) Adopt the Nebraska Uniform Power of Attorney Act

Legislative Bill 1113 would adopt the Nebraska Uniform Power of Attorney Act ("the Act"), which is based on the Uniform Power of Attorney Act that was drafted by the National Conference of Commissioners on Uniform State Laws and approved by it in 2006.

Sections 1-23 of the Act contain all of the general provisions that pertain to creation and use of a power of attorney. Most of these provisions are default rules that can be altered by the power of attorney, but certain mandatory provisions in these sections serve as safeguards for the protection of the principal, the agent, and persons who are asked to rely on the agent's authority.

Sections 24-40 provide default definitions for the various areas of authority that can be granted to an agent. Most of these definitions come from the Uniform Statutory Form Power of Attorney Act (1988); however, the language is updated where necessary to reflect modern day transactions. Section 24 identifies certain areas of authority that must be granted with express language because of the propensity of such authority to dissipate the principal's property or alter the principal's estate plan.

Sections 41-42 contain statutory forms that are designed for use by lawyers as well as lay persons. Step-by-step prompts are given for designation of the agent, successor agents, and the grant of authority. Section 42 contains a sample agent certification form.

Sections 43-45 contain miscellaneous provisions concerning the relationship of the Act to other law and preexisting powers of attorney.

The Act has an operative date of January 1, 2013.

On select file, AM 2026 was adopted to strike the definition of the word “knowledge” beginning on page 4, line 6 of the green copy. “Knowldge” would be replaced with “actual knowledge” throughout the bill.

Legislative Bill 1113 was passed by the Legislature by a vote of 47-0-2 and approved by the Governor

on April 1, 2012.

LB 1145 (McGill) Change the penalty for pandering and create a task force and require training of certain officials regarding human trafficking

LB1145, introduced by Sen. McGill, would:

- Establish a commission on human trafficking;
- Require training for government officials on human trafficking;
- Allow a victim of sex trafficking to file a motion to vacate a conviction of prostitution;
- Authorize law enforcement officials to seize property obtained due to a violation of the state human trafficking statute, which would then be subject to forfeiture; and
- Require that the National Human Trafficking Resource Center Hotline number be posted in key establishments throughout the state.

Under the bill, forcing or enticing a person younger than 18 into prostitution would be a Class III felony for a first and subsequent offense. LB 1145 would retain the current Class IV felony provision for the pandering of a person 18 and over, but would allow for a penalty enhancement for subsequent convictions of this offense.

AM 2387, a Judiciary Committee amendment, was adopted 35-0 and removed provisions that would allow a victim to file a motion to vacate a prostitution conviction and authorize forfeiture of seized property.

The Legislature passed the bill 46-0 and the Governor approved on April 11, 2012.

BILLS ADVANCED TO GENERAL FILE DURING THE 2012 SESSION

LB 787 (McGill) Authorize inspection and regulation of staff secure facilities by the Jail Standards Board

Legislative Bill 787 would provide that staff secure juvenile detention facilities operated by a political subdivision be placed under the general oversight of the Jail Standards Board. The bill would define staff secure facility for purposes of the statutes that control the Jail Standards Board. The bill would add staff secure facilities to the section of law allowing for the return of unused prescription drugs from facilities regulated by the Jail Standards Board. The bill would add a tenth member to the Jail Standards Board and require that member to be an administrator of a staff secure facility. The Jail Standards Board would have to develop minimum standards for and inspect staff secure facilities. The bill would also give a staff secure facility access to the sealed juvenile records of an individual placed there.

Committee Amendment AM 2266 would strike section two of the bill to address opposition of the Nebraska Board of Pharmacy due to the lack of regulations in place to implement the existing law in statute section 71-2453. The bill was advanced to general file with AM 2266, but was not prioritized or placed on the agenda for debate.

LB 908 (Lautenbaugh) Change the disposition of indigent defense court fees

Legislative Bill 908 would provide that the three dollar indigent defense court fee assessed in Douglas County be remitted back to Douglas County to a county fund for indigent defense services. Currently, the three dollar court fee is assessed statewide and is credited to the Commission on Public Advocacy Operations Cash Fund. The Commission was created to provide legal services and resources to assist counties in fulfilling their obligation to provide for effective assistance of counsel for indigent persons. There is an emergency clause attached to this bill.

Committee Amendment AM 2319 would replace the provisions in the green copy of the bill. The amendment would add a new subsection to statute section 29-3921, which established the Commission on Public Advocacy Operations Cash Fund. The new subsection would provide a procedure for a portion of the indigent defense fees assessed in Douglas County be transferred back to Douglas County

to pay for indigent defense services. On or before July 15 each year for the next five years, the State Court Administrator must certify to the State Treasurer the number of court filings in Douglas County in which the three dollar indigent defense fee was paid during the prior fiscal year. The State Treasurer must multiply the number of certified filings by \$1.50 and transfer that amount from the Commission on Public Advocacy Operations Cash Fund to the Douglas County Treasurer for credit to Douglas County Indigent Defense Services Fund, which must be created under this bill and must be used to fund all indigent defense services. The transfer must be made on September 1 or as soon thereafter as administratively possible. There is an emergency clause in the amendment.

The bill was designated as a Speaker Priority and was debated on general file until Senator

Lautenbaugh filed a motion to bracket the bill. The bill was bracketed until April 12, 2012 and then indefinitely postponed upon adjournment sine die.

LB 920 (McGill) Change harassment protection order and domestic abuse protection order provisions

Legislative Bill 920 would amend the statute sections regarding domestic abuse protection orders and harassment protection orders. The bill would provide that the judge must consider the petition and affidavit as offered evidence and may consider such documents for purposes of issuing an ex parte protection order. The bill would also provide that a respondent would be guilty of violating a protection order if the order was not personally served but did have actual notice of the order. In the case of a domestic abuse protection order, the bill would allow a judge to enjoin the respondent from possessing or purchasing a firearm. In the case of a domestic abuse protection order that is issued ex parte, the court shall provide notice to the respondent along with a form to request a show-cause hearing. The respondent would have five days after being served to file the request for hearing and the court would have to schedule the hearing immediately to be held within 30 days after the request. The petitioner could also request a hearing.

Committee Amendment AM 2097 would strike the new provisions regarding the court's consideration of the petition and affidavit as offered evidence. The amendment would also replace the actual notice provisions in the original LB 920 with the new language proposed in LB 1056. The harassment protection order statute would be amended to provide that if the respondent is present at a hearing, the respondent would be deemed to have notice of the protection order and further service would not be required. If the respondent has been properly served with a ex parte protection order and does not appear at the hearing, the temporary order would be deemed granted and remain in effect with no additional service required. The domestic abuse protection order statutes would be amended to provide that an order issued ex parte is a temporary order. If the respondent fails to appear at the evidentiary hearing on the temporary order, then the temporary order would be deemed a final protection order. If the respondent has been properly served with a ex parte temporary protection order and does not appear at the hearing, the temporary order would be deemed granted and remain in effect with no additional service required. If the respondent is present at a hearing on the domestic abuse protection order, the respondent would be deemed to have notice of the protection order and further service would not be required.

The bill was not prioritized or scheduled for debate. However, the provisions of LB 920, as amended by AM 2097, were amended into LB 310 through AM 2259 upon being returned to select file for

specific amendment. Legislative Bill 310 was passed by the Legislature by a vote of 42-0-7 and approved by the Governor on April 5, 2012. Legislative Bill 920 was indefinitely postponed upon adjournment sine die.

LB 948 (Lambert) Change provisions and a penalty relating to intimidation by telephone call

LB 948 would add electronic communication device to Section 28-1310 as an additional way in which a person could commit the offense of intimidation with intent to terrify, intimidate, threaten, harass, annoy or offend.

LB 948 would also change the penalty for the offense of intimidation from a Class III to a Class I misdemeanor.

LB 948 was amended in Committee by AM 2310, Amends Section 1, subsection (d) of 28-1310, to clarify that this subsection only applies to violations using "telephonic devices". The introduced version of this bill allowed for violations to occur through the use of any "electronic communication device." The committee believed this subsection was best suited for telephone based technology as it currently provides in statute.

Additionally, AM2310, amends the previous penalty provided under subsection 4, of the original copy of this bill from a Class I misdemeanor (1yr/\$1,000/both) to Class II misdemeanor (6months/\$1,000/both). AM2310 advanced from Committee by an 8-0 vote.

BILLS HELD DURING THE 2012 SESSION

LB 728 (Mello) Provide for the distribution of money received by the state due to a settlement or court order or judgment

Legislative Bill 728 would provide for deviation from the current requirements for distribution of money received by the state for fines or penalties from a settlement, court order or judgment, which is provided in the Nebraska Constitution. The bill would provide that money in the State Settlement Cash Fund would be subject to legislative review and would be appropriated and expended as determined by the Legislature through a separate and distinct budget program and not commingled with any other revenue or expenditure. The Legislature may direct transfers from the State Settlement Cash Fund to the General Fund or the State DNA Sample and Data Base Fund. The bill would strike language allowing for money other than that received pursuant to the Consumer Protection Act to go into the State Settlement Cash fund or the State Settlement Trust Fund. The bill would remove authority for the Attorney General to determine expenditure of money from the State Settlement Cash Fund. The bill would also require that the accounting mechanism used to track and account for such funds be approved by the Accounting Administrator of the Department of Administrative Services.

The bill was indefinitely postponed upon adjournment sine die.

LB 730 (Mello) Change provisions relating to theft of services

LB 730 as introduced, would amend the Nebraska Criminal Code to include the theft of wages as a crime under the offense of theft of services. The bill was indefinitely postponed upon adjournment sine die.

LB 777 (Haar) Change provisions relating to distribution of certain supplemental funds

Legislative Bill 777 would provide instructions for receipt and distribution of money received by the Attorney General as a result of awards, judgments and settlements relating to the Environmental Protection Act. The Attorney General would have to remit the money to the State Treasurer for credit to the Nebraska Environmental Trust Fund and file copies of the related documentation with the Accounting Administrator of the Department of Administrative Services. The bill would also require

that the accounting mechanism used to track and account for such funds be approved by the Accounting Administrator of the Department of Administrative Services.

In addition, all funds in the Supplemental Environmental Project Fund must be transferred to the Nebraska Environmental Trust Fund on the effective date of this act.

The bill also contains language authorizing the proposed deviation from the current requirements for distribution of money received by the State for fines or penalties from a settlement, court order or judgment, which is provided in the Nebraska Constitution.

The bill was indefinitely postponed upon adjournment sine die.

LB 783 (Wightman) Change provisions relating to powers of personal representatives

Legislative Bill 783 would authorize the personal representative of a deceased person to control the accounts on any social networking web site, microblogging or short message service web site or email service web site of the deceased person unless restricted by will or by court order.

The bill was indefinitely postponed upon adjournment sine die.

LB 785 (Christensen) Authorize possession of a firearm as prescribed

Legislative Bill 785 would provide clear guidelines for the transportation and storage of firearms in vehicles in publicly accessible parking lots throughout the State of Nebraska.

Currently, many firearm owners are being subject to rules and actions by employers regarding the transportation and storage of firearms by employees and customers in private vehicles in parking lots open to the public. LB785 seeks to bring a balance between private property rights and the right to bear arms for self-defence for law abiding citizens according to the bill's introducer.

LB785 would put Nebraska in line with 16 other states that have some form of parking lot law for firearms, along with bringing the state policy for the transportation and storage of all firearms more in line with the Nebraska Concealed Handgun Permit Act, in section 69-2441 subsections (3) and (4).

The bill was indefinitely postponed upon adjournment sine die.

LB 802 (Lautenbaugh) Authorize carrying of concealed handguns by certain authorities within the scope of their employment

LB 802 seeks to expand concealed carry privileges to authorized personnel, most notably county attorneys and deputy attorneys general while those individuals are acting under the terms of their employment.

The bill was indefinitely postponed upon adjournment sine die.

LB 812 (Harr) Change garnishment provisions

Legislative Bill 812 would amend provisions related to garnishment procedures to create a fifty dollar fee to be paid by the plaintiff, or judgment creditor, to the garnishee for each defendant, or judgment debtor, that a garnishment summons is issued for at the time of service of a garnishment summons. Failure to pay the fee would render the garnishment void and the garnishee would not have to answer the interrogatories.

The bill was indefinitely postponed upon adjournment sine die.

LB 815 (Fulton) Change penalty and statute of limitations regarding concealing the death of another person

LB 815 increases the penalty for concealing the death of another person and specifically criminalizes attempts to prevent the discovery of human remains. Currently, the penalty for concealment of a person's death is a class I misdemeanor. Under LB 815, the penalty is increased to a class III felony.

The bill further establishes such concealment or an attempt to prevent discovery of human remains will be treated as a separate and distinct offense with any sentences imposed to be served consecutively. Under LB 815, it will be one crime to kill and another to conceal. Finally, the bill removes the application of a statute of limitation to this offense.

The bill was indefinitely postponed upon adjournment sine die.

LB 839 (Council) Require reporting of sexual misconduct by a school employee

LB 839 would clarify the requirement to report all alleged illegal sexual contact between teachers or other school district employees and students to law enforcement. This bill will remove any doubt that the school is not to conduct an investigation to determine whether there is merit to the allegations, but may conduct an investigation only for purposes determining whether disciplinary action should be taken.

The bill was indefinitely postponed upon adjournment sine die.

LB 840 (Council) Provide powers and duties relating to inmate mail

LB 840 would clarify what type of correspondence received shall constitute legal mail. This bill would also mandate the appropriate handling and delivery of legal mail and to provide penalties.

The bill was indefinitely postponed upon adjournment sine die.

LB 843 (Schumacher) Authorize a cause of action relating to no-reserve auctions

Legislative Bill 843 would provide a cause of action for bidders in no-reserve Internet auctions. A bidder may sue for specific performance or damages if s/he believes s/he had the winning bid and the bidder resubmits the bid in writing to the seller, but the seller fails to either accept the bid or provide, within 14 days, a history of the bids showing a higher bona fide bid.

The bill was indefinitely postponed upon adjournment sine die.

LB 844 (Hadley) Change child support, medical support, and parenting time provisions

Legislative Bill 844 would strike language providing a process for a payer of child support to apply for a verified report of how support money is used and present evidence at a hearing of an abusive disregard of the use of such support. The bill would add language requiring that support be used for the benefit of the minor child and that the custodial parent is a fiduciary of the support funds. The bill would require the court to order an annual verified report of the use of support funds from the custodial parent upon request of the parent paying the support. Repeated misuse of support would establish a rebuttable presumption of a material change of circumstances for purposes of modification of the parenting plan (visitation or support obligation).

The bill would require the Supreme Court to establish guidelines, prior to January 1, 2013, creating a presumption for equal parenting time to be ordered in cases of court-created parenting plans. The presumption could be rebutted if the court finds, by clear and convincing evidence, that application of the guidelines, including the presumption for equal parenting time, is not in the best interest of the child.

The bill was indefinitely postponed upon adjournment sine die.

LB 912 (McCoy) Provide requirements for local laws regulating discrimination

LB 912 would amend 20-113 and 20-113.01 to provide that no county, municipality, or other political subdivision can adopt and enforce a local a law, ordinance, rule, resolution, or policy that creates a protected class, unless that class is contained in the **Age Discrimination in Employment Act, the Nebraska Fair Employment Act, the Nebraska Fair Housing Act, or sections 20-126 to 20-143 or 48-1219 to 48-1227 of Neb. Revised Statutes**. This subsection would not apply to a law, ordinance, resolution, or rule that applies only to the employees of that governing body implementing that change.

LB 912 would provide that any local law, ordinance, resolution, rule, or policy adopted before the effective date of this act that violates this act, is null and void.

LB 912 clarifies that creation of protected classes be done at the state level. LB 912 was indefinitely postponed upon adjournment sine die.

LB 914 (McGill) Change provisions relating to reductions in sex offender registration periods

LB 914 provides for a reduction of time on the sex offender registry, from twenty-five to ten years, for those individuals convicted under Nebraska Revised Statute 28-319 (1) (c) (section used for statutory rape convictions), if that individual was twenty years old at the time of the offense and the victim was 15 years old at the time of the offense. The victim would have to demonstrate that the sexual penetration would have otherwise been consensual.

The bill was indefinitely postponed upon adjournment sine die.

LB 917 (Cornett) Change truancy provisions for absences relating to military employment activities

Legislative Bill 917 would prohibit school districts from including absences due to documented illness and those related from deployment activities from their policies on excessive absenteeism. The bill would also exclude absences due to documented illness and those related from deployment activities from the absences that get counted toward the 20 day threshold when a report is sent to the county attorney. The bill would also exclude absences due to documented illness and those related from deployment activities from the absences that get reported on a monthly basis to the Commissioner of Education.

The bill was indefinitely postponed upon adjournment sine die.

LB 919 (Schilz) Change court fees, sheriff's fees, and handgun certificate fees

LB919 increases the fees charged and collected by sheriffs for services they are required to provide by state law. The bill also increases court fees for Nebraska Retirement Fund for Judges and for all civil cases to be credited back to the county of the judicial district in which the case was filed.

The bill was indefinitely postponed upon adjournment sine die.

LB 935 (Smith) Change grandparent child visitation provisions to person with a legitimate interest

Legislative Bill 935 would expand the law that currently allows for grandparents to seek visitation to allow persons with a legitimate interest to seek visitation with a minor child under certain circumstances. A definition of person with a legitimate interest would be added and include, but not be limited to, a grandparent, a great-grandparent, a stepparent, a family member and a legal guardian. The bill would add a provision to authorize a person with a legitimate interest to seek visitation with a minor child, excluding cases in which the child has been legally adopted, if the legal custody of or parental responsibilities for the child have been given to someone other than the child's parent or the child does not live in the home of the parent.

The bill was indefinitely postponed upon adjournment sine die.

LB 937 (Smith) Regulate dealers in the business of buying and reselling precious items

LB 937 would provide for the regulation of dealers in precious items. Precious item is defined as any item made in whole or in part of gold, silver, platinum or precious or semiprecious stones or pearls. Under LB 937, a dealer in precious items would be required to have a permit issued by the local governing body and would have to conduct business from a permanent location.

The bill was indefinitely postponed upon adjournment sine die.

LB 939 (Harr) Change certain notice provisions for conservators

Legislative Bill 939 would authorize notification of proceedings to be sent to a conservator or a surety through regular mail or electronic media and would eliminate the requirement to use registered or

certified mail for such purposes.

The bill was indefinitely postponed upon adjournment sine die.

LB 940 (Harr) Change provisions relating to guardians ad litem in adoption proceedings

Legislative Bill 940 would amend statute sections 43-104.05 and 43-104.18 to provide for compensation of a guardian ad litem appointed adoption proceedings. When a guardian ad litem is appointed to represent the best interests of the child in a proceeding on a petition to adjudicate a Notice of Objection to Adoption, the reasonable compensation of the guardian would be determined by the court and assessed as costs to the parties in a fair and equitable manner . If the court determines that any party ordered to pay is indigent, the the court may order the county to pay such costs upon notice to the county attorney. When a guardian ad litem is appointed to represent the best interests of the biological father in a proceeding to finalize an adoption where the court finds that the attorney or agency failed to exercise due diligence, the reasonable compensation of the guardian would be determined by the court and assessed as costs to the parties in a fair and equitable manner. If the court determines that any party ordered to pay is indigent, the the court may order the county to pay such costs upon notice to the county attorney.

The bill was indefinitely postponed upon adjournment sine die.

LB 951 (Harr) Provide for assault with a bodily fluid against a first responder

LB951 adds “first responder” when charging assault with a bodily fluid. “First responder” is defined as a volunteer or paid firefighter, or a volunteer or paid individual licensed under a licensure classification as set forth in subdivision (1) of section 38-1217 and who provides immediate medical care in order to prevent death or aggravation of physiological psychological injury.

The bill was indefinitely postponed upon adjournment sine die.

LB 1000 (McGill) Change certain marriage related fees

Legislative Bill 1000 would increase two fees owed to county clerks for their duties in issuing marriage licenses and making certified copies of marriage records. The fee for issuing a marriage license would increase from fifteen dollars to thirty dollars. The fee for making certified copies of marriage records would increase from five dollars to seven dollars.

The bill was indefinitely postponed upon adjournment sine die.

LB 1009 (Ashford) Provide that probation records are not subject to disclosure

LB 1009 would amend 29-2263 and 84-712.05 to clarify that probation records generated during a probationer's term of probation are not subject to public disclosure unless done as a result of a court order.

The bill was indefinitely postponed upon adjournment sine die.

LB 1021 (Schilz) Change provisions relating to actions involving motor vehicle collisions with domestic animals

LB1021 would require specific acts of negligence to be plead in a civil action based on motor vehicle collisions with livestock.

The bill was indefinitely postponed upon adjournment sine die.

LB 1029 (Lambert) Require an address from the complainant or trustee for acceptance of demands of payment relating to real property

Legislative Bill 1029 would require that a complaint filed for foreclosure or satisfaction of a mortgage include the address at which the complainant will accept a demand for payment for expenses incurred with regard to the mortgaged property. The bill would also require that the description of the trust property, that is included in the notice of default filed with the register of deeds by the trustee to exercise a power of sale, must include the address at which the trustee will accept a demand for payment for expenses incurred with regard to the trust property.

The bill was indefinitely postponed upon adjournment sine die.

LB 1056 (Pirsch) Change provisions relating to harassment and domestic abuse protection orders

Legislative Bill 1056 would amend current statutes related harassment and domestic abuse protection orders and the notice required when such orders are issued. The harassment protection order statute would be amended to provide that if the respondent is present at a hearing, the respondent will be deemed to have notice of the protection order and further service will not be required. If the respondent has been properly served with a ex parte protection order and does not appear at the hearing, the temporary order will be deemed granted and remain in effect with no additional service required. The domestic abuse protection order statutes would be amended to provide that an order issued ex parte is a temporary order. If the respondent fails to appear at the evidentiary hearing on the temporary order, then the temporary order would be deemed a final protection order. If the respondent has been properly served with a ex parte temporary protection order and does not appear at the hearing, the temporary order will be deemed granted and remain in effect with no additional service required. If the respondent is present at a hearing on the domestic abuse protection order, the respondent will be deemed to have notice of the protection order and further service will not be required.

Some provisions of this bill were included in AM 2259 to LB 310 which was passed by the Legislature and approved by the Governor on April 5, 2012. The bill was indefinitely postponed upon adjournment sine die.

LB 1086 (Lautenbaugh) Provide an additional ground for seeking grandparent visitation

Legislative Bill 1086 would authorize a grandparent to seek visitation with his or her minor grandchild if the grandparent has made reasonable efforts to visit with the child and the child's parents have refused such visitation. The bill would also authorize the court to consider evidence of a potential relationship between a grandparent and a child when determining whether to grant visitation rights to the grandparent.

The bill was indefinitely postponed upon adjournment sine die.

LB 1088 (Ashford) Change notice, summons and warrant provisions of the Nebraska Juvenile Code

Legislative Bill 1088 would amend the juvenile code to require that both parents of a juvenile receive service or notice in lieu of summons of the juvenile's involvement in a juvenile court proceeding.

The bill was indefinitely postponed upon adjournment sine die.

LB 1096 (Ashford) Prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime

LB 1096 amends the criminal code to prohibit a person from entering the vehicle of another without the permission of the owner of the vehicle for purposes of committing a crime.

A violation under this section would be a Class II misdemeanor for a first offense, a Class I misdemeanor for a second offense, and a Class IV felony for third or subsequent offenses.

This bill would also provide that a conviction under this act shall be treated as a separate and distinct offense from any other offense arising out of these alleged acts.

The bill was indefinitely postponed upon adjournment sine die.

LB 1099 (Council) Change expense provisions under the Nebraska Juvenile Code

Legislative Bill 1099 would replace county governments with the State of Nebraska as the payor of last resort for expenses under the juvenile code including: the appointment of counsel; expenses related to consultation between a guardian ad litem and others involved with the juvenile; fees for services performed by an appointed guardian ad litem or attorney as approved by the court; costs for the reasonable care, custody, education and maintenance of the juvenile when no parental, private or other public funds are available; expenses for the support, study or treatment of the juvenile when the court orders medical, psychological or psychiatric study or treatment and no other provision is made for such expenses and the cost of transportation of the juvenile the Department of Health and Human Services.

The bill was indefinitely postponed upon adjournment sine die.

LB 1107 (Pirsch) Change provisions relating to the movement of vehicles and other property after an accident and provide immunity

LB 1107 amends provisions relating to the movement of vehicles and other property after an accident and provides limited immunity for such movement. Such implementation of "quick clearance" policies have shown to dramatically reduce secondary accidents, governmental liability from those secondary crashes and the economic impact of traffic disruption caused by partial or total road closures. Quick clearance practice improves the safety/risk factors for the public and first responders alike.

The bill was indefinitely postponed upon adjournment sine die.

LB 1111 (Flood) Change provisions relating to penalties involving operator's license revocation

LB 1111 attempts to change the administration of license revocations for criminal convictions. The bill does not purport to change the penalties for such convictions.

Under LB 1111, the Court would report the abstract of the judgment of conviction to the Department of Motor Vehicles for operator's license revocation action. The Department would then carry out the revocation pursuant to statute.

The bill was indefinitely postponed upon adjournment sine die.

LB 1119 (Karpisek) Prohibit sale, possession, and use of flying lantern-type devices

Legislative Bill 1119 would prohibit the sale, possession, and use of flying lanterns, as defined, in this state. The bill was indefinitely postponed upon adjournment sine die.

LB 1120 (Karpisek) Limit liability for bucking bull activities

Legislative Bill 1120 limits liability as it pertains to bucking bull activities. The bill further provides definitions and requires that every bucking bull professional post and maintain signs that contain a warning notice. The bill was indefinitely postponed upon adjournment sine die.

LB 1127 (Christensen) Change provisions and penalties relating to issuing or passing a bad check or issuing a no-account check

Legislative Bill 1127 seeks to provide alternative sentencing for check fraud offenders. It would allow, as a possible condition of probation, a requirement that such offender not be an account holder of any account in which the funds are accessed by check or draft for the term of his or her probation. The funds in such an account may be accessed by debit card without violating the conditions of such person's probation.

The bill was indefinitely postponed upon adjournment sine die.

LB 1134 (Avery) Change agency procedures for eminent domain

Legislative Bill 1134 would clarify the procedure to be used to exercise the power of eminent domain in condemning private property for a public purpose by the State of Nebraska, its political subdivisions and by all public and private utilities, common carriers and agencies. The uniform procedures would not apply to common carriers regulated by the Federal Railroad Administration of the United States Department of Transportation or the Department of Roads when acquiring property for highway construction or improvements. LB 1134 would add new definitions of agency, property and public purpose. The bill would provide additional requirements for agencies, including mailed, first class notice to the property owner at least 45 days prior to agency vote or action of full and final approval, a map and plat of the permanent or temporary route, right of way or easement, a description of owner rights, including the right to retain counsel for negotiations, the proper authority with which to file

appeal and the projected date on which construction shall commence. LB 1134 would require an agency to hold a public hearing on the project and acquisition at least 30 days prior to scheduling a vote or action for full and final approval. Notice of hearing must be published at least 10 days prior to the hearing. Agencies must abide by Nebraska Open Records laws. The bill would require that agencies acquire project approval by agency vote, full and final action or any controlling federal or state order, permit or authority prior to exercising the right of eminent domain, as expressed in 76-704 to 76-724. Claiming to have the rights conveyed under eminent domain without having been granted such authority would constitute a Class VI misdemeanor per occurrence. LB 1134 would provide that no agency shall intimidate, impersonate, deceive or falsely represent or direct another to intimidate, impersonate, deceive or falsely represent an actor claiming to have the rights of eminent domain. LB 1134 would provide that in the event two agencies affirmatively approve interest in one or more parcels of land, the county court where the greatest parcel of land exists shall be the court of jurisdiction. There shall be no authority to exercise eminent domain until a final determination has been made by the court. The bill would require that in the event of an emergency, public notice shall be not less than 14 days prior to agency approval and shall not exceed 10 private property tracts.

The bill was indefinitely postponed upon adjournment sine die.

LB 1053 (Lathrop) Require timely provision of juvenile court-ordered treatment or services

Legislative Bill 1153 would provide that any treatment or services ordered by the juvenile court for a juvenile or the family of the juvenile must be provided within five business days after the order is issued. If the treatment or services are not provided within five days by the service coordinator or provider, the Department of Health and Human Services must directly arrange for the treatment or services to be provided within three business days. When the treatment or services are a matter of immediate and urgent necessity for the health, safety, or welfare of a juvenile and the service coordinator or provider fails or is unable to provide the treatment or services immediately, the Department of Health and Human Services must directly arrange for the treatment or services to be provided immediately. There is an emergency clause attached to this bill.

The bill was indefinitely postponed upon adjournment sine die.

LB 1162 (Nelson) Provide for appointment of nonresidents as notaries public

LB 1162 grants the Secretary of State the power to appoint and commission a resident of a state bordering Nebraska, who is employed or has a business in Nebraska, to the position of notary public. Residents of a state bordering Nebraska will be removed from office if they cease to be employed or maintain a business in Nebraska.

The bill was indefinitely postponed upon adjournment sine die.

LB 1164 (Fulton) Prohibit the Attorney General from bringing an action pursuant to a certain federal statute that addresses the distribution in commerce of general service incandescent lamps

LB1164 amends the duties of the Attorney General to specifically prohibit the Attorney General from bringing an action pursuant to 42 U.S.C. 6304. This federal statute provides attorneys general of individual states the option of bringing an action to restrain any person from distributing in

commerce a general service incandescent lamp that does not comply with the applicable standard established under the Energy Independence and Security Act of 2007.

As the current Congress has delayed funding to the United States Department of Energy to ensure such inefficient light bulbs are no longer placed in the stream of commerce, state attorneys general are the sole remaining means of enforcement. LB1164 is intended to prohibit the potential for such enforcement in Nebraska.

The bill was indefinitely postponed upon adjournment sine die.

LB 1165 (Fulton) Change provisions relating to truancy and excessive absenteeism

Legislative Bill 1165 would amend the law on excessive absenteeism in statute section 79-209. The bill would remove several requirements from the law directing school districts to address excessive absenteeism, including: for school districts to collaborate with the county attorney to develop a policy on excessive absenteeism; that the policy include a provision for how cases of documented illness will be handled; that the number of absences allowed before the school acts not exceed 5 days in a quarter; that a report be sent to the county attorney when a child has been absent more than 20 days in a year and that the county attorney may get involved at any time.

The bill would define “excessive absenteeism” and “truant” for purposes of this statute section. The bill would require written notice to be sent to the parent if a child is truant. If a child is habitually truant and absent more than five days in a quarter or ten days in a year, the school district would have to review the case and determine if further action is necessary. The next step would require a meeting between the district and the parent. If further action is necessary, the district may file a report with the county attorney.

The bill was indefinitely postponed upon adjournment sine die.

LB 1169 (Pirsch) Require reporting of disappearance or death of a child as prescribed

LB 1169 would add a duty to report a child twelve years of age or younger who is deceased or has been missing to law enforcement. This bill specifies the report must be made within seventy-two hours of the parent, legal guardian or custodian's first knowledge of their disappearance or death and provides affirmative defenses.

The bill was indefinitely postponed upon adjournment sine die.

LB 1172 (Pirsch) Provide additional ground for termination of parental rights

Legislative Bill 1172 would require the state to file for termination of parental rights of a juvenile who is five years of age or younger and who has been in out-of-home care for twelve or more consecutive months.

The bill was indefinitely postponed upon adjournment sine die.

REPORT ON THE PRIORTIZING OF INTERIM STUDY RESOLUTIONS

Pursuant to Rule 4, Section 3(c)

COMMITTEE: Judiciary

DATE: 4/4/12

The following resolutions were referred to the Committee on March 29, 2012.
The committee has prioritized the resolutions in the following order:

<u>Resolution No.</u>	<u>Subject</u>
LR 535	Interim study to examine the conditions, use, and effectiveness of Nebraska's youth rehabilitation and treatment centers.
LR 534	Interim study to determine whether services are available in Nebraska for victims of sex trafficking and labor trafficking
LR 571	Interim study to review matters under the jurisdiction of the Judiciary Committee
LR 584	Interim study to examine the authority and execution of eminent domain and condemnation proceedings
LR 538	Interim study to examine eminent domain authority and judicial approval and interpretation of the public interest determination
LR 525	Interim study to examine how Nebraska's system for screening, assessing, and investigating reports of child abuse and neglect contributes to Nebraska's rates of out-of-home care
LR 521	Interim study to evaluate whether the courts are utilizing the provision which provides that a court may order a parent to pay a reasonable sum to cover support, study, and treatment of a juvenile in the custody of the Dept. of Health and Human Services.
LR587	Interim study to determine if there is a need for and what kind of safeguards are needed to protect adults with developmental disabilities, who require a guardian or conservator, from being unduly influenced to make changes for the financial benefit of another person, rather than for the best interests of the adult

- LR487 Interim study to examine issues surrounding restrictions on registered sex offender participation in state and federal holiday activities that are centered around children
- LR 516 Interim study to examine issues relating to the crime of destruction of property through the use of graffiti and to develop recommendations to prevent, combat, and abate graffiti in communities
- LR478 Interim study to examine the issue of discrimination based on sexual orientation and gender identity in Nebraska
- LR576 Interim study to conduct a review of the laws governing the powers of a court appointed representative of a deceased individual to take control of or terminate any accounts or message services that are considered digital assets
- LR 602 Interim study of the intent of LB919, and the current fees paid to sheriffs for performing their statutory responsibilities and increasing docket fees to cover the actual costs associated with using the court system
- LR 585 Interim study to examine the structure, maintenance, and mission of the parole system and the Board of Parole