

AMENDMENTS TO LB50

(Amendments to Standing Committee amendments, AM1436)

Introduced by Wayne, 13.

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:

3 Section 1. Section 24-1302, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 24-1302 (1) For purposes of this section, problem solving court
6 means a drug, veterans, mental health, driving under the influence,
7 reentry, young adult, or other problem solving court.

8 (2) A district, county, or juvenile court may establish a problem
9 solving court, subject to the Supreme Court rules. A problem solving
10 court shall function within the existing structure of the court system.
11 The goals of a problem solving court shall be consistent with any
12 relevant standards adopted by the United States Department of Justice and
13 the National Association of Drug Court Professionals, as such standards
14 existed on January 1, 2023.

15 (3) An individual may participate in a problem solving court as a
16 condition of probation, as a sentence imposed by a court, or as otherwise
17 provided by the Supreme Court's rules.

18 (4) Problem (1) Drug, veterans, mental health, driving under the
19 influence, reentry, and other problem solving courts shall be subject to
20 rules which shall be promulgated by the Supreme Court for procedures to
21 be implemented in the administration of such courts.

22 (5) (2) It is the intent of the Legislature that funds be
23 appropriated separately to the Supreme Court such that each judicial
24 district may operate at least one drug, veterans, mental health, driving
25 under the influence, reentry, and young adult problem solving court. The
26 State Court Administrator shall ensure that each judicial district has at

1 ~~least one of such courts by January 1, 2024 for each of the problem~~
2 ~~solving courts to carry out this section and section 24-1301.~~

3 (6) The State Court Administrator shall track and evaluate outcomes
4 of problem solving courts. On or before June 1, 2024, and on or before
5 each June 1 thereafter, the State Court Administrator shall
6 electronically submit a report to the Legislature regarding the impact of
7 problem solving courts on recidivism rates in the state. The report shall
8 also include rates of return to court and program completion. The report
9 shall identify judicial districts that are underserved by problem solving
10 courts and what services or funding are needed to properly serve such
11 districts.

12 Sec. 2. (1) The State Court Administrator shall create a pilot
13 program to utilize physical space and information technology resources
14 within Nebraska courthouses to serve as points of access for virtual
15 behavioral health services for court-involved individuals.

16 (2) The pilot program shall be limited to a single probation
17 district. Such district shall be chosen by the State Court Administrator
18 in consultation with the probation administrator.

19 (3) The purpose of the program is to provide access to safe,
20 confidential, and reliable behavioral health treatment via telehealth for
21 individuals involved with the criminal justice system, either as
22 defendants, probationers, or victims in a criminal proceeding.

23 (4) On or before June 1, 2024, the State Court Administrator shall
24 electronically submit a report to the Judiciary Committee of the
25 Legislature regarding the pilot program.

26 Sec. 3. Section 27-803, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:

28 27-803 Subject to the provisions of section 27-403, the following
29 are not excluded by the hearsay rule, even though the declarant is
30 available as a witness:

31 (1) A statement describing or explaining an event or condition, made

1 while or immediately after the declarant perceived it;

2 (2) A statement relating to a startling event or condition made
3 while the declarant was under the stress of excitement caused by the
4 event or condition;

5 (3) A statement of the declarant's then existing state of mind,
6 emotion, sensation, or physical condition (such as intent, plan, motive,
7 design, mental feeling, pain, and bodily health), but not including a
8 statement of memory or belief to prove the fact remembered or believed
9 unless it relates to the execution, revocation, identification, or terms
10 of declarant's will;

11 (4) Statements made for purposes of medical diagnosis or treatment
12 and describing medical history, or past or present symptoms, pain, or
13 sensations, or the inception or general character of the cause or
14 external source thereof insofar as reasonably pertinent to diagnosis or
15 treatment;

16 (5) A memorandum or record concerning a matter about which a witness
17 once had knowledge but now has insufficient recollection to enable him or
18 her to testify fully and accurately, shown to have been made or adopted
19 by the witness when the matter was fresh in his or her memory and to
20 reflect that knowledge correctly. If admitted, the memorandum or record
21 may be read into evidence but may not itself be received as an exhibit
22 unless offered by an adverse party;

23 (6)(a) A memorandum, report, record, or data compilation, in any
24 form, of acts, events, or conditions, other than opinions or diagnoses,
25 made at or near the time of such acts, events, or conditions, in the
26 course of a regularly conducted activity, if it was the regular course of
27 such activity to make such memorandum, report, record, or data
28 compilation at the time of such act, event, or condition, or within a
29 reasonable time thereafter, as shown by the testimony of the custodian or
30 other qualified witness or by a certification that complies with
31 subdivision (11) or (12) of section 27-902 or with a statute permitting

1 certification, unless the source of information or method or
2 circumstances of preparation indicate lack of trustworthiness. The
3 circumstances of the making of such memorandum, report, record, or data
4 compilation, including lack of personal knowledge by the entrant or
5 maker, may be shown to affect its weight.

6 (b) A memorandum, report, record, or data compilation, in any form,
7 of acts, events, or conditions, other than opinions or diagnoses, that
8 was received or acquired in the regular course of business by an entity
9 from another entity and has been incorporated into and kept in the
10 regular course of business of the receiving or acquiring entity; that the
11 receiving or acquiring entity typically relies upon the accuracy of the
12 contents of the memorandum, report, record, or data compilation; and that
13 the circumstances otherwise indicate the trustworthiness of the
14 memorandum, report, record, or data compilation, as shown by the
15 testimony of the custodian or other qualified witness. Subdivision (6)(b)
16 of this section shall not apply in any criminal proceeding;

17 (7) Evidence that a matter is not included in the memoranda,
18 reports, records, or data compilations, in any form, kept in accordance
19 with the provisions of subdivision (6) of this section to prove the
20 nonoccurrence or nonexistence of the matter, if the matter was of a kind
21 of which a memorandum, report, record, or data compilation was regularly
22 made and preserved, unless the sources of information or other
23 circumstances indicate a lack of trustworthiness;

24 (8) Upon reasonable notice to the opposing party prior to trial,
25 records, reports, statements, or data compilations made by a public
26 official or agency of facts required to be observed and recorded pursuant
27 to a duty imposed by law, unless the sources of information or the method
28 or circumstances of the investigation are shown by the opposing party to
29 indicate a lack of trustworthiness;

30 (9) Records or data compilations, in any form, of births, fetal
31 deaths, deaths, or marriages, if the report thereof was made to a public

1 office pursuant to requirements of law;

2 (10) To prove the absence of a record, report, statement, or data
3 compilation, in any form, or the nonoccurrence or nonexistence of a
4 matter of which a record, report, statement, or data compilation, in any
5 form, was regularly made and preserved by a public office or agency,
6 evidence in the form of a certification in accordance with section
7 27-902, or testimony, that diligent search failed to disclose the record,
8 report, statement, or data compilation or entry;

9 (11) Statements of births, marriages, divorces, deaths, legitimacy,
10 ancestry, relationship by blood or marriage, or other similar facts of
11 personal or family history, contained in a regularly kept record of a
12 religious organization;

13 (12) Statements of fact contained in a certificate that the maker
14 performed a marriage or other ceremony or administered a sacrament, made
15 by a member of the clergy, public official, or other person authorized by
16 the rules or practices of a religious organization or by law to perform
17 the act certified, and purporting to have been issued at the time of the
18 act or within a reasonable time thereafter;

19 (13) Statements of births, marriages, divorces, deaths, legitimacy,
20 ancestry, relationship by blood or marriage, or other similar facts of
21 personal or family history contained in family Bibles, genealogies,
22 charts, engravings on rings, inscriptions on family portraits, engravings
23 on urns, crypts, or tombstones or the like;

24 (14) The record of a document purporting to establish or affect an
25 interest in property, as proof of the content of the original recorded
26 document and its execution and delivery by each person by whom it
27 purports to have been executed, if the record is a record of a public
28 office and an applicable statute authorized the recording of documents of
29 that kind in that office;

30 (15) A statement contained in a document purporting to establish or
31 affect an interest in property if the matter stated was relevant to the

1 purpose of the document, unless dealings with the property since the
2 document was made have been inconsistent with the truth of the statement
3 or the purport of the document;

4 (16) Statements in a document in existence thirty years or more
5 whose authenticity is established;

6 (17) Market quotations, tabulations, lists, directories, or other
7 published compilations, generally used and relied upon by the public or
8 by persons in particular occupations;

9 (18) Statements contained in published treatises, periodicals, or
10 pamphlets on a subject of history, medicine, or other science or art,
11 established as a reliable authority by the testimony or admission of the
12 witness or by other expert testimony or by judicial notice, to the extent
13 called to the attention of an expert witness upon cross-examination or
14 relied upon by the expert witness in direct examination. If admitted, the
15 statements may be read into evidence but may not be received as exhibits;

16 (19) Reputation among members of his or her family by blood,
17 adoption, or marriage, or among his or her associates, or in the
18 community, concerning a person's birth, adoption, marriage, divorce,
19 death, legitimacy, relationship by blood, adoption, or marriage,
20 ancestry, or other similar fact of his or her personal or family history;

21 (20) Reputation in a community, arising before the controversy, as
22 to boundaries of or customs affecting lands in the community, and
23 reputation as to events of general history important to the community or
24 state or nation in which located;

25 (21) Reputation of a person's character among his or her associates
26 or in the community;

27 (22) Evidence of a final judgment, entered after a trial or upon a
28 plea of guilty (but not upon a plea of nolo contendere), adjudging a
29 person guilty of a crime punishable by death or imprisonment in excess of
30 one year, to prove any fact essential to sustain the judgment, but not
31 including, when offered by the government in a criminal prosecution for

1 purposes other than impeachment, judgments against a person other than
2 the accused. The pendency of an appeal may be shown but does not affect
3 admissibility;

4 (23) Judgments as proof of matters of personal, family, or general
5 history, or boundaries, essential to the judgment, if the same would be
6 provable by evidence of reputation; and

7 (24) A statement not specifically covered by any of the foregoing
8 exceptions but having equivalent circumstantial guarantees of
9 trustworthiness, if the court determines that (a) the statement is
10 offered as evidence of a material fact, (b) the statement is more
11 probative on the point for which it is offered than any other evidence
12 which the proponent can procure through reasonable efforts, and (c) the
13 general purposes of these rules and the interests of justice will best be
14 served by admission of the statement into evidence. A statement may not
15 be admitted under this exception unless the proponent of it makes known
16 to the adverse party, sufficiently in advance of the trial or hearing to
17 provide the adverse party with a fair opportunity to prepare to meet it,
18 his or her intention to offer the statement and the particulars of it,
19 including the name and address of the declarant.

20 Sec. 4. Section 27-902, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 27-902 Extrinsic evidence of authenticity as a condition precedent
23 to admissibility is not required with respect to the following:

24 (1) A document bearing a seal purporting to be that of the United
25 States, or of any state, district, commonwealth, territory, or insular
26 possession thereof, or the Panama Canal Zone or the Trust Territory of
27 the Pacific Islands, or of a political subdivision, department, officer,
28 or agency thereof, and a signature purporting to be an attestation or
29 execution;

30 (2) A document purporting to bear the signature in his or her
31 official capacity of an officer or employee of any entity included in

1 subdivision (1) of this section, having no seal, if a public officer
2 having a seal and having official duties in the district or political
3 subdivision of the officer or employee certifies under seal that the
4 signer has the official capacity and that the signature is genuine;

5 (3) A document purporting to be executed or attested in his or her
6 official capacity by a person authorized by the laws of a foreign country
7 to make the execution or attestation, and accompanied by a final
8 certification as to the genuineness of the signature and official
9 position (a) of the executing or attesting person, or (b) of any foreign
10 official whose certificate of genuineness of signature and official
11 position relates to the execution or attestation or is in a chain of
12 certificates of genuineness of signature and official position relating
13 to the execution or attestation. A final certification may be made by a
14 secretary of embassy or legation, consul general, consul, vice consul, or
15 consular agent of the United States, or a diplomatic or consular official
16 of the foreign country assigned or accredited to the United States. If
17 reasonable opportunity has been given to all parties to investigate the
18 authenticity and accuracy of official documents, the judge may, for good
19 cause shown, order that they be treated as presumptively authentic
20 without final certification or permit them to be evidenced by an attested
21 summary with or without final certification;

22 (4) A copy of an official record or report or entry therein, or of a
23 document authorized by law to be recorded or filed and actually recorded
24 or filed in a public office, including data compilations in any form,
25 certified as correct by the custodian or other person authorized to make
26 the certification, by certificate complying with subdivision (1), (2), or
27 (3) of this section or complying with any Act of Congress or the
28 Legislature or rule adopted by the Supreme Court of Nebraska which are
29 not in conflict with laws governing such matters;

30 (5) Books, pamphlets, or other publications purporting to be issued
31 by public authority;

1 (6) Printed materials purporting to be newspapers or periodicals;

2 (7) Inscriptions, signs, tags, or labels purporting to have been
3 affixed in the course of business and indicating ownership, control, or
4 origin;

5 (8) Documents accompanied by a certificate of acknowledgment
6 executed in the manner provided by law by a notary public or other
7 officer authorized by law to take acknowledgments;

8 (9) Commercial paper, signatures thereon, and documents relating
9 thereto to the extent provided by general commercial law;~~or~~

10 (10) Any signature, document, or other matter declared by Act of
11 Congress and the laws of the State of Nebraska to be presumptively or
12 prima facie genuine or authentic; -

13 (11)(a) The original or a copy of a domestic record that meets the
14 requirements of subdivision (6) of section 27-803, as shown by a
15 certification of the custodian or another qualified person.

16 (b) Before the trial or hearing, the proponent must give an adverse
17 party reasonable written notice of the intent to offer the record and
18 must make the record and certification available for inspection so that
19 the party has a fair opportunity to challenge them on the ground that the
20 sources of information or the method or circumstances of preparation
21 indicate a lack of trustworthiness;

22 (12) In a civil case, the original or a copy of a foreign record
23 that meets the requirements of subdivision (11)(a) of this section,
24 modified as follows: The certification must be signed in a manner that,
25 if falsely made, would subject the maker to a criminal penalty in the
26 country where the certification is signed. The proponent must also meet
27 the notice requirements of subdivision (11)(b) of this section;

28 (13) A record generated by an electronic process or system that
29 produces an accurate result, as shown by a certification of a qualified
30 person that complies with the certification requirements of subdivision
31 (11)(a) or (12) of this section. The proponent must also meet the notice

1 requirements of subdivision (11)(b) of this section; or
2 (14) Data copied from an electronic device, storage medium, or file,
3 if authenticated by a process of digital identification, as shown by a
4 certification of a qualified person that complies with the certification
5 requirements of subdivision (11)(a) or (12) of this section. The
6 proponent must also meet the notice requirements of subdivision (11)(b)
7 of this section.

8 Sec. 5. Section 28-518, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 28-518 (1) Theft constitutes a Class IIA felony when the value of
11 the thing involved is five thousand dollars or more.

12 (2) Theft constitutes a Class IV felony when the value of the thing
13 involved is one thousand five hundred dollars or more but less than five
14 thousand dollars.

15 (3) Theft constitutes a Class I misdemeanor when the value of the
16 thing involved is more than five hundred dollars but less than one
17 thousand five hundred dollars.

18 (4) Theft constitutes a Class II misdemeanor when the value of the
19 thing involved is five hundred dollars or less.

20 (5) For any second or subsequent conviction under subsection (3) of
21 this section, any person so offending shall be guilty of a Class IV
22 felony.

23 (6) For any second conviction under subsection (4) of this section,
24 any person so offending shall be guilty of a Class I misdemeanor, and for
25 any third or subsequent conviction under subsection (4) of this section,
26 the person so offending shall be guilty of a Class IV felony.

27 (7) For a prior conviction to be used to enhance the penalty under
28 subsection (5) or (6) of this section, the prior conviction must have
29 occurred no more than ten years prior to the date of commission of the
30 current offense.

31 (8) ~~(7)~~ Amounts taken pursuant to one scheme or course of conduct

1 from one or more persons may be aggregated in the indictment or
2 information in determining the classification of the offense, except that
3 amounts may not be aggregated into more than one offense.

4 (9) ~~(8)~~ In any prosecution for theft under sections 28-509 to
5 28-518, value shall be an essential element of the offense that must be
6 proved beyond a reasonable doubt.

7 Sec. 6. Section 29-2221, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
10 and committed to prison, in this or any other state or by the United
11 States or once in this state and once at least in any other state or by
12 the United States, for terms of not less than one year each shall, upon
13 conviction of a felony committed in this state, be deemed to be a
14 habitual criminal and shall be punished by imprisonment in a Department
15 of Correctional Services adult correctional facility for a mandatory
16 minimum term of ten years and a maximum term of not more than sixty
17 years, except that:

18 (a) If the felony committed is in violation of section 28-303,
19 28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,
20 and at least one of the habitual criminal's prior felony convictions was
21 for a violation of one of the sections listed in this subdivision or of a
22 similar statute in another state or of the United States, the mandatory
23 minimum term shall be twenty-five years and the maximum term not more
24 than sixty years;

25 (b) If the felony committed is in violation of subsection (3) of
26 section 28-306 and at least one of the prior convictions is in violation
27 of subsection (3) of section 28-306 and the other is in violation of one
28 of the sections set forth in subdivision (a) of this subsection or if the
29 felony committed is in violation of one of the sections set forth in
30 subdivision (a) of this subsection and both of the prior convictions are
31 in violation of subsection (3) of section 28-306, the mandatory minimum

1 term shall be twenty-five years and the maximum term not more than sixty
2 years; ~~and~~

3 (c) If the felony committed does not include as an element sexual
4 contact, sexual penetration, the threat to inflict serious bodily injury
5 or death on another person, the infliction of serious bodily injury on
6 another person, causing the death of another person, or unlawful
7 possession of a firearm, the mandatory minimum term shall be three years
8 and the maximum term not more than the maximum term for that felony or
9 twenty years, whichever is greater; and

10 (d) (e) If a greater punishment is otherwise provided by statute,
11 the law creating the greater punishment shall govern.

12 (2) When punishment of an accused as a habitual criminal is sought,
13 the facts with reference thereto shall be charged in the indictment or
14 information which contains the charge of the felony upon which the
15 accused is prosecuted, but the fact that the accused is charged with
16 being a habitual criminal shall not be an issue upon the trial of the
17 felony charge and shall not in any manner be disclosed to the jury. If
18 the accused is convicted of a felony, before sentence is imposed a
19 hearing shall be had before the court alone as to whether such person has
20 been previously convicted of prior felonies. The court shall fix a time
21 for the hearing and notice thereof shall be given to the accused at least
22 three days prior thereto. At the hearing, if the court finds from the
23 evidence submitted that the accused has been convicted two or more times
24 of felonies and sentences imposed therefor by the courts of this or any
25 other state or by the United States, the court shall sentence such person
26 so convicted as a habitual criminal.

27 (3) If the person so convicted shows to the satisfaction of the
28 court before which the conviction was had that he or she was released
29 from imprisonment upon either of such sentences upon a pardon granted for
30 the reason that he or she was innocent, such conviction and sentence
31 shall not be considered as such under this section and section 29-2222.

1 Sec. 7. Section 29-2252, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 29-2252 The administrator shall:

4 (1) Supervise and administer the office;

5 (2) Establish and maintain policies, standards, and procedures for
6 the system, with the concurrence of the Supreme Court;

7 (3) Prescribe and furnish such forms for records and reports for the
8 system as shall be deemed necessary for uniformity, efficiency, and
9 statistical accuracy;

10 (4) Establish minimum qualifications for employment as a probation
11 officer in this state and establish and maintain such additional
12 qualifications as he or she deems appropriate for appointment to the
13 system. Qualifications for probation officers shall be established in
14 accordance with subsection (4) of section 29-2253. An ex-offender
15 released from a penal complex or a county jail may be appointed to a
16 position of deputy probation or parole officer. Such ex-offender shall
17 maintain a record free of arrests, except for minor traffic violations,
18 for one year immediately preceding his or her appointment;

19 (5) Establish and maintain advanced periodic inservice training
20 requirements for the system;

21 (6) Cooperate with all agencies, public or private, which are
22 concerned with treatment or welfare of persons on probation. All
23 information provided to the Nebraska Commission on Law Enforcement and
24 Criminal Justice for the purpose of providing access to such information
25 to law enforcement agencies through the state's criminal justice
26 information system shall be provided in a manner that allows such
27 information to be readily accessible through the main interface of the
28 system;

29 (7) Organize and conduct training programs for probation officers.
30 Training shall include the proper use of a risk and needs assessment,
31 risk-based supervision strategies, relationship skills, cognitive

1 behavioral interventions, community-based resources, criminal risk
2 factors, and targeting criminal risk factors to reduce recidivism and the
3 proper use of a matrix of administrative sanctions, custodial sanctions,
4 and rewards developed pursuant to subdivision (18) of this section. All
5 probation officers employed on or after August 30, 2015, shall complete
6 the training requirements set forth in this subdivision;

7 (8) Collect, develop, and maintain statistical information
8 concerning probationers, probation practices, and the operation of the
9 system and provide the Community Corrections Division of the Nebraska
10 Commission on Law Enforcement and Criminal Justice with the information
11 needed to compile the report required in section 47-624;

12 (9) Interpret the probation program to the public with a view toward
13 developing a broad base of public support;

14 (10) Conduct research for the purpose of evaluating and improving
15 the effectiveness of the system. Subject to the availability of funding,
16 the administrator shall contract with an independent contractor or
17 academic institution for evaluation of existing community corrections
18 facilities and programs operated by the office;

19 (11) Adopt and promulgate such rules and regulations as may be
20 necessary or proper for the operation of the office or system. The
21 administrator shall adopt and promulgate rules and regulations for
22 transitioning individuals on probation across levels of supervision and
23 discharging them from supervision consistent with evidence-based
24 practices. The rules and regulations shall ensure supervision resources
25 are prioritized for individuals who are high risk to reoffend, require
26 transitioning individuals down levels of supervision intensity based on
27 assessed risk and months of supervision without a reported major
28 violation, and establish incentives for earning discharge from
29 supervision based on compliance;

30 (12) Transmit a report during each even-numbered year to the Supreme
31 Court on the operation of the office for the preceding two calendar years

1 which shall include a historical analysis of probation officer workload,
2 including participation in non-probation-based programs and services. The
3 report shall be transmitted by the Supreme Court to the Governor and the
4 Clerk of the Legislature. The report submitted to the Clerk of the
5 Legislature shall be submitted electronically;

6 (13) Administer the payment by the state of all salaries, travel,
7 and expenses authorized under section 29-2259 incident to the conduct and
8 maintenance of the office;

9 (14) Use the funds provided under section 29-2262.07 to augment
10 operational or personnel costs associated with the development,
11 implementation, and evaluation of enhanced probation-based programs and
12 non-probation-based programs and services in which probation personnel or
13 probation resources are utilized pursuant to an interlocal agreement
14 authorized by subdivision (16) of this section and to purchase services
15 to provide such programs aimed at enhancing adult probationer or non-
16 probation-based program participant supervision in the community and
17 treatment needs of probationers and non-probation-based program
18 participants. Enhanced probation-based programs include, but are not
19 limited to, specialized units of supervision, related equipment purchases
20 and training, and programs that address a probationer's vocational,
21 educational, mental health, behavioral, or substance abuse treatment
22 needs;

23 (15) Ensure that any risk or needs assessment instrument utilized by
24 the system be periodically validated;

25 (16) Have the authority to enter into interlocal agreements in which
26 probation resources or probation personnel may be utilized in conjunction
27 with or as part of non-probation-based programs and services. Any such
28 interlocal agreement shall comply with section 29-2255;

29 (17) Collaborate with the Community Corrections Division of the
30 Nebraska Commission on Law Enforcement and Criminal Justice and the
31 Division of Parole Supervision to develop rules governing the

1 participation of parolees in community corrections programs operated by
2 the Office of Probation Administration;

3 (18) Develop a matrix of rewards for compliance and positive
4 behaviors and graduated administrative sanctions and custodial sanctions
5 for use in responding to and deterring substance abuse violations and
6 technical violations. As applicable under sections 29-2266.02 and
7 29-2266.03, custodial sanctions of up to thirty days in jail shall be
8 designated as the most severe response to a violation in lieu of
9 revocation and custodial sanctions of up to three days in jail shall be
10 designated as the second most severe response;

11 (19) Adopt and promulgate rules and regulations for the creation of
12 individualized post-release supervision plans, collaboratively with the
13 Department of Correctional Services and county jails, for probationers
14 sentenced to post-release supervision; and

15 (20) Exercise all powers and perform all duties necessary and proper
16 to carry out his or her responsibilities.

17 Each member of the Legislature shall receive an electronic copy of
18 the report required by subdivision (12) of this section by making a
19 request for it to the administrator.

20 Sec. 8. Section 29-2262, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 29-2262 (1) When a court sentences an offender to probation, it
23 shall attach such reasonable conditions as it deems necessary or likely
24 to insure that the offender will lead a law-abiding life. No offender
25 shall be sentenced to probation if he or she is deemed to be a habitual
26 criminal pursuant to section 29-2221.

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

29 (a) To refrain from unlawful conduct;

30 (b) To be confined periodically in the county jail or to return to
31 custody after specified hours but not to exceed the lesser of ninety days

1 or the maximum jail term provided by law for the offense;

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

3 (d) To devote himself or herself to a specific employment or
4 occupation;

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

7 (f) To pursue a prescribed secular course of study or vocational
8 training;

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

11 (h) To refrain from frequenting unlawful or disreputable places or
12 consorting with disreputable persons;

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

16 (j) To remain within the jurisdiction of the court and to notify the
17 court or the probation officer of any change in his or her address or his
18 or her employment and to agree to waive extradition if found in another
19 jurisdiction;

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

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

23 (m) To pay for tests to determine the presence of drugs or alcohol,
24 psychological evaluations, offender assessment screens, and
25 rehabilitative services required in the identification, evaluation, and
26 treatment of offenders if such offender has the financial ability to pay
27 for such services;

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

30 (o) To be monitored by an electronic surveillance device or system
31 and to pay the cost of such device or system if the offender has the

1 financial ability;

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

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

6 (r) To make restitution as described in sections 29-2280 and
7 29-2281; or

8 (s) To pay for all costs imposed by the court, including court costs
9 and the fees imposed pursuant to section 29-2262.06.

10 (3) When jail time is imposed as a condition of probation under
11 subdivision (2)(b) of this section, the court shall advise the offender
12 on the record the time the offender will serve in jail assuming no good
13 time for which the offender will be eligible under section 47-502 is lost
14 and assuming none of the jail time imposed as a condition of probation is
15 waived by the court.

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

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

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

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

28 (6) In all cases in which the offender is guilty of a crime covered
29 by the DNA Identification Information Act, a condition of probation shall
30 be the collecting of a DNA sample pursuant to the act and the paying of
31 all costs associated with the collection of the DNA sample prior to

1 release from probation.

2 (7) For any offender sentenced to probation, the court shall enter
3 an order to provide the offender's (a) name, (b) probation officer, and
4 (c) conditions of probation to the Nebraska Commission on Law Enforcement
5 and Criminal Justice which shall provide access to such information to
6 law enforcement agencies through the state's criminal justice information
7 service.

8 Sec. 9. Section 29-2263, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 29-2263 (1)(a) {1} Except as provided in subsection (2) of this
11 section, when a court has sentenced an offender to probation, the court
12 shall specify the term of such probation which shall be not more than
13 five years upon conviction of a felony or second offense misdemeanor and
14 two years upon conviction of a first offense misdemeanor.

15 (b) At sentencing, the court shall provide notice to the offender
16 that the offender may be eligible to have the conviction set aside as
17 provided in subsection (2) of section 29-2264 and shall provide
18 information on how to file such a petition. The State Court Administrator
19 shall develop standardized advisement language and any forms necessary to
20 carry out this subdivision.

21 (c) The court, on application of a probation officer or of the
22 probationer or on its own motion, may discharge a probationer at any
23 time.

24 (2) When a court has sentenced an offender to post-release
25 supervision, the court shall specify the term of such post-release
26 supervision as provided in section 28-105. The court, on application of a
27 probation officer or of the probationer or on its own motion, may
28 discharge a probationer at any time.

29 (3) During the term of probation, the court on application of a
30 probation officer or of the probationer, or its own motion, may modify or
31 eliminate any of the conditions imposed on the probationer or add further

1 conditions authorized by section 29-2262. This subsection does not
2 preclude a probation officer from imposing administrative sanctions with
3 the probationer's full knowledge and consent as authorized by sections
4 29-2266.01 and 29-2266.02.

5 (4)(a) (4) Upon completion of the term of probation, or the earlier
6 discharge of the probationer, the probationer shall be relieved of any
7 obligations imposed by the order of the court and shall have satisfied
8 the sentence for his or her crime.

9 (b) Upon satisfactory fulfillment of the conditions of probation for
10 the entire period or after discharge from probation prior to the
11 termination of the period of probation, a probation officer shall notify
12 the probationer that the probationer may be eligible to have the
13 conviction set aside as provided in subsection (2) of section 29-2264.
14 The notice shall include an explanation of the requirements for a
15 conviction to be set aside, how to file a petition for a conviction to be
16 set aside, and the effect of and limitations of having a conviction set
17 aside and an advisement that the probationer consult with an attorney
18 prior to filing a petition. The State Court Administrator shall develop
19 standardized advisement language and any forms necessary to carry out
20 this subdivision.

21 (5) Whenever a probationer disappears or leaves the jurisdiction of
22 the court without permission, the time during which he or she keeps his
23 or her whereabouts hidden or remains away from the jurisdiction of the
24 court shall be added to the original term of probation.

25 Sec. 10. Section 29-2269, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 29-2269 Sections 29-2246 to 29-2269 and sections 11 and 12 of this
28 act shall be known and may be cited as the Nebraska Probation
29 Administration Act.

30 Sec. 11. (1) The probation administrator shall create a pilot
31 program to hire additional assistant probation officers as provided in

1 this section.

2 (2) The pilot program shall be limited to a single probation
3 district.

4 (3) Assistant probation officers hired under this section shall
5 assist probation officers in the supervision of high-risk caseloads.

6 (4) The purpose of the pilot program is to determine whether
7 additional support for probation officers results in probationers
8 completing their terms of probation with fewer violations.

9 (5) On or before June 1, 2024, the probation administrator shall
10 electronically submit a report to the Judiciary Committee of the
11 Legislature regarding the pilot program. The report shall include the
12 total number of persons admitted into the pilot program, including
13 demographic information, criminal history, and top needs according to the
14 results of a risk assessment; conditions of supervision; the total number
15 of violations of supervision conditions; the number of supervision
16 discharges by type of discharge; and recidivism rates.

17 Sec. 12. (1) The probation administrator shall create a pilot
18 program to establish a probationer incentive program as provided in this
19 section.

20 (2) The pilot program shall be limited to a single probation
21 district. Such district shall be chosen by the State Court Administrator.

22 (3) The pilot program shall establish an incentive fund to be used
23 for the purchase of gift cards, vouchers, and other tangible rewards for
24 probationers who are succeeding at probation, in order to encourage
25 continued success and reduce recidivism. The incentives shall be awarded
26 at the discretion of probation officers, subject to policies and
27 guidelines of the office.

28 (4) On or before June 1, 2024, the probation administrator shall
29 electronically submit a report to the Judiciary Committee of the
30 Legislature regarding the pilot program.

31 Sec. 13. Section 29-2281, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-2281 (1) To determine the amount of restitution, the court may
3 hold a hearing at the time of sentencing. The amount of restitution shall
4 be based on the actual damages sustained by the victim and shall be
5 supported by evidence which shall become a part of the court record. The
6 court shall consider the defendant's earning ability, employment status,
7 financial resources, and family or other legal obligations and shall
8 balance such considerations against the obligation to the victim. In
9 considering the earning ability of a defendant who is sentenced to
10 imprisonment, the court may receive evidence of money anticipated to be
11 earned by the defendant during incarceration.

12 (2) A person may not be granted or denied probation or parole either
13 solely or primarily due to his or her financial resources or ability or
14 inability to pay restitution.

15 (3) The court may order that restitution be made immediately, in
16 specified installments, or within a specified period of time not to
17 exceed five years after the date of judgment or defendant's final release
18 date from imprisonment, whichever is later.

19 (4) If, in addition to restitution, a defendant is ordered to pay
20 finances and costs as part of the judgment and the defendant fails to pay
21 the full amount owed, funds shall first be applied to a restitution
22 obligation with the remainder applied towards fines and costs only when
23 the restitution obligation is satisfied in full.

24 (5) Restitution payments shall be made through the clerk of the
25 court ordering restitution. The clerk shall maintain a record of all
26 receipts and disbursements.

27 Sec. 14. Section 29-2315.02, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 29-2315.02 If the application is be granted in cases where the court
30 finds a defendant to be indigent, the trial court shall first contact the
31 public defender, in counties with a public defender, to inquire whether

1 or not the public defender is able to accept the appointment ~~appoint a~~
2 ~~lawyer~~ to argue the case against the prosecuting attorney. If the public
3 defender declines the appointment because of a conflict of interest, the
4 court shall appoint another attorney. An attorney other than the public
5 defender appointed under this section shall file an application for fees
6 and expenses in the court which appointed such attorney for all fees and
7 expenses reasonably necessary to permit such attorney to effectively and
8 competently represent the defendant and to argue the case against the
9 prosecuting attorney. Such fees and expenses shall , ~~which lawyer shall~~
10 ~~receive for his services a fee not exceeding two hundred dollars, to be~~
11 ~~fixed by such court, and to be paid out of the treasury of the county in~~
12 the full amount determined by the court. If the court does not find a
13 defendant indigent and does not appoint the public defender or another
14 attorney, the defendant may be represented by an attorney of the
15 defendant's choice . ~~For such purpose, the court may appoint the~~
16 ~~defendant's attorney, but if he is not appointed the defendant may in any~~
17 ~~event appear and participate through an attorney of his own choice.~~

18 Sec. 15. Section 29-2318, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 29-2318 When a notice is filed in cases where the court finds a
21 defendant to be indigent, the trial court shall first contact the public
22 defender, in counties with a public defender, to inquire whether or not
23 the public defender is able to accept the appointment ~~appoint a lawyer~~ to
24 argue the case against the prosecuting attorney. If the public defender
25 declines the appointment because of a conflict of interest, the court
26 shall appoint another attorney. An attorney other than the public
27 defender appointed under this section shall file an application for fees
28 and expenses in the court which appointed such attorney for all fees and
29 expenses reasonably necessary to permit such attorney to effectively and
30 competently represent the defendant and to argue the case against the
31 prosecuting attorney. Such fees and expenses shall , ~~which lawyer shall~~

1 ~~receive for his or her services a fee not exceeding two hundred dollars~~
2 ~~to be fixed by the court and to be paid out of the treasury of the county~~
3 in the full amount determined by the court. If the court does not find a
4 defendant indigent and does not appoint the public defender or another
5 ~~The court may appoint the defendant's attorney, but if an attorney, is~~
6 ~~not appointed~~ the defendant may be represented by an attorney of the
7 defendant's his or her choice.

8 Sec. 16. Section 29-3001, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 29-3001 (1) A prisoner in custody under sentence and claiming a
11 right to be released on the ground that there was such a denial or
12 infringement of the rights of the prisoner as to render the judgment void
13 or voidable under the Constitution of this state or the Constitution of
14 the United States, may file a verified motion, in the court which imposed
15 such sentence, stating the grounds relied upon and asking the court to
16 vacate or set aside the sentence.

17 (2) Unless the motion and the files and records of the case show to
18 the satisfaction of the court that the prisoner is entitled to no relief,
19 the court shall cause notice thereof to be served on the county attorney,
20 grant a prompt hearing thereon, and determine the issues and make
21 findings of fact and conclusions of law with respect thereto. If the
22 court finds that there was such a denial or infringement of the rights of
23 the prisoner as to render the judgment void or voidable under the
24 Constitution of this state or the Constitution of the United States, the
25 court shall vacate and set aside the judgment and shall discharge the
26 prisoner or resentence the prisoner or grant a new trial as may appear
27 appropriate. Proceedings under the provisions of sections 29-3001 to
28 29-3004 shall be civil in nature. Costs shall be taxed as in habeas
29 corpus cases.

30 (3) A court may entertain and determine such motion without
31 requiring the production of the prisoner, whether or not a hearing is

1 held. Testimony of the prisoner or other witnesses may be offered by
2 deposition. The court need not entertain a second motion or successive
3 motions for similar relief on behalf of the same prisoner.

4 (4) A one-year period of limitation shall apply to the filing of a
5 verified motion for postconviction relief. The one-year limitation period
6 shall run from the later of:

7 (a) The date the judgment of conviction became final by the
8 conclusion of a direct appeal or the expiration of the time for filing a
9 direct appeal;

10 (b) The date on which the factual predicate of the constitutional
11 claim or claims alleged could have been discovered through the exercise
12 of due diligence;

13 (c) The date on which an impediment created by state action, in
14 violation of the Constitution of the United States or the Constitution of
15 Nebraska or any law of this state, is removed, if the prisoner was
16 prevented from filing a verified motion by such state action;

17 (d) The date on which a constitutional claim asserted was initially
18 recognized by the Supreme Court of the United States or the Nebraska
19 Supreme Court, if the newly recognized right has been made applicable
20 retroactively to cases on postconviction collateral review; or

21 (e) The date on which the Supreme Court of the United States denies
22 a writ of certiorari or affirms a conviction appealed from the Nebraska
23 Supreme Court. This subdivision only applies if, within thirty days after
24 petitioning the Supreme Court of the United States for a writ of
25 certiorari, the prisoner files a notice in the district court of
26 conviction stating that the prisoner has filed such petition August 27,
27 2011.

28 Sec. 17. (1) The Nebraska Sentencing Reform Task Force is created.

29 (2) The task force shall identify and recommend changes to
30 Nebraska's criminal justice laws, policies, and practices to improve
31 public safety and more effectively allocate Nebraska's criminal justice

1 system resources.

2 (3) The task force shall consist of the following members:

3 (a) The Governor or the Governor's designee;

4 (b) The Attorney General or the Attorney General's designee;

5 (c) Three members of the Judiciary Committee of the Legislature
6 appointed by the Executive Board of the Legislative Council;

7 (d) Two representatives of law enforcement appointed by the
8 Governor; and

9 (e) Two county attorneys appointed by the Governor.

10 (4) The task force shall submit its first report to the Legislature
11 no later than November 15, 2023. The task force shall submit its second
12 report to the Legislature no later than November 15, 2024. The reports
13 shall be submitted electronically to the Clerk of the Legislature.

14 (5) Administrative and staff support for the task force shall be
15 provided by any executive branch staff as directed by the Governor or by
16 staff of the Judiciary Committee of the Legislature as directed by the
17 Chair of the Judiciary Committee.

18 (6) The task force terminates on December 31, 2024.

19 Sec. 18. Section 38-2136, Revised Statutes Cumulative Supplement,
20 2022, is amended to read:

21 38-2136 No person who is licensed or certified pursuant to the
22 Mental Health Practice Act or who holds a privilege to practice in
23 Nebraska as a professional counselor under the Licensed Professional
24 Counselors Interstate Compact shall disclose any information he or she
25 may have acquired from any person consulting him or her in his or her
26 professional capacity except:

27 (1) With the written consent of the person or, in the case of death
28 or disability, of the person's personal representative, any other person
29 authorized to sue on behalf of the person, or the beneficiary of an
30 insurance policy on the person's life, health, or physical condition.
31 When more than one person in a family receives therapy conjointly, each

1 such family member who is legally competent to execute a waiver shall
2 agree to the waiver referred to in this subdivision. Without such a
3 waiver from each family member legally competent to execute a waiver, a
4 practitioner shall not disclose information received from any family
5 member who received therapy conjointly;

6 (2) As such privilege against disclosure is limited by the laws of
7 the State of Nebraska or as the board may determine by rule and
8 regulation;

9 (3) When the person waives the privilege against disclosure by
10 bringing charges against the licensee; ~~or~~

11 (4) When there is a duty to warn under the limited circumstances set
12 forth in section 38-2137; or -

13 (5) When the disclosure of information is permitted under the Health
14 Insurance Portability and Accountability Act of 1996, Public Law 104-191,
15 or as otherwise permitted by law.

16 Sec. 19. Section 43-279, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 43-279 (1) The adjudication portion of hearings shall be conducted
19 before the court without a jury, applying the customary rules of evidence
20 in use in trials without a jury. When the petition alleges the juvenile
21 to be within the provisions of subdivision (1), (2), (3)(b), or (4) of
22 section 43-247 and the juvenile or his or her parent, guardian, or
23 custodian appears with or without counsel, the court shall inform the
24 parties:

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

29 (b) Of such juvenile's right to counsel as provided in sections
30 43-272 and 43-273;

31 (c) Of the privilege against self-incrimination by advising the

1 juvenile, parent, guardian, or custodian that the juvenile may remain
2 silent concerning the charges against the juvenile and that anything said
3 may be used against the juvenile;

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

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

9 (f) Of the right of the juvenile to a speedy adjudication hearing;
10 and

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

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

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

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

9 Sec. 20. Section 43-280, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-280 No adjudication by the juvenile court upon the status of a
12 juvenile shall be deemed a conviction nor shall the adjudication operate
13 to impose any of the civil disabilities ordinarily resulting from
14 conviction. The adjudication and the evidence given in the court shall
15 not operate to disqualify such juvenile in any future civil or military
16 service application or appointment. Any admission, answer of no contest,
17 confession, or statement made by the juvenile in court and admitted by
18 the court, in a proceeding under section 43-279, shall be inadmissible
19 against such juvenile in any criminal or civil proceeding but may be
20 considered by a court as part of a presentence investigation involving a
21 subsequent transaction.

22 Sec. 21. Section 43-2,108, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 43-2,108 (1) The juvenile court judge shall keep a record of all
25 proceedings of the court in each case, including appearances, findings,
26 orders, decrees, and judgments, and any evidence which he or she feels it
27 is necessary and proper to record. The case file shall contain the
28 complaint or petition and subsequent pleadings. The case file may be
29 maintained as an electronic document through the court's electronic case
30 management system, on microfilm, or in a paper volume and disposed of
31 when determined by the State Records Administrator pursuant to the

1 Records Management Act.

2 (2) Except as provided in subsections (3) and (4) of this section,
3 the medical, psychological, psychiatric, and social welfare reports and
4 the records of juvenile probation officers, as they relate to individual
5 proceedings in the juvenile court, shall not be open to inspection,
6 without order of the court. Such records shall be made available to a
7 district court of this state or the District Court of the United States
8 on the order of a judge thereof for the confidential use of such judge or
9 his or her probation officer as to matters pending before such court but
10 shall not be made available to parties or their counsel; and such
11 district court records shall be made available to a county court or
12 separate juvenile court upon request of the county judge or separate
13 juvenile judge for the confidential use of such judge and his or her
14 probation officer as to matters pending before such court, but shall not
15 be made available by such judge to the parties or their counsel.

16 (3) As used in this section, confidential record information means
17 all docket records, other than the pleadings, orders, decrees, and
18 judgments; case files and records; reports and records of probation
19 officers; and information supplied to the court of jurisdiction in such
20 cases by any individual or any public or private institution, agency,
21 facility, or clinic, which is compiled by, produced by, and in the
22 possession of any court. In all cases under subdivision (3)(a) of section
23 43-247, access to all confidential record information in such cases shall
24 be granted only as follows: (a) The court of jurisdiction may, subject to
25 applicable federal and state regulations, disseminate such confidential
26 record information to any individual, or public or private agency,
27 institution, facility, or clinic which is providing services directly to
28 the juvenile and such juvenile's parents or guardian and his or her
29 immediate family who are the subject of such record information; (b) the
30 court of jurisdiction may disseminate such confidential record
31 information, with the consent of persons who are subjects of such

1 information, or by order of such court after showing of good cause, to
2 any law enforcement agency upon such agency's specific request for such
3 agency's exclusive use in the investigation of any protective service
4 case or investigation of allegations under subdivision (3)(a) of section
5 43-247, regarding the juvenile or such juvenile's immediate family, who
6 are the subject of such investigation; and (c) the court of jurisdiction
7 may disseminate such confidential record information to any court, which
8 has jurisdiction of the juvenile who is the subject of such information
9 upon such court's request.

10 (4) The court shall provide copies of predispositional reports and
11 evaluations of the juvenile to the juvenile's attorney and the county
12 attorney or city attorney prior to any hearing in which the report or
13 evaluation will be relied upon.

14 (5) In all cases under sections 43-246.01 and 43-247, the office of
15 Inspector General of Nebraska Child Welfare may submit a written request
16 to the probation administrator for access to the records of juvenile
17 probation officers in a specific case. Upon a juvenile court order, the
18 records shall be provided to the Inspector General within five days for
19 the exclusive use in an investigation pursuant to the Office of Inspector
20 General of Nebraska Child Welfare Act. Nothing in this subsection shall
21 prevent the notification of death or serious injury of a juvenile to the
22 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
23 as soon as reasonably possible after the Office of Probation
24 Administration learns of such death or serious injury.

25 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
26 court shall disseminate confidential record information to the Foster
27 Care Review Office pursuant to the Foster Care Review Act.

28 (7) Nothing in subsections (3), (5), and (6) of this section shall
29 be construed to restrict the dissemination of confidential record
30 information between any individual or public or private agency,
31 institute, facility, or clinic, except any such confidential record

1 information disseminated by the court of jurisdiction pursuant to this
2 section shall be for the exclusive and private use of those to whom it
3 was released and shall not be disseminated further without order of such
4 court.

5 (8)(a) Any records concerning a juvenile court petition filed
6 pursuant to subdivision (3)(c) of section 43-247 shall remain
7 confidential except as may be provided otherwise by law. Such records
8 shall be accessible to (i) the juvenile except as provided in subdivision
9 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's
10 parent or guardian, and (iv) persons authorized by an order of a judge or
11 court.

12 (b) Upon application by the county attorney or by the director of
13 the facility where the juvenile is placed and upon a showing of good
14 cause therefor, a judge of the juvenile court having jurisdiction over
15 the juvenile or of the county where the facility is located may order
16 that the records shall not be made available to the juvenile if, in the
17 judgment of the court, the availability of such records to the juvenile
18 will adversely affect the juvenile's mental state and the treatment
19 thereof.

20 (9) Nothing in subsection (3), (5), or (6) of this section shall be
21 construed to restrict the immediate dissemination of a current picture
22 and information about a child who is missing from a foster care or out-
23 of-home placement. Such dissemination by the Office of Probation
24 Administration shall be authorized by an order of a judge or court. Such
25 information shall be subject to state and federal confidentiality laws
26 and shall not include that the child is in the care, custody, or control
27 of the Department of Health and Human Services or under the supervision
28 of the Office of Probation Administration.

29 (10) Any juvenile court order that places a juvenile on electronic
30 monitoring shall also state whether the data from such electronic
31 monitoring device shall be made available to a law enforcement agency

1 immediately upon request by such agency. For any juvenile subject to the
2 supervision of a probation officer, the name of the juvenile, the name of
3 the juvenile's probation officer, and any terms of probation included in
4 a juvenile court order otherwise open to inspection shall be provided to
5 the Nebraska Commission on Law Enforcement and Criminal Justice which
6 shall provide access to such information to law enforcement agencies
7 through the state's criminal justice information service.

8 Sec. 22. Section 50-434, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 50-434 (1) The Legislature finds that while serious crime in the
11 State of Nebraska has not increased in the past five years, the prison
12 population continues to increase as does the amount spent on correctional
13 issues. The Legislature further finds that a need exists to closely
14 examine the criminal justice system of the State of Nebraska in order to
15 increase public safety while concurrently reducing correctional spending
16 and reinvesting in strategies that decrease crime and strengthen Nebraska
17 communities.

18 (2) It is the intent of the Legislature that the State of Nebraska
19 work cooperatively with the Council of State Governments Justice Center
20 to study and identify innovative solutions and evidence-based practices
21 to develop a data-driven approach to reduce correctional spending and
22 reinvest savings in strategies that can decrease recidivism and increase
23 public safety and for the executive, legislative, and judicial branches
24 of Nebraska state government to work with the Council of State
25 Governments Justice Center in this process.

26 (3) The Committee on Justice Reinvestment Oversight is created as a
27 special legislative committee to maintain continuous oversight of the
28 Nebraska Justice Reinvestment Initiative and related issues.

29 (4) The special legislative committee shall be comprised of five
30 members of the Legislature selected by the Executive Board of the
31 Legislative Council, including the chairperson of the Judiciary Committee

1 of the Legislature who shall serve as chairperson of the special
2 legislative committee.

3 (5) The Committee on Justice Reinvestment Oversight shall monitor
4 and guide analysis and policy development in all aspects of the criminal
5 justice system in Nebraska within the scope of the justice reinvestment
6 initiative, including tracking implementation of evidence-based
7 strategies as established in Laws 2015, LB605, and reviewing policies to
8 improve public safety, reduce recidivism, and reduce spending on
9 corrections in Nebraska. With assistance from the Council of State
10 Governments Justice Center, the committee shall monitor performance and
11 measure outcomes by collecting data from counties and relevant state
12 agencies for analysis and reporting.

13 (6) The committee shall prepare and submit an annual report of its
14 activities and findings and may make recommendations to improve any
15 aspect of the criminal justice system. The committee shall deliver the
16 report to the Governor, the Clerk of the Legislature, and the Chief
17 Justice by September 1 of each year. The report to the clerk shall be
18 delivered electronically.

19 (7) The committee terminates on September 30, 2023.

20 Sec. 23. Section 69-2426, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 69-2426 (1) Any firearm dealer licensed pursuant to 18 U.S.C. 923
23 Dealers of firearms shall distribute to all firearm purchasers:

24 (a) Information ~~information~~ developed by the Department of Health
25 and Human Services regarding the dangers of leaving loaded firearms
26 unattended around children; and -

27 (b) Information on suicide prevention, including materials that
28 provide evidence-based information aligned with best practices in suicide
29 prevention. Such materials shall include information on the 988 Suicide
30 and Crisis Lifeline or other similar resources. The Nebraska State Patrol
31 shall maintain and publish a list of materials that may be used to comply

1 with this subdivision.

2 (2) There is hereby created the Firearm Information Fund. Private
3 contributions shall be credited by the State Treasurer to such fund for
4 the implementation of the provisions of this section.

5 Sec. 24. Section 69-2432, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 69-2432 (1) The Nebraska State Patrol shall prepare and publish
8 minimum training and safety requirements for and adopt and promulgate
9 rules and regulations governing handgun training and safety courses and
10 handgun training and safety course instructors. Minimum safety and
11 training requirements for a handgun training and safety course shall
12 include, but not be limited to:

13 (a) Knowledge and safe handling of a handgun;

14 (b) Knowledge and safe handling of handgun ammunition;

15 (c) Safe handgun shooting fundamentals;

16 (d) A demonstration of competency with a handgun with respect to the
17 minimum safety and training requirements;

18 (e) Knowledge of federal, state, and local laws pertaining to the
19 purchase, ownership, transportation, and possession of handguns;

20 (f) Knowledge of federal, state, and local laws pertaining to the
21 use of a handgun, including, but not limited to, use of a handgun for
22 self-defense and laws relating to justifiable homicide and the various
23 degrees of assault;

24 (g) Knowledge of ways to avoid a criminal attack and to defuse or
25 control a violent confrontation;~~and~~

26 (h) Knowledge of proper storage practices for handguns and
27 ammunition, including storage practices which would reduce the
28 possibility of accidental injury to a child; and -

29 (i) Suicide prevention training. Such training shall consist of
30 evidence-based information aligned with best practices in suicide
31 prevention.

1 (2) A person or entity conducting a handgun training and safety
2 course and the course instructors shall be approved by the patrol before
3 operation. The patrol shall issue a certificate evidencing its approval.

4 (3) A certificate of completion of a handgun training and safety
5 course shall be issued by the person or entity conducting a handgun
6 training and safety course to persons successfully completing the course.
7 The certificate of completion shall also include certification from the
8 instructor that the person completing the course does not suffer from a
9 readily discernible physical infirmity that prevents the person from
10 safely handling a handgun.

11 (4) Any fee for participation in a handgun training and safety
12 course is the responsibility of the applicant.

13 Sec. 25. Section 71-5661, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 71-5661 (1) The financial incentives provided by the Rural Health
16 Systems and Professional Incentive Act shall consist of (a) student loans
17 to eligible students for attendance at an eligible school as determined
18 pursuant to section 71-5662, (b) the repayment of qualified educational
19 debts owed by physicians and psychiatrists in an approved medical
20 specialty residency program in Nebraska as determined pursuant to section
21 71-5662, and (c) the repayment of qualified educational debts owed by
22 eligible health professionals as determined pursuant to section 71-5662.
23 Funds for such incentives shall be appropriated from the General Fund to
24 the department for such purposes.

25 (2) The Rural Health Professional Incentive Fund is created. The
26 fund shall be used to carry out the purposes of the act, except that
27 transfers may be made from the fund to the General Fund at the direction
28 of the Legislature. Money credited pursuant to section 71-5670.01 and
29 payments received pursuant to sections 71-5666, 71-5668, and 71-5669.01
30 shall be remitted to the State Treasurer for credit to the Rural Health
31 Professional Incentive Fund. Any money in the fund available for

1 investment shall be invested by the state investment officer pursuant to
2 the Nebraska Capital Expansion Act and the Nebraska State Funds
3 Investment Act.

4 Sec. 26. Section 71-5662, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 71-5662 (1) To be eligible for a student loan under the Rural Health
7 Systems and Professional Incentive Act, an applicant or a recipient shall
8 be enrolled or accepted for enrollment in an accredited medical or dental
9 education program or physician assistant education program or an approved
10 mental health practice program in Nebraska.

11 (2) To be eligible for the medical resident incentive under the act,
12 an applicant or a recipient shall be enrolled or accepted for enrollment
13 in an approved medical specialty residency program in Nebraska.

14 (3) To be eligible for loan repayment under the act, an applicant or
15 a recipient shall be a pharmacist, a dentist, a physical therapist, an
16 occupational therapist, a mental health practitioner, a psychologist
17 licensed under the requirements of section 38-3114 or the equivalent
18 thereof, a nurse practitioner, a physician assistant, a psychiatrist, or
19 a physician in an approved specialty and shall be licensed to practice in
20 Nebraska, not be enrolled in a residency program, not be practicing under
21 a provisional or temporary license, and enter practice in a designated
22 health profession shortage area in Nebraska.

23 Sec. 27. Section 71-5663, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 71-5663 (1) The amount of financial assistance provided through
26 student loans pursuant to the Rural Health Systems and Professional
27 Incentive Act shall be limited to thirty thousand dollars for each
28 recipient for each academic year and, except as provided in subdivision
29 (4)(a) of this section, shall not exceed one hundred twenty thousand
30 dollars per medical, dental, or doctorate-level mental health student or
31 thirty thousand dollars per master's level mental health or physician

1 assistant student.

2 (2) The amount of financial assistance provided through the medical
3 resident incentive program pursuant to the act shall be limited to forty
4 thousand dollars for each recipient for each year of residency and,
5 except as provided in subdivision (4)(b) of this section, shall not
6 exceed one hundred twenty thousand dollars.

7 (3) The amount of financial assistance provided by the state through
8 loan repayments pursuant to the act (a) for physicians, psychiatrists,
9 dentists, and psychologists shall be limited to thirty thousand dollars
10 per recipient per year of full-time practice in a designated health
11 profession shortage area and, except as provided in subdivision (4)(c) of
12 this section, shall not exceed ninety thousand dollars per recipient and
13 (b) for physician assistants, nurse practitioners, pharmacists, physical
14 therapists, occupational therapists, and mental health practitioners
15 shall be limited to fifteen thousand dollars per recipient per year of
16 full-time practice in a designated health profession shortage area and,
17 except as provided in subdivision (4)(c) of this section, shall not
18 exceed forty-five thousand dollars per recipient.

19 (4)(a) The total amount of financial assistance provided through
20 student loans for a doctorate-level mental health student or master's
21 level mental health student shall be the full amount of such loans for a
22 person who practices psychiatry, psychology, or mental health practice:

23 (i) For at least five years in a designated health profession
24 shortage area; and

25 (ii) If all or a majority of such practice consists of the treatment
26 of members of the community supervision population.

27 (b) The total amount of financial assistance provided through the
28 medical resident incentive program for a psychiatrist shall be the full
29 amount of such psychiatrist's qualified educational debts if such person
30 practices psychiatry:

31 (i) For at least five years in a designated health profession

1 shortage area; and

2 (ii) If all or a majority of such practice consists of the treatment
3 of members of the community supervision population.

4 (c) The total amount of financial assistance provided through loan
5 repayments pursuant to the act for psychiatrists, psychologists, and
6 mental health practitioners shall be the full amount of such person's
7 qualified educational debts if such person practices psychiatry,
8 psychology, or mental health practice:

9 (i) For at least five years in a designated health profession
10 shortage area; and

11 (ii) If all or a majority of such practice consists of the treatment
12 of members of the community supervision population.

13 (5) For purposes of this section, community supervision population
14 means persons on probation, post-release supervision, and pretrial
15 release.

16 Sec. 28. Section 71-5665, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-5665 The commission shall periodically designate health
19 profession shortage areas within the state for the following professions:
20 Medicine and surgery, psychiatry, physician assistants' practice, nurse
21 practitioners' practice, psychology, and mental health practitioner's
22 practice. The commission shall also periodically designate separate
23 health profession shortage areas for each of the following professions:
24 Pharmacy, dentistry, physical therapy, and occupational therapy. In
25 making such designations the commission shall consider, after
26 consultation with other appropriate agencies concerned with health
27 services and with appropriate professional organizations, among other
28 factors:

29 (1) The latest reliable statistical data available regarding the
30 number of health professionals practicing in an area and the population
31 to be served by such practitioners;

- 1 (2) Inaccessibility of health care services to residents of an area;
- 2 (3) Particular local health problems;
- 3 (4) Age or incapacity of local practitioners rendering services; and
- 4 (5) Demographic trends in an area both past and future.

5 Sec. 29. Section 71-5666, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-5666 Each student loan recipient shall execute an agreement with
8 the state. Such agreement shall be exempt from the requirements of
9 sections 73-501 to 73-510 and shall include the following terms, as
10 appropriate:

11 (1) The borrower agrees to practice the equivalent of one year of
12 full-time practice of an approved specialty in a designated health
13 profession shortage area in Nebraska for each year of education for which
14 a loan is received, or a longer period as required in subdivision (4)(a)
15 of section 71-5663, and agrees to accept medicaid patients in his or her
16 practice;

17 (2) If the borrower practices an approved specialty in a designated
18 health profession shortage area in Nebraska, the loan shall be forgiven
19 as provided in this section and subdivision (4)(a) of section 71-5663.
20 Practice in a designated area shall commence within three months of the
21 completion of formal education, which may include a period not to exceed
22 five years to complete specialty training in an approved specialty. The
23 commission may approve exceptions to any period required for completion
24 of training upon showing good cause. Loan forgiveness shall occur on a
25 quarterly basis, with completion of the equivalent of three months of
26 full-time practice resulting in the cancellation of one-fourth of the
27 annual loan amount. Part-time practice in a shortage area shall result in
28 a prorated reduction in the cancellation of the loan amount;

29 (3) If the borrower practices an approved specialty in Nebraska but
30 not in a designated health profession shortage area, practices a
31 specialty other than an approved specialty in Nebraska, does not practice

1 the profession for which the loan was given, discontinues practice of the
2 profession for which the loan was given, or practices outside Nebraska,
3 the borrower shall repay one hundred fifty percent of the outstanding
4 loan principal with interest at a rate of eight percent simple interest
5 per year from the date of default. Such repayment shall commence within
6 six months of the completion of formal education, which may include a
7 period not to exceed five years to complete specialty training in an
8 approved specialty, and shall be completed within a period not to exceed
9 twice the number of years for which loans were awarded;

10 (4) If a borrower who is a medical, dental, or doctorate-level
11 mental health student determines during the first or second year of
12 medical, dental, or doctorate-level mental health education that his or
13 her commitment to the loan program cannot be honored, the borrower may
14 repay the outstanding loan principal, plus six percent simple interest
15 per year from the date the loan was granted, prior to graduation from
16 medical or dental school or a mental health practice program without
17 further penalty or obligation. Master's level mental health and physician
18 assistant student loan recipients shall not be eligible for this
19 provision;

20 (5) If the borrower discontinues the course of study for which the
21 loan was granted, the borrower shall repay one hundred percent of the
22 outstanding loan principal. Such repayment shall commence within six
23 months of the date of discontinuation of the course of study and shall be
24 completed within a period of time not to exceed the number of years for
25 which loans were awarded;~~and~~

26 (6) Any practice or payment obligation incurred by the student loan
27 recipient under the student loan program is canceled in the event of the
28 student loan recipient's total and permanent disability or death; and -

29 (7) For a borrower seeking benefits under subdivision (4)(a) of
30 section 71-5663, the borrower agrees to such other terms as the
31 department deems appropriate.

1 Sec. 30. Section 71-5668, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 71-5668 Each loan repayment recipient shall execute an agreement
4 with the department and a local entity. Such agreement shall be exempt
5 from the requirements of sections 73-501 to 73-510 and shall include, at
6 a minimum, the following terms:

7 (1) The loan repayment recipient agrees to practice his or her
8 profession, and a physician, psychiatrist, dentist, nurse practitioner,
9 or physician assistant also agrees to practice an approved specialty, in
10 a designated health profession shortage area for at least three years, or
11 the period required by subdivision (4)(c) of section 71-5663, and to
12 accept medicaid patients in his or her practice;

13 (2) In consideration of the agreement by the recipient, the State of
14 Nebraska and a local entity within the designated health profession
15 shortage area will provide equal funding for the repayment of the
16 recipient's qualified educational debts except as provided in subdivision
17 (5) of this section, in amounts up to thirty thousand dollars per year
18 per recipient for physicians, psychiatrists, dentists, and psychologists
19 and up to fifteen thousand dollars per year per recipient for physician
20 assistants, nurse practitioners, pharmacists, physical therapists,
21 occupational therapists, and mental health practitioners toward qualified
22 educational debts for up to three years or a longer period as required by
23 subdivision (4)(c) of section 71-5663. The department shall make payments
24 directly to the recipient;

25 (3) If the loan repayment recipient discontinues practice in the
26 shortage area prior to completion of the three-year requirement or the
27 period required by subdivision (4)(c) of section 71-5663, as applicable,
28 the recipient shall repay to the state one hundred fifty percent of the
29 total amount of funds provided to the recipient for loan repayment with
30 interest at a rate of eight percent simple interest per year from the
31 date of default. Upon repayment by the recipient to the department, the

1 department shall reimburse the local entity its share of the funds which
2 shall not be more than the local entity's share paid to the loan
3 repayment recipient;

4 (4) Any practice or payment obligation incurred by the loan
5 repayment recipient under the loan repayment program is canceled in the
6 event of the loan repayment recipient's total and permanent disability or
7 death;~~and~~

8 (5) For a loan repayment recipient seeking benefits under
9 subdivision (4)(c) of section 71-5663, the recipient agrees to such other
10 terms as the department deems appropriate; and

11 (6) (5) Beginning on July 1, 2022, any agreements entered into by
12 December 31, 2024, shall first use federal funds from the federal
13 American Rescue Plan Act of 2021 for the purposes of repaying qualified
14 educational debts prior to using any state or local funds. Agreements
15 using federal funds from the federal American Rescue Plan Act of 2021
16 shall not require equal funding from a local entity. Any federal funds
17 from the act committed to agreements during this time period shall be
18 used by December 31, 2026.

19 Sec. 31. Section 71-5669.01, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 71-5669.01 Each medical resident incentive recipient shall execute
22 an agreement with the department. Such agreement shall be exempt from the
23 requirements of sections 73-501 to 73-510 and shall include, at a
24 minimum, the following terms:

25 (1) The medical resident incentive recipient agrees to practice an
26 approved medical specialty the equivalent of one year of full-time
27 practice in a designated health profession shortage area, or for a longer
28 period as required by subdivision (4)(b) of section 71-5663, and to
29 accept medicaid patients in his or her practice;

30 (2) In consideration of the agreement by the medical resident
31 incentive recipient, the State of Nebraska will provide funding for the

1 repayment of the recipient's qualified educational debts, in amounts up
2 to forty thousand dollars per year for up to three years while in an
3 approved medical specialty residency program in Nebraska, or for a longer
4 period as required by subdivision (4)(b) of section 71-5663. The
5 department shall make payments directly to the medical resident incentive
6 recipient;

7 (3) If the medical resident incentive recipient extends his or her
8 residency training but not in an approved specialty, practices an
9 approved specialty in Nebraska but not in a designated health profession
10 shortage area, practices a specialty other than an approved specialty in
11 Nebraska, does not practice the profession for which the loan was given,
12 discontinues practice of the profession for which the loan was given, or
13 practices outside Nebraska, the medical resident incentive recipient
14 shall repay to the state one hundred fifty percent of the outstanding
15 loan principal with interest at a rate of eight percent simple interest
16 per year from the date of default. Such repayment shall commence within
17 six months of the completion or discontinuation of an approved specialty
18 residency training in Nebraska and shall be completed within a period not
19 to exceed twice the number of years for which the medical resident
20 incentive recipient received awards; ~~and~~

21 (4) Any practice or payment obligation incurred by the medical
22 resident incentive recipient under the medical resident incentive program
23 is canceled in the event of the medical resident incentive recipient's
24 total and permanent disability or death; and -

25 (5) For a medical resident incentive recipient seeking benefits
26 under subdivision (4)(b) of section 71-5663, the recipient agrees to such
27 other terms as the department deems appropriate.

28 Sec. 32. Section 83-1,100.02, Revised Statutes Cumulative
29 Supplement, 2022, is amended to read:

30 83-1,100.02 (1) For purposes of this section:

31 (a) Levels of supervision means the determination of the following

1 for each person on parole:

2 (i) Supervision contact requirements, including the frequency,
3 location, methods, and nature of contact with the parole officer;

4 (ii) Substance abuse testing requirements and frequency;

5 (iii) Contact restrictions;

6 (iv) Curfew restrictions;

7 (v) Access to available programs and treatment, with priority given
8 to moderate-risk and high-risk parolees; and

9 (vi) Severity of graduated responses to violations of supervision
10 conditions;~~and~~

11 (b) Responsivity factors means characteristics of a parolee that
12 affect the parolee's ability to respond favorably or unfavorably to any
13 treatment goals; and

14 (c) ~~(b)~~ Risk and needs assessment means an actuarial tool that has
15 been validated in Nebraska to determine the likelihood of the parolee
16 engaging in future criminal behavior.

17 (2) The Division of Parole Supervision shall establish an evidence-
18 based process that utilizes a risk and needs assessment to measure
19 criminal risk factors, ~~and~~ specific individual needs, and responsivity
20 factors.

21 (3) The risk and needs assessment shall be performed at the
22 commencement of the parole term and every six months thereafter by
23 division staff trained and certified in the use of the risk and needs
24 assessment.

25 (4) The validity of the risk and needs assessment shall be tested at
26 least every five years.

27 (5) Based on the results of the risk and needs assessment, the
28 division shall target parolee criminal risk and need factors by focusing
29 sanction, program, and treatment resources on moderate-risk and high-risk
30 parolees.

31 (6) The division shall provide training to its parole officers on

1 (a) use of a risk and needs assessment, (b) risk-based supervision
2 strategies, (c) relationship skills, (d) cognitive behavioral
3 interventions, (e) community-based resources, (f) criminal risk factors,
4 (g) targeting criminal risk factors to reduce recidivism, (h) and proper
5 use of a matrix of administrative sanctions, custodial sanctions, and
6 rewards developed pursuant to section 83-1,119, and (i) addressing
7 responsivity factors. All parole officers employed on August 30, 2015,
8 shall complete the training requirements set forth in this subsection on
9 or before January 1, 2017. Each parole officer hired on or after August
10 30, 2015, shall complete the training requirements set forth in this
11 subsection within one year after his or her hire date or September 1,
12 2024, whichever is later.

13 (7) The division shall provide training for chief parole officers to
14 become trainers so as to ensure long-term and self-sufficient training
15 capacity in the state.

16 Sec. 33. Section 83-1,110, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-1,110 (1) Every committed offender shall be eligible for parole
19 upon the earliest of the following:

20 (a) When when the offender has served one-half the minimum term of
21 his or her sentence as provided in sections 83-1,107 and 83-1,108; or -

22 (b) For a committed offender serving a maximum term of:

23 (i) Twelve years or less, two years prior to the offender's
24 mandatory discharge date;

25 (ii) Sixteen years or less, three years prior to the offender's
26 mandatory discharge date;

27 (iii) Twenty years or less, four years prior to the offender's
28 mandatory discharge date; or

29 (iv) More than twenty years, five years prior to the offender's
30 mandatory discharge date.

31 (2) The board shall conduct a parole review not later than sixty

1 days prior to the date a committed offender becomes eligible for parole
2 as provided in this subsection, except that if a committed offender is
3 eligible for parole upon his or her commitment to the department, a
4 parole review shall occur as early as is practical. No such reduction of
5 sentence shall be applied to any sentence imposing a mandatory minimum
6 term.

7 (3)(a) This subsection applies to any ~~(2) Every~~ committed offender
8 sentenced to consecutive terms, whether received at the same time or at
9 any time during the original sentence, ~~shall be eligible for release on~~
10 ~~parole when the offender has served the total of one-half the minimum~~
11 ~~term as provided in sections 83-1,107 and 83-1,108.~~

12 (b) The maximum terms shall be added to compute the new maximum term
13 which, less good time, shall determine the date when discharge from the
14 custody of the state becomes mandatory.

15 (c) The committed offender shall be eligible for release on parole
16 upon the earliest of the following:

17 (i) When the offender has served the total of one-half the minimum
18 term as provided in sections 83-1,107 and 83-1,108; or

19 (ii) For a committed offender serving a maximum term of:

20 (A) Twelve years or less, two years prior to the offender's
21 mandatory discharge date;

22 (B) Sixteen years or less, three years prior to the offender's
23 mandatory discharge date;

24 (C) Twenty years or less, four years prior to the offender's
25 mandatory discharge date; or

26 (D) More than twenty years, five years prior to the offender's
27 mandatory discharge date.

28 Sec. 34. (1) A committed offender may be eligible for geriatric
29 parole if the committed offender:

30 (a) Is not serving a sentence for a Class I, IA, or IB felony; is
31 not serving a sentence for an offense that includes as an element sexual

1 contact or sexual penetration; and is not otherwise serving a sentence of
2 life imprisonment;

3 (b) Is seventy-five years of age or older; and

4 (c) Has served at least fifteen years of the sentence for which
5 currently incarcerated.

6 (2) A committed offender may be eligible for geriatric parole in
7 addition to any other parole. The department shall identify committed
8 offenders who may be eligible for geriatric parole.

9 (3) The board shall decide to grant geriatric parole only after a
10 review of the decision guidelines as set forth in the board's rules and
11 regulations and the factors set forth in section 83-1,114.

12 (4) The parole term of a geriatric parolee shall be for the
13 remainder of the parolee's sentence as reduced by any adjustment for good
14 conduct pursuant to the Nebraska Treatment and Corrections Act.

15 (5) The board shall require as a condition of geriatric parole that
16 the parolee wear or use an electronic monitoring device for a period of
17 at least eighteen months. For purposes of this subsection, electronic
18 monitoring device means a device worn by or affixed to a person which is
19 used to track the physical location of such person.

20 Sec. 35. Section 83-1,111, Revised Statutes Cumulative Supplement,
21 2022, is amended to read:

22 83-1,111 (1)(a) ~~(1)~~ A committed offender serving an indeterminate
23 sentence under which he or she may become eligible for parole shall be
24 interviewed and have his or her record reviewed by two or more members of
25 the ~~board~~ Board of Parole or a person designated by the board within
26 sixty days before the expiration of his or her minimum term less any
27 reductions as provided in section 83-1,110.

28 (b) If the committed offender is a qualified offender as defined in
29 section 36 of this act, the committed offender shall enter into a
30 streamlined parole contract as provided in such section.

31 (2) If the committed offender is a qualified offender, the review

1 shall be limited to verifying that the committed offender is a qualified
2 offender and whether the committed offender has already fulfilled the
3 streamlined parole contract. If the committed offender has not yet
4 fulfilled the streamlined parole contract, a subsequent review shall be
5 set for the date the committed offender will fulfill the streamlined
6 parole contract, assuming the committed offender will meet the
7 requirements of subsection (3) of section 36 of this act.

8 (3)(a) This subsection applies if the committed offender is not a
9 qualified offender or has been found at a review under subsection (2) of
10 this section to have not fulfilled the terms of the streamlined parole
11 contract. If, in the opinion of the reviewers, the review indicates the
12 offender is reasonably likely to be granted parole and has a potential
13 parole term of no less than one month, the board ~~Board of Parole~~ shall
14 schedule a public hearing before a majority of its members. At such
15 hearing the offender may present evidence, call witnesses, and be
16 represented by counsel. If, in the opinion of the reviewers, the review
17 indicates the offender should be denied parole, the offender may request
18 an additional review by a majority of the members of the board. A review
19 by the majority of the members of the board may be conducted not more
20 than once annually. Any hearing and review shall be conducted in an
21 informal manner, but a complete record of the proceedings shall be made
22 and preserved.

23 (b) {2} The board shall render its decision regarding the committed
24 offender's release on parole within a reasonable time after the hearing
25 or review. The decision shall be by majority vote of the board. The
26 decision shall be based on the entire record before the board which shall
27 include the opinion of the person who conducted the review. If the board
28 denies parole, written notification listing the reasons for such denial
29 and the recommendations for correcting deficiencies which cause the
30 denial shall be given to the committed offender within thirty days
31 following the hearing.

1 (c) ~~(3)~~ If the board fixes the release date, such date shall be not
2 more than six months from the date of the committed offender's parole
3 hearing or from the date of last reconsideration of his or her case,
4 unless there are special reasons for fixing a later release date.

5 (d) ~~(4)~~ If the board defers the case for later reconsideration, the
6 committed offender shall be afforded a parole review at least once a year
7 until a release date is fixed. The board may order a reconsideration or a
8 rehearing of the case at any time.

9 (4) ~~(5)~~ The release of a committed offender on parole shall not be
10 upon the application of the offender but by the initiative of the board
11 ~~Board of Parole~~. No application for release on parole made by a committed
12 offender or on his or her behalf shall be entertained by the board. This
13 subsection does not prohibit the Director of Correctional Services from
14 recommending to the board that it consider an individual offender for
15 release on parole.

16 Sec. 36. (1) A qualified offender serving a sentence imposed prior
17 to the effective date of this act who has not yet received a review from
18 the board shall, at the review, enter into a streamlined parole contract
19 under this section.

20 (2) A qualified offender serving a sentence imposed on or after the
21 effective date of this act shall, at the qualified offender's first
22 review from the board, enter into a streamlined parole contract under
23 this section.

24 (3) Under a streamlined parole contract, a qualified offender shall
25 be released on parole on the qualified offender's parole eligibility
26 date, without a hearing before the board, if:

27 (a) In the twenty-four-month period prior to the eligibility date,
28 the qualified offender has not committed a Class I offense under the
29 department's disciplinary code; and

30 (b) The qualified offender has completed all diagnostic evaluations
31 provided by the department and any programming or treatment required by

1 the department for substance abuse, sex offenses, and violence reduction.

2 (4) If a qualified offender does not meet the requirements of
3 subsection (3) of this section, the board shall consider the offender's
4 parole eligibility as provided for nonqualified offenders under section
5 83-1,111.

6 (5) For purposes of this section:

7 (a) Qualified offender means a committed offender who is serving an
8 indeterminate sentence under which the committed offender may become
9 eligible for parole and who is not serving a sentence for a violent
10 felony;

11 (b) Serious bodily injury has the same meaning as in section 28-109;

12 (c) Sexual contact and sexual penetration have the same meanings as
13 in section 28-318; and

14 (d) Violent felony means an offense which is a Class IIIA felony or
15 higher and:

16 (i) Which includes, as an element of the offense:

17 (A) Sexual contact or sexual penetration;

18 (B) The threat to inflict serious bodily injury or death on another
19 person, the infliction of serious bodily injury on another person, or
20 causing the death of another person; or

21 (C) The use of physical force against another person; or

22 (ii) Which consists of attempt, conspiracy, being an accessory to,
23 or aiding and abetting a felony with any of the offenses described in
24 subdivision (5)(d)(i) of this section as the underlying offense.

25 Sec. 37. Section 83-1,114, Revised Statutes Cumulative Supplement,
26 2022, is amended to read:

27 83-1,114 (1) Whenever the board considers the release of a committed
28 offender who is eligible for release on parole, it shall order his or her
29 release unless it is of the opinion that his or her release should be
30 deferred because:

31 (a) There is a substantial risk that he or she will not conform to

1 the conditions of parole;

2 (b) His or her release would depreciate the seriousness of his or
3 her crime or promote disrespect for law;

4 (c) His or her release would have a substantially adverse effect on
5 institutional discipline; or

6 (d) His or her continued correctional treatment, medical care, or
7 vocational or other training in the facility will substantially enhance
8 his or her capacity to lead a law-abiding life when released at a later
9 date.

10 (2) In making its determination regarding a committed offender's
11 release on parole, the board shall give consideration to the its decision
12 guidelines as set forth in its rules and regulations and shall take into
13 account each of the following factors:

14 ~~(a) The offender's personality, including his or her maturity,~~
15 ~~stability, and sense of responsibility and any apparent development in~~
16 ~~his or her personality which may promote or hinder his or her conformity~~
17 ~~to law;~~

18 (a) (b) The adequacy of the offender's parole plan, including
19 sufficiency of residence, employment history, and employability;

20 ~~(c) The offender's ability and readiness to assume obligations and~~
21 ~~undertake responsibilities;~~

22 ~~(d) The offender's intelligence and training;~~

23 ~~(e) The offender's family status and whether he or she has relatives~~
24 ~~who display an interest in him or her or whether he or she has other~~
25 ~~close and constructive associations in the community;~~

26 ~~(f) The offender's employment history, his or her occupational~~
27 ~~skills, and the stability of his or her past employment;~~

28 ~~(g) The type of residence, neighborhood, or community in which the~~
29 ~~offender plans to live;~~

30 ~~(h) The offender's past use of narcotics or past habitual and~~
31 ~~excessive use of alcohol;~~

1 ~~(i) The offender's mental or physical makeup, including any~~
2 ~~disability or handicap which may affect his or her conformity to law;~~

3 ~~(b) (j) The offender's prior criminal record, including the nature~~
4 ~~and circumstances, dates, and frequency of previous offenses;~~

5 ~~(k) The offender's attitude toward law and authority;~~

6 ~~(l) The offender's conduct in the facility, including particularly~~
7 ~~whether he or she has taken advantage of the opportunities for self-~~
8 ~~improvement, whether he or she has been punished for misconduct within~~
9 ~~six months prior to his or her hearing or reconsideration for parole~~
10 ~~release, whether any reductions of term have been forfeited, and whether~~
11 ~~such reductions have been restored at the time of hearing or~~
12 ~~reconsideration;~~

13 ~~(c) (m) The offender's institutional behavior and attitude during~~
14 ~~any previous experience of probation or parole and how recent such~~
15 ~~experience is;~~

16 ~~(d) The offender's previous experience on parole and how recent such~~
17 ~~experience is;~~

18 ~~(e) Whether the offender has completed a (n) ~~The risk and needs~~~~
19 ~~assessment completed pursuant to section 83-192; and~~

20 ~~(f) Any testimony or written statement by a victim as provided in~~
21 ~~section 81-1848.~~

22 ~~(o) Any other factors the board determines to be relevant.~~

23 Sec. 38. Section 83-1,122.01, Revised Statutes Cumulative
24 Supplement, 2022, is amended to read:

25 83-1,122.01 (1) Except as provided in subsection (3) of this
26 section, the board does not have jurisdiction over a person who is
27 committed to the department in accordance with section 29-2204.02 for a
28 Class III, IIIA, or IV felony committed on or after August 30, 2015,
29 unless the person is also committed to the department in accordance with
30 section 29-2204 for (a) a sentence of imprisonment for a Class III, IIIA,
31 or IV felony committed prior to August 30, 2015, or (b) a sentence of

1 imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony.

2 (2) Except as provided in subsection (3) of this section, the board
3 does not have jurisdiction over a person committed to the department for
4 a misdemeanor sentence imposed consecutively or concurrently with a Class
5 III, IIIA, or IV felony sentence for an offense committed on or after
6 August 30, 2015, unless the person is also committed to the department in
7 accordance with section 29-2204 for (a) a sentence of imprisonment for a
8 Class III, IIIA, or IV felony committed prior to August 30, 2015, or (b)
9 a sentence of imprisonment for a Class I, IA, IB, IC, ID, II, or IIA
10 felony.

11 (3) This section does not apply to medical parole under section
12 83-1,110.02 or geriatric parole under section 34 of this act.

13 Sec. 39. Section 83-1,125.01, Revised Statutes Cumulative
14 Supplement, 2022, is amended to read:

15 83-1,125.01 (1) The Board of Parole and the Division of Parole
16 Supervision may maintain an individual file for each person who is under
17 the jurisdiction of the Board of Parole. Such file may be maintained
18 electronically and shall include, when available and appropriate, the
19 following information on such person:

- 20 (a) Admission summary;
- 21 (b) Presentence investigation report;
- 22 (c) Classification reports and recommendations;
- 23 (d) Official records of conviction and commitment along with any
24 earlier criminal records;
- 25 (e) Progress reports and admission-orientation reports;
- 26 (f) Reports of any disciplinary infractions and their disposition;
- 27 (g) Risk and needs assessments;
- 28 (h) Parole plan and parole placement and investigation worksheets;
- 29 (i) Decision guideline scores;
- 30 (j) Parole case plan;
- 31 (k) Parole progress reports and contact notes;

1 (1) Arrest and violation reports, including disposition;
2 (m) Parole proceedings orders and notices;
3 (n) Other documents related to parole supervision;
4 (o) Correspondence; and
5 (p) Other pertinent data concerning his or her background, conduct,
6 associations, and family relationships.

7 (2) Any decision concerning release on or revocation of parole or
8 imposition of sanctions shall be made only after the individual file has
9 been reviewed. The contents of the individual file shall be confidential
10 unless disclosed in connection with a public hearing and shall not be
11 subject to public inspection except by court order for good cause shown.
12 The contents of the file shall not be accessible to any person under the
13 jurisdiction of the Board of Parole. A person under the jurisdiction of
14 the board may obtain access to his or her medical records by request to
15 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
16 fact that such medical records may be a part of his or her parole file.
17 The board and the Division of Parole Supervision have the authority to
18 withhold decision guideline scores, risk and needs assessment scores, and
19 mental health and psychological records of a person under the
20 jurisdiction of the board when appropriate.

21 (3) Nothing in this section limits in any manner the authority of
22 the Public Counsel to inspect and examine the records and documents of
23 the board and the Division of Parole Supervision pursuant to sections
24 81-8,240 to 81-8,254, except that the Public Counsel's access to the
25 medical or mental health records of a person under the jurisdiction of
26 the board shall be subject to his or her consent. The office of Public
27 Counsel shall not disclose the medical or mental health records of a
28 person under the jurisdiction of the board to anyone else, including any
29 other person under the jurisdiction of the board, except as authorized by
30 law.

31 (4) For any person under the jurisdiction of the Board of Parole,

1 the board shall provide such person's (a) name, (b) parole officer, and
2 (c) conditions of parole to the Nebraska Commission on Law Enforcement
3 and Criminal Justice which shall provide access to such information to
4 law enforcement agencies through the state's criminal justice information
5 service.

6 Sec. 40. (1) The Division of Parole Supervision and the department
7 shall create a pilot program to establish a technical parole violation
8 residential housing program. The purpose of the program is to provide
9 accountability and intensive support for individuals on parole who commit
10 technical violations, without revoking them fully back to prison.

11 (2) The program shall provide a structured environment for selected
12 individuals on parole who have committed technical violations. The
13 program shall be based upon a therapeutic community model. Participants
14 in the program shall, at a minimum, be required to take part in
15 counseling, educational, and other programs as the department deems
16 appropriate, to provide community service, and to submit to drug and
17 alcohol screening.

18 (3) An individual on parole shall not be placed in the pilot program
19 until the Division of Parole Supervision has determined the individual is
20 a suitable candidate in accordance with policies and guidelines developed
21 by the division.

22 (4) On or before June 1, 2024, the Division of Parole Supervision
23 shall electronically submit a report to the Judiciary Committee of the
24 Legislature regarding the pilot program. The report shall evaluate
25 effects of the pilot program on recidivism and make recommendations
26 regarding expansion of or changes to the program.

27 (5) For purposes of this section, technical violation has the same
28 meaning as in section 83-1,119.

29 Sec. 41. Section 83-1,135, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 83-1,135 Sections 83-170 to 83-1,135.05 and sections 34, 36, and 40

1 of this act shall be known and may be cited as the Nebraska Treatment and
2 Corrections Act.

3 Sec. 42. Section 83-1,135.02, Revised Statutes Cumulative
4 Supplement, 2022, is amended to read:

5 83-1,135.02 (1) It is the intent of the Legislature that the changes
6 made to the Nebraska Treatment and Corrections Act by Laws 2003, LB 46,
7 with respect to parole eligibility apply to all committed offenders under
8 sentence and not on parole on May 24, 2003, and to all persons sentenced
9 on and after such date.

10 (2) It is the intent of the Legislature that the changes made to
11 sections 29-2262, 29-2266, 29-2281, 83-182.01, 83-183, 83-183.01, 83-184,
12 83-1,119, and 83-1,122 by Laws 2015, LB605, and sections 83-184.01,
13 83-1,100.02, and 83-1,100.03 apply to all committed offenders under
14 sentence, on parole, or on probation on August 30, 2015, and to all
15 persons sentenced on and after such date.

16 (3) It is the intent of the Legislature that the changes made to
17 sections 28-105, 29-2204.02, 29-2260, 29-2262, 29-2263, 29-2266, 29-2267,
18 29-2268, 47-401, 47-502, 83-187, 83-1,119, 83-1,122, and 83-1,122.01 by
19 Laws 2016, LB1094, and sections 29-2266.01 to 29-2266.03 and 83-1,135.03
20 apply to all committed offenders under sentence, on parole, or on
21 probation on or after April 20, 2016, and to all persons sentenced on and
22 after such date.

23 (4) It is the intent of the Legislature that the changes made to
24 sections 83-1,110.02 and 83-1,122.01 by Laws 2018, LB841, apply to all
25 committed offenders under sentence or on parole on or after July 19,
26 2018, and to all persons sentenced on and after such date.

27 (5) Except as otherwise provided in section 36 of this act, it is
28 the intent of the Legislature that the changes made to sections
29 83-1,100.02, 83-1,110, 83-1,111, and 83-1,114, and sections 34, 36, and
30 40 of this act by this legislative bill apply to all committed offenders
31 under sentence or on parole on or after the effective date of this act,

1 and to all persons sentenced on and after such date.

2 Sec. 43. Original sections 24-1302, 27-902, 28-518, 29-2221,
3 29-2263, 29-2269, 29-2281, 29-2315.02, 29-2318, 29-3001, 43-279, 43-280,
4 50-434, 69-2426, 69-2432, 71-5661, 71-5662, 71-5663, 71-5665, 71-5666,
5 71-5669.01, and 83-1,110, Reissue Revised Statutes of Nebraska, and
6 sections 27-803, 29-2252, 29-2262, 38-2136, 43-2,108, 71-5668,
7 83-1,100.02, 83-1,111, 83-1,114, 83-1,122.01, 83-1,125.01, 83-1,135, and
8 83-1,135.02, Revised Statutes Cumulative Supplement, 2022, are repealed.