LB530
2025

ENGROSSED LEGISLATIVE BILL 530

Introduced by Kauth, 31; Sanders, 45.

A BILL FOR AN ACT relating to public safety; to amend sections 28-306, 28-394, 29-2262.06, 29-2267, 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 43-245, 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108, 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2024; to create the offense of tampering with an electronic monitoring device; to define and redefine terms; to change provisions relating to motor vehicle homicide and motor vehicle homicide of an unborn child and increase the penalty for the latter offense; to provide for a penalty enhancement for a controlled substances violation resulting in serious bodily injury or death; to include certain adjudications within the offense of possession of a firearm by a prohibited juvenile offender; to provide for the waiver of certain fees under the Nebraska Probation Administration Act; to authorize a court to extend a term of probation as prescribed; to define detention for purposes of the Nebraska Juvenile Code; to provide duties for peace officers taking juvenile probationers into custody; to change provisions relating to detention, the age at which a juvenile may be detained, revocation of juvenile probation, access to electronic monitoring data of juveniles, information regarding juveniles probationers provided to the Nebraska Commission on Law Enforcement and Criminal Justice, and the sealing of juvenile records; to provide procedures and requirements for comprehensive supervision probationers; to provide for a list of juvenile probationers in each county; to provide duties for courts, probation officers, and the commission; to increase penalties for violations of the maximum speed limit; to authorize the Department of Transportation to temporarily reduce maximum speed limits; to change provisions relating to reckless driving;

LB530
2025

to require motor vehicle operators to proceed with due care when passing stopped vehicles or vulnerable road users and provide for penalties; to harmonize provisions; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 28-101, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701 and section 2 of this act shall be known and may be cited as the Nebraska Criminal Code.

Sec. 2. (1) A person shall not intentionally and without authority remove, destroy, alter, tamper with, damage, or circumvent the operation of an electronic monitoring device required to be worn or used by that person or another person pursuant to a court order or as a condition of parole.

(2) A violation of this section is a Class I misdemeanor.

(3) For purposes of this section, electronic monitoring device means an electronic device used to track the location of a person.

Sec. 3. Section 28-306, Reissue Revised Statutes of Nebraska, is amended to read:

28-306 (1) A person who causes the death of another unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide is a Class I misdemeanor.

(3)(a) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 60-6,213 or 60-6,214, motor vehicle homicide is a Class IIIA felony.

(b) If the proximate cause of the death of another is the operation of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor vehicle homicide is a Class IIA felony.

(c) If the proximate cause of the death of another is the operation of a

LB530
2025

motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor vehicle homicide is a Class II felony if the defendant has a prior conviction for a violation of section 60-6,196 or 60-6,197.06, under a city or village ordinance enacted in conformance with section 60-6,196, or under a law of another state if, at the time of the conviction under the law of such other state, the offense for which the defendant was convicted would have been a violation of section 60-6,196.

(4)(a) For a conviction under subsection (2) or subdivision (3)(a) of this section, the court may, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of up to two years and order that the operator's license of such person be suspended for the same period.

(b) For a conviction under subdivision (3)(b) or (c) of this section, the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of fifteen years and shall order that the operator's license of such person be revoked for the same period.

(5) An order of the court described in this section shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

(6) The crime punishable under this section shall be treated as a separate and distinct offense from any other offense arising out of acts alleged to have been committed while the person was in violation of this section.

Sec. 4. Section 28-394, Reissue Revised Statutes of Nebraska, is amended to read:

28-394 (1) A person who causes the death of an unborn child unintentionally while engaged in the operation of a motor vehicle in violation of the law of the State of Nebraska or in violation of any city or village ordinance commits motor vehicle homicide of an unborn child.

(2) Except as provided in subsection (3) of this section, motor vehicle homicide of an unborn child is a Class I misdemeanor.

LB530
2025

(3)(a) If the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section 60-6,213 or 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA felony.

(b) Except as provided in subdivision (3)(c) of this section, if the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor vehicle homicide of an unborn child is a Class IIA felony.

(c) If the proximate cause of the death of an unborn child is the operation of a motor vehicle in violation of section 60-6,196 or 60-6,197.06 and the defendant has a prior conviction for a violation of section 60-6,196 or a city or village ordinance enacted in conformance with section 60-6,196, motor vehicle homicide of an unborn child is a Class II felony.

(4)(a) For a conviction under subsection (2) or subdivision (3)(a) of this section, the court may, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of up to two years and order that the operator's license of such person be suspended for the same period.

(b) For a conviction under subdivision (3)(b) or (c) of this section, the court shall, as part of the judgment of conviction, order the person not to drive any motor vehicle for any purpose for a period of at least sixty days and not more than fifteen years after the date ordered by the court and shall order that the operator's license of such person be revoked for the same period. The revocation shall not run concurrently with any jail term imposed.

(5) An order of the court described in this section shall be administered upon sentencing, upon final judgment of any appeal or review, or upon the date that any probation is revoked.

(6) The crime punishable under this section shall be treated as a separate and distinct offense from any other offense arising out of acts alleged to have been committed while the person was in violation of this section.

Sec. 5. Section 28-416, Revised Statutes Cumulative Supplement, 2024, is amended to read:

LB530
2025

28-416 (1) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person knowingly or intentionally: (a) To manufacture, distribute, deliver, dispense, or possess with intent to manufacture, distribute, deliver, or dispense a controlled substance; or (b) to create, distribute, or possess with intent to distribute a counterfeit controlled substance.

(2) Except as provided in subsections (4), (5), (7), (8), (9), and (10) of this section, any person who violates subsection (1) of this section with respect to: (a) A controlled substance classified in Schedule I, II, or III of section 28-405 which is an exceptionally hazardous drug shall be guilty of a Class II felony; (b) any other controlled substance classified in Schedule I, II, or III of section 28-405 shall be guilty of a Class IIA felony; or (c) a controlled substance classified in Schedule IV or V of section 28-405 shall be guilty of a Class IIIA felony.

(3) A person knowingly or intentionally possessing a controlled substance, except marijuana or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(27) of Schedule I of section 28-405, unless such substance was obtained directly or pursuant to a medical order issued by a practitioner authorized to prescribe while acting in the course of his or her professional practice, or except as otherwise authorized by the act, shall be guilty of a Class IV felony. A person shall not be in violation of this subsection if section 28-472 or 28-1701 applies.

(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary school, a community college, a public or private college, junior college, or university, or a

LB530
2025

playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(b) For purposes of this subsection:

(i) Playground means any outdoor facility, including any parking lot appurtenant to the facility, intended for recreation, open to the public, and with any portion containing three or more apparatus intended for the recreation of children, including sliding boards, swingsets, and teeterboards;

(ii) Video arcade facility means any facility legally accessible to persons under eighteen years of age, intended primarily for the use of pinball and video machines for amusement, and containing a minimum of ten pinball or video machines; and

(iii) Youth center means any recreational facility or gymnasium, including any parking lot appurtenant to the facility or gymnasium, intended primarily for use by persons under eighteen years of age which regularly provides athletic, civic, or cultural activities.

(5)(a) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice, seduce, or coerce any person under the age of eighteen years to manufacture, transport, distribute, carry, deliver, dispense, prepare for delivery, offer for delivery, or possess with intent to do the same a controlled substance or a counterfeit controlled substance.

(b) Except as authorized by the Uniform Controlled Substances Act, it shall be unlawful for any person eighteen years of age or older to knowingly and intentionally employ, hire, use, cause, persuade, coax, induce, entice,

LB530
2025

seduce, or coerce any person under the age of eighteen years to aid and abet any person in the manufacture, transportation, distribution, carrying, delivery, dispensing, preparation for delivery, offering for delivery, or possession with intent to do the same of a controlled substance or a counterfeit controlled substance.

(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(6) It shall not be a defense to prosecution for violation of subsection (4) or (5) of this section that the defendant did not know the age of the person through whom the defendant violated such subsection.

(7) Any person who violates subsection (1) of this section with respect to cocaine or any mixture or substance containing a detectable amount of cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(8) Any person who violates subsection (1) of this section with respect to base cocaine (crack) or any mixture or substance containing a detectable amount of base cocaine in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of

LB530
2025

a Class ID felony.

(9) Any person who violates subsection (1) of this section with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(10) Any person who violates subsection (1) of this section with respect to amphetamine, its salts, optical isomers, and salts of its isomers, or with respect to methamphetamine, its salts, optical isomers, and salts of its isomers, in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;

(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or

(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

(11) Any person knowingly or intentionally possessing marijuana weighing more than one ounce but not more than one pound shall be guilty of a Class III misdemeanor.

(12) Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.

(13) Except as provided in section 28-1701, any person knowingly or intentionally possessing marijuana weighing one ounce or less or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(27) of Schedule I of section 28-405 shall:

(a) For the first offense, be guilty of an infraction, receive a citation, be fined three hundred dollars, and be assigned to attend a course as prescribed in section 29-433 if the judge determines that attending such course

LB530
2025

is in the best interest of the individual defendant;

(b) For the second offense, be guilty of a Class IV misdemeanor, receive a citation, and be fined four hundred dollars and may be imprisoned not to exceed five days; and

(c) For the third and all subsequent offenses, be guilty of a Class IIIA misdemeanor, receive a citation, be fined five hundred dollars, and be imprisoned not to exceed seven days.

(14) Any person convicted of violating this section, if placed on probation, shall, as a condition of probation, satisfactorily attend and complete appropriate treatment and counseling on drug abuse provided by a program authorized under the Nebraska Behavioral Health Services Act or other licensed drug treatment facility.

(15) Any person convicted of violating this section, if sentenced to the Department of Correctional Services, shall attend appropriate treatment and counseling on drug abuse.

(16)(a) Any person convicted of a violation of subsection (1) of this section shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section if:

(i) The person knowingly or intentionally possessed a firearm while in violation of subsection (1) of this section; or

(ii) Such violation resulted in the use of the controlled substance and directly and proximately caused the death of, or serious bodily injury to, another person.

(b) A penalty enhanced under this subsection shall in no event result in a penalty greater than a Class IB felony.

(17) A person knowingly or intentionally in possession of money used or intended to be used to facilitate a violation of subsection (1) of this section shall be guilty of a Class IV felony.

(18) In addition to the existing penalties available for a violation of subsection (1) of this section, including any criminal attempt or conspiracy to

LB530
2025

violate subsection (1) of this section, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in section 28-833 or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, following conviction for a violation of subsection (1) of this section, and conducted pursuant to section 28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of subsection (1) of this section.

(19) In addition to the penalties provided in this section:

(a) If the person convicted or adjudicated of violating this section is eighteen years of age or younger and has one or more licenses or permits issued under the Motor Vehicle Operator's License Act:

(i) For the first offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for thirty days and (B) require such person to attend a drug education class;

(ii) For a second offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for ninety days and (B) require such person to complete no fewer than twenty and no more than forty hours of community service and to attend a drug education class; and

(iii) For a third or subsequent offense, the court may, as a part of the judgment of conviction or adjudication, (A) impound any such licenses or permits for twelve months and (B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor; and

(b) If the person convicted or adjudicated of violating this section is eighteen years of age or younger and does not have a permit or license issued under the Motor Vehicle Operator's License Act:

(i) For the first offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit

LB530
2025

or any license pursuant to the act for which such person would otherwise be eligible until thirty days after the date of such order and (B) require such person to attend a drug education class;

(ii) For a second offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until ninety days after the date of such order and (B) require such person to complete no fewer than twenty hours and no more than forty hours of community service and to attend a drug education class; and

(iii) For a third or subsequent offense, the court may, as part of the judgment of conviction or adjudication, (A) prohibit such person from obtaining any permit or any license pursuant to the act for which such person would otherwise be eligible until twelve months after the date of such order and (B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor.

A copy of an abstract of the court's conviction or adjudication shall be transmitted to the Director of Motor Vehicles pursuant to sections 60-497.01 to 60-497.04 if a license or permit is impounded or a juvenile is prohibited from obtaining a license or permit under this subsection.

Sec. 6. Section 28-1204.05, Revised Statutes Cumulative Supplement, 2024, is amended to read:

28-1204.05 (1) Except as provided in subsections (3) and (4) of this section, a person under the age of twenty-five years who knowingly possesses a firearm commits the offense of possession of a firearm by a prohibited juvenile offender if he or she has previously been adjudicated an offender in juvenile court for an act which would constitute a felony or an act which would constitute a misdemeanor crime of domestic violence. This subsection includes an adjudication for which a juvenile record has been sealed upon termination of probation.

(2) Possession of a firearm by a prohibited juvenile offender is a Class

LB530
2025

IV felony for a first offense and a Class IIIA felony for a second or subsequent offense.

(3) Subsection (1) of this section does not apply to the possession of firearms by members of the armed forces of the United States, active or reserve, National Guard of this state, or Reserve Officers' Training Corps or peace officers or other duly authorized law enforcement officers when on duty or training.

(4)(a) Prior to reaching the age of twenty-five years, a person subject to the prohibition of subsection (1) of this section may file a petition for exemption from such prohibition and thereby have his or her right to possess a firearm reinstated. A petitioner who is younger than nineteen years of age shall petition the juvenile court in which he or she was adjudicated for the underlying offense. A petitioner who is nineteen years of age or older shall petition the district court in the county in which he or she resides.

(b) In determining whether to grant a petition filed under subdivision (4)(a) of this section, the court shall consider:

(i) The behavior of the person after the underlying adjudication;

(ii) The likelihood that the person will engage in further criminal activity; and

(iii) Any other information the court considers relevant.

(c) The court may grant a petition filed under subdivision (4)(a) of this section and issue an order exempting the person from the prohibition of subsection (1) of this section when in the opinion of the court the order will be in the best interests of the person and consistent with the public welfare.

(5) The fact that a person subject to the prohibition under subsection (1) of this section has reached the age of twenty-five or that a court has granted a petition under subdivision (4)(a) of this section shall not be construed to mean that such adjudication has been set aside. Nothing in this section shall be construed to authorize the setting aside of such an adjudication or conviction except as otherwise provided by law.

(6) For purposes of this section, misdemeanor crime of domestic violence

LB530
2025

has the same meaning as in section 28-1206.

Sec. 7. Section 29-2262.06, Reissue Revised Statutes of Nebraska, is amended to read:

29-2262.06 (1) Except as otherwise provided in this section, whenever a district court or county court sentences an adult offender to probation, the court shall require the probationer to pay a one-time administrative enrollment fee and thereafter a monthly probation programming fee.

(2) Participants in non-probation-based programs or services in which probation personnel or probation resources are utilized pursuant to an interlocal agreement authorized by subdivision (16) of section 29-2252 and in which all or a portion of the costs of such probation personnel or such probation resources are covered by funds provided pursuant to section 29-2262.07 shall pay the one-time administrative enrollment fee described in subdivision (3)(a) of this section and the monthly probation programming fee described in subdivision (3)(c) of this section. In addition, the provisions of subsections (4), (7), and (11) of this section applicable to probationers apply to participants in non-probation-based programs or services. Any participant in a non-probation-based program or service who defaults on the payment of any such fees may, at the discretion of the court, be subject to removal from such non-probation-based program or service. This subdivision does not preclude a court or other governmental entity from charging additional local fees for participation in such non-probation-based programs and services or other similar non-probation-based programs and services.

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

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

(b) Adult probationers placed on probation shall pay a monthly probation

LB530
2025

programming fee of twenty-five dollars, not later than the tenth day of each month, for the duration of probation; and

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

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

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

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

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

LB530
2025

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

(9) The court may waive payment of the fees described in subdivisions (2)(m) and (o) of section 29-2262 in whole or in part if the offender has been previously found to be indigent in the case for which he or she is placed on probation or if after a hearing a determination is made that such payment would constitute an undue hardship on the offender due to limited income, employment or school status, or physical or mental handicap. Such waiver shall be in effect only during the period of time that the probationer or participant in a non-probation-based program or service is unable to pay his or her monthly probation programming fee.

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

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

Sec. 8. Section 29-2263, Revised Statutes Cumulative Supplement, 2024, is amended to read:

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

(b) At sentencing, the court shall provide notice to the offender that the offender may be eligible to have the conviction set aside as provided in subsection (2) of section 29-2264 and shall provide information on how to file

LB530
2025

such a petition. The State Court Administrator shall develop standardized advisement language and any forms necessary to carry out this subdivision.

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

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

(3) During the term of probation, the court on application of a probation officer or of the probationer, or its own motion, may modify or eliminate any of the conditions imposed on the probationer or add further conditions authorized by section 29-2262. The court on joint application of the probation officer and the probationer may extend the term of probation within the limits authorized by subdivision (1)(a) of this section. This subsection does not preclude a probation officer from imposing administrative sanctions with the probationer's full knowledge and consent as authorized by sections 29-2266.01 and 29-2266.02.

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

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

LB530
2025

this subdivision.

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

Sec. 9. Section 29-2267, Reissue Revised Statutes of Nebraska, is amended to read:

29-2267 (1) Whenever a motion or information to revoke probation is filed, the probationer shall be entitled to a prompt consideration of such charge by the sentencing court. The court shall not revoke probation or increase the probation requirements imposed on the probationer, except after a hearing upon proper notice where the violation of probation is established by clear and convincing evidence.

(2) The probationer shall have the right to receive, prior to the hearing, a copy of the information or written notice of the grounds on which the information is based. The probationer shall have the right to hear and controvert the evidence against him or her, to offer evidence in his or her defense, and to be represented by counsel.

(3) For a probationer convicted of a felony, revocation proceedings may only be instituted in response to a substance abuse or noncriminal violation if the probationer has served ninety days of cumulative custodial sanctions during the current probation term.

(4) When a motion or information to revoke probation is filed, the probation term may be extended at the joint request of the probationer and prosecutor until final resolution of the motion or information to revoke probation or until the expiration of the statutorily defined maximum period of probation for the offense for which the probationer has been placed on probation. A court shall accept such request to extend a term of probation so long as the probationer is represented by counsel or the court finds, in open court, that the probationer makes the request freely, voluntarily, knowingly, and intelligently.

LB530
2025

Sec. 10. Section 43-245, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-245 For purposes of the Nebraska Juvenile Code, unless the context otherwise requires:

(1) Abandonment means a parent's intentionally withholding from a child, without just cause or excuse, the parent's presence, care, love, protection, and maintenance and the opportunity for the display of parental affection for the child;

(2) Age of majority means nineteen years of age;

(3) Alternative to detention means a program or directive that increases supervision of a youth in the community in an effort to ensure the youth attends court and refrains from committing a new law violation. Alternative to detention includes, but is not limited to, electronic monitoring, day and evening reporting centers, house arrest, tracking, family crisis response, and temporary shelter placement. Except for the use of manually controlled delayed egress of not more than thirty seconds, placements that utilize physical construction or hardware to restrain a youth's freedom of movement and ingress and egress from placement are not considered alternatives to detention;

(4) Approved center means a center that has applied for and received approval from the Director of the Office of Dispute Resolution under section 25-2909;

(5) Civil citation means a noncriminal notice which cannot result in a criminal record and is described in section 43-248.02;

(6) Cost or costs means (a) the sum or equivalent expended, paid, or charged for goods or services, or expenses incurred, or (b) the contracted or negotiated price;

(7) Criminal street gang means a group of three or more people with a common identifying name, sign, or symbol whose group identity or purposes include engaging in illegal activities;

(8) Criminal street gang member means a person who willingly or voluntarily becomes and remains a member of a criminal street gang;

LB530
2025

(9) Custodian means a nonparental caretaker having physical custody of the juvenile and includes an appointee described in section 43-294;

(10) Detention means the temporary care of a juvenile in a physically restrictive facility designed with constructions or fixtures to control the movement of the juvenile to secure the juvenile's lawful custody;

(11) Guardian means a person, other than a parent, who has qualified by law as the guardian of a juvenile pursuant to testamentary or court appointment, but excludes a person who is merely a guardian ad litem;

(12) Juvenile means any person under the age of eighteen;

(13) Juvenile court means the separate juvenile court where it has been established pursuant to sections 43-2,111 to 43-2,127 and the county court sitting as a juvenile court in all other counties. Nothing in the Nebraska Juvenile Code shall be construed to deprive the district courts of their habeas corpus, common-law, or chancery jurisdiction or the county courts and district courts of jurisdiction of domestic relations matters as defined in section 25-2740;

(14) Juvenile detention facility has the same meaning as in section 83-4,125;

(15) Legal custody has the same meaning as in section 43-2922;

(16) Mental health facility means a treatment facility as defined in section 71-914 or a government, private, or state hospital which treats mental illness;

(17) Nonoffender means a juvenile who is subject to the jurisdiction of the juvenile court for reasons other than legally prohibited conduct, including, but not limited to, juveniles described in subdivision (3)(a) of section 43-247;

(18) Parent means one or both parents or stepparents when the stepparent is married to a parent who has physical custody of the juvenile as of the filing of the petition;

(19) Parties means the juvenile as described in section 43-247 and his or her parent, guardian, or custodian;

LB530
2025

(20) Physical custody has the same meaning as in section 43-2922;

(21) Except in proceedings under the Nebraska Indian Child Welfare Act, relative means father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece;

(22) Restorative justice means practices, programs, or services that emphasize repairing the harm caused to victims and the community by persons who have caused the harm or committed an offense. Restorative justice practices may include, but are not limited to, victim youth conferencing, victim-offender mediation, youth or community dialogue, panels, circles, and truancy mediation;

(23) Restorative justice facilitator means a qualified individual who has been trained to facilitate restorative justice practices. A qualified individual shall be approved by the referring county attorney, city attorney, or juvenile or county court judge. Factors for approval may include, but are not limited to, an individual's education and training in restorative justice principles and practices; experience in facilitating restorative justice sessions; understanding of the necessity to do no harm to either the victim or the person who harmed the victim; and proven commitment to ethical practices;

(24) Seal a record means that a record shall not be available to the public except upon the order of a court upon good cause shown;

(25) Secure detention means detention in a highly structured, residential, hardware-secured facility designed to restrict a juvenile's movement;

(26) Staff secure juvenile facility means a juvenile residential facility operated by a political subdivision (a) which does not include construction designed to physically restrict the movements and activities of juveniles who are in custody in the facility, (b) in which physical restriction of movement or activity of juveniles is provided solely through staff, (c) which may establish reasonable rules restricting ingress to and egress from the facility, and (d) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. Staff secure juvenile facility does not

LB530
2025

include any institution operated by the Department of Correctional Services;

(27) Status offender means a juvenile who has been charged with or adjudicated for conduct which would not be a crime if committed by an adult, including, but not limited to, juveniles charged under subdivision (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

(28) Traffic offense means any nonfelonious act in violation of a law or ordinance regulating vehicular or pedestrian travel, whether designated a misdemeanor or a traffic infraction; and

(29) Young adult means an individual older than eighteen years of age but under twenty-one years of age.

Sec. 11. If a peace officer takes a juvenile probationer into custody for a criminal violation as defined in section 43-286.01, the peace officer shall immediately take reasonable measures to notify a juvenile intake probation officer.

Sec. 12. Section 43-250, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-250 (1) A peace officer who takes a juvenile into temporary custody under section 29-401 or subdivision (1), (2), (3), or (7) of section 43-248 shall immediately take reasonable measures to notify the juvenile's parent, guardian, custodian, or relative and shall proceed as follows:

(a) The peace officer may release a juvenile taken into temporary custody under section 29-401 or subdivision (1), (2), or (7) of section 43-248;

(b) The peace officer may require a juvenile taken into temporary custody under section 29-401 or subdivision (1) or (2) of section 43-248 to appear before the court of the county in which such juvenile was taken into custody at a time and place specified in the written notice prepared in triplicate by the peace officer or at the call of the court. The notice shall also contain a concise statement of the reasons such juvenile was taken into custody. The peace officer shall deliver one copy of the notice to such juvenile and require such juvenile or his or her parent, guardian, other custodian, or relative, or both, to sign a written promise that such signer will appear at the time and

LB530
2025

place designated in the notice. Upon the execution of the promise to appear, the peace officer shall immediately release such juvenile. The peace officer shall, as soon as practicable, file one copy of the notice with the county attorney or city attorney and, when required by the court, also file a copy of the notice with the court or the officer appointed by the court for such purpose; or

(c) The peace officer may retain temporary custody of a juvenile taken into temporary custody under section 29-401 or subdivision (1), (2), or (3) of section 43-248 and deliver the juvenile, if necessary, to the probation officer and communicate all relevant available information regarding such juvenile to the probation officer. The probation officer shall determine the need for detention of the juvenile as provided in section 43-260.01. Upon determining that the juvenile should be placed in detention or an alternative to detention and securing placement in such setting by the probation officer, the peace officer shall implement the probation officer's decision to release or to detain and place the juvenile. When secure detention of a juvenile is necessary, such detention shall occur within a juvenile detention facility except:

(i) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody within a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not to exceed six hours, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

(ii) When a juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, is taken into temporary custody outside of a metropolitan statistical area and where no juvenile detention facility is reasonably available, the juvenile may be delivered, for temporary custody not

LB530
2025

to exceed twenty-four hours excluding nonjudicial days and while awaiting an initial court appearance, to a secure area of a jail or other facility intended or used for the detention of adults solely for the purposes of identifying the juvenile and ascertaining his or her health and well-being and for safekeeping while awaiting transport to an appropriate juvenile placement or release to a responsible party;

(iii) Whenever a juvenile is held in a secure area of any jail or other facility intended or used for the detention of adults, there shall be no verbal, visual, or physical contact between the juvenile and any incarcerated adult and there shall be adequate staff to supervise and monitor the juvenile's activities at all times. This subdivision shall not apply to a juvenile charged with a felony as an adult in county or district court if he or she is sixteen years of age or older;

(iv) If a juvenile is under sixteen years of age or is a juvenile as described in subdivision (3) of section 43-247, he or she shall not be placed within a secure area of a jail or other facility intended or used for the detention of adults;

(v) If, within the time limits specified in subdivision (1)(c)(i) or (1)(c)(ii) of this section, a felony charge is filed against the juvenile as an adult in county or district court, he or she may be securely held in a jail or other facility intended or used for the detention of adults beyond the specified time limits;

(vi) A status offender or nonoffender taken into temporary custody shall not be held in a secure area of a jail or other facility intended or used for the detention of adults; and

(vii) A juvenile described in subdivision (1) or (2) of section 43-247, except for a status offender, may be held in a secure area of a jail or other facility intended or used for the detention of adults for up to six hours before and six hours after any court appearance.

(2)(a) A juvenile taken into custody pursuant to a legal warrant of arrest shall be delivered to a probation officer.

LB530
2025

(b)(i) This subdivision (2)(b) applies when a juvenile is arrested for a felony or for a misdemeanor involving firearms or deadly weapons.

(ii) The probation officer shall determine the need for detention as provided in section 43-260.01, except that if the results of the standardized juvenile detention screening instrument indicate that detention is not required, the probation officer shall make a recommendation to the judge for release without restriction or release to an alternative to detention and forward all intake information to the judge, who shall determine the need for detention. In making such determination, the judge may consider the results of the standardized juvenile detention screening instrument described in section 43-260.01 but shall not be bound by the results of such screening instrument.

(c) For an arrest of a juvenile not described in subdivision (2)(b) of this section, the probation officer shall determine the need for detention of the juvenile as provided in section 43-260.01.

(d) If detention is not required, the juvenile may be released without bond unless:

(i) Such release is not in the best interests of the juvenile;

(ii) The physical safety of persons in the community will be seriously threatened;

(iii) Detention is necessary to secure the presence of the juvenile at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the last twelve months; or

(iv) Detention of such juvenile is a matter of immediate and urgent necessity for the protection of such juvenile, as evidenced by a demonstrable record of fleeing from law enforcement, absconding from a court-ordered placement, absconding from home, committing a violent offense, committing multiple property crimes, or threatening to cause harm to others.

(e) If a juvenile is released under subdivision (2)(d) of this section, the court that issued the warrant shall be notified that the juvenile had been taken into custody and was released.

(3) In determining the appropriate temporary placement or alternative to

LB530
2025

detention of a juvenile under this section, the peace officer shall select the placement or alternative which is least restrictive of the juvenile's freedom so long as such placement or alternative is compatible with the best interests of the juvenile and the safety of the community. Any alternative to detention shall cause the least restriction of the juvenile's freedom of movement consistent with the best interests of the juvenile and the safety of the community.

(4) When a juvenile is taken into temporary custody pursuant to subdivision (4) of section 43-248, the peace officer shall deliver the juvenile to the enrolled school of such juvenile.

(5) When a juvenile is taken into temporary custody pursuant to subdivision (5), (6), or (7) of section 43-248, and not released under subdivision (1)(a) of this section, the peace officer shall deliver the custody of such juvenile to the Department of Health and Human Services which shall make a temporary placement of the juvenile in the least restrictive environment consistent with the best interests of the juvenile as determined by the department. The department shall supervise such placement and, if necessary, consent to any necessary emergency medical, psychological, or psychiatric treatment for such juvenile. The department shall have no other authority with regard to such temporary custody until or unless there is an order by the court placing the juvenile in the custody of the department. If the peace officer delivers temporary custody of the juvenile pursuant to this subsection, the peace officer shall make a full written report to the county attorney within twenty-four hours of taking such juvenile into temporary custody. If a court order of temporary custody is not issued within forty-eight hours of taking the juvenile into custody, the temporary custody by the department shall terminate and the juvenile shall be returned to the custody of his or her parent, guardian, custodian, or relative.

(6) If the peace officer takes the juvenile into temporary custody pursuant to subdivision (8) of section 43-248, the peace officer may place the juvenile at a mental health facility for evaluation and emergency treatment or

LB530
2025

may deliver the juvenile to the Department of Health and Human Services as provided in subsection (5) of this section. At the time of the admission or turning the juvenile over to the department, the peace officer responsible for taking the juvenile into custody pursuant to subdivision (8) of section 43-248 shall execute a written certificate as prescribed by the department which will indicate that the peace officer believes the juvenile to be mentally ill and dangerous, a summary of the subject's behavior supporting such allegations, and that the harm described in section 71-908 is likely to occur before proceedings before a juvenile court may be invoked to obtain custody of the juvenile. A copy of the certificate shall be forwarded to the county attorney. The peace officer shall notify the juvenile's parents, guardian, custodian, or relative of the juvenile's placement.

Sec. 13. Section 43-251.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

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

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

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

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

(4) A juvenile under the age of fourteen years shall not be placed with or committed to a youth rehabilitation and treatment center;

(5)(a) A juvenile shall not be detained unless:

(i) The physical safety of persons in the community would be seriously

LB530
2025

threatened;

(ii) Detention is necessary to secure the presence of the juvenile at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the last twelve months; or

(iii) Detention is a matter of immediate and urgent necessity for the protection of such juvenile, as evidenced by a demonstrable record of fleeing from law enforcement, absconding from a court-ordered placement, absconding from home, committing a violent offense, committing multiple property crimes, or threatening to cause harm to others;

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

(c) A juvenile twelve years of age or younger shall not be placed in detention unless all temporary and alternative placement options have been exhausted. Any detention under this subdivision shall be reviewed and reconsidered by the court every five days that the juvenile remains in detention and within twenty-four hours after a request by the juvenile's counsel; and

(d) A juvenile shall not be placed into detention:

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

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

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

(iv) To facilitate further interrogation or investigation; or

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

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

LB530
2025

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

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

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

Sec. 14. Section 43-253, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-253 (1) Upon delivery to the probation officer of a juvenile who has been taken into temporary custody under section 29-401, 43-248, or 43-250, the probation officer shall immediately investigate the situation of the juvenile and the nature and circumstances of the events surrounding his or her being taken into custody. Such investigation may be by informal means when appropriate.

(2) The probation officer's decision to release the juvenile from custody or place the juvenile in detention or an alternative to detention shall be based upon the results of the standardized juvenile detention screening instrument described in section 43-260.01.

(3) No juvenile who has been taken into temporary custody under subdivision (1)(c) of section 43-250 or subsection (4) of section 43-286.01 or pursuant to an alleged violation of an order for conditional release shall be detained in any detention facility or be subject to an alternative to detention infringing upon the juvenile's liberty interest for longer than twenty-four hours, excluding nonjudicial days, after having been taken into custody unless such juvenile has appeared personally before a court of competent jurisdiction for a hearing to determine if continued detention, services, or supervision is necessary. The juvenile shall be represented by counsel at the hearing. Whether such counsel shall be provided at the cost of the county shall be determined as provided in subsection (1) of section 43-272. If continued secure detention is ordered, such detention shall be in a juvenile detention facility, except that

LB530
2025

a juvenile charged with a felony as an adult in county or district court may be held in an adult jail as set forth in subdivision (1)(c)(v) of section 43-250. A juvenile may only waive this hearing with the agreement of the juvenile's counsel and the county attorney or city attorney.

(4) When the probation officer deems it to be in the best interests of the juvenile, the probation officer shall immediately release such juvenile to the custody of his or her parent. If the juvenile has both a custodial and a noncustodial parent and the probation officer deems that release of the juvenile to the custodial parent is not in the best interests of the juvenile, the probation officer shall, if it is deemed to be in the best interests of the juvenile, attempt to contact the noncustodial parent, if any, of the juvenile and to release the juvenile to such noncustodial parent. If such release is not possible or not deemed to be in the best interests of the juvenile, the probation officer may release the juvenile to the custody of a legal guardian, a responsible relative, or another responsible person.

(5) The court may admit such juvenile to bail by bond in such amount and on such conditions and security as the court, in its sole discretion, shall determine, or the court may proceed as provided in section 43-254. In no case shall the court or probation officer release such juvenile if it appears that:

(a) The physical safety of persons in the community would be seriously threatened;

(b) Detention is necessary to secure the presence of the juvenile at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the last twelve months; or

(c) Detention is a matter of immediate and urgent necessity for the protection of such juvenile, as evidenced by a demonstrable record of fleeing from law enforcement, absconding from a court-ordered placement, absconding from home, committing a violent offense, committing multiple property crimes, or threatening to cause harm to others.

Sec. 15. Section 43-260.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

LB530
2025

43-260.01 The need for preadjudication placement, services, or supervision and the need for detention of a juvenile and whether detention or an alternative to detention is indicated shall be subject to subdivision (5) of section 43-251.01 and shall be determined as follows:

(1) The standardized juvenile detention screening instrument shall be used to evaluate the juvenile;

(2) Except as provided in subdivision (2)(b) of section 43-250, if the results indicate that detention is not required, the juvenile shall be released without restriction or released to an alternative to detention; and

(3) If the results indicate that detention is required, detention shall be pursued.

Sec. 16. (1) If a juvenile court decides to place a juvenile on probation, the court shall conduct a hearing to determine whether the juvenile should be designated as a comprehensive supervision probationer. The hearing may be conducted together with the dispositional hearing or following a motion to revoke probation following the procedures provided in subdivision (5)(b) of section 43-286.

(2) The court shall designate a juvenile as a comprehensive supervision probationer if the court determines that the juvenile is unlikely to respond effectively to graduated response sanctions under section 43-286.01, taking into account:

(a) The nature of the adjudication;

(b) The effectiveness of any past interventions or sanctions;

(c) The pre-disposition investigation by the probation officer; and

(d) The recommendation from the county attorney or city attorney, including any input from law enforcement.

(3) Comprehensive supervision probationers shall receive prioritized services that assist with early identification of needs and intensive supports, such as therapeutic services, educational and vocational assistance, family engagement, mentorship, and behavioral interventions. When a youth is dually involved in both the probation and child welfare systems, the Office of

LB530
2025

Probation Administration shall work with the Department of Health and Human Services to ensure coordinated and adequate service delivery.

Sec. 17. Section 43-286.01, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-286.01 (1) For purposes of this section:

(a) Comprehensive supervision probationer means a juvenile designated as such under section 16 of this act;

(b) Criminal violation means a violation of a condition of probation involving commission of a misdemeanor or felony. Criminal violation does not include a traffic offense; and

(c) Graduated response means an accountability-based series of sanctions, incentives, and services designed to facilitate the juvenile's continued progress in changing behavior, ongoing compliance, and successful completion of probation. Graduated response does not include restrictions of liberty that would otherwise require a hearing under subsection (3) of section 43-253.

(2)(a) The Office of Probation Administration may establish a statewide standardized graduated response matrix of incentives for compliance and positive behaviors and sanctions for probationers who violate the terms and conditions of a court order. The graduated response system shall use recognized best practices and be developed with the input of stakeholders, including judges, probation officers, county attorneys, defense attorneys, juveniles, and parents. The office shall provide implementation and ongoing training to all probation officers on the graduated response options.

(b) Graduated response sanctions should be immediate, certain, consistent, and fair to appropriately address the behavior. Failure to complete a sanction may result in repeating the sanction, increasing the duration, or selecting a different sanction similar in nature. Continued failure to comply could result in a request for a motion to revoke probation. Once a sanction is successfully completed the alleged probation violation is deemed resolved and cannot be alleged as a violation in future proceedings.

(c) Graduated response incentives should provide positive reinforcement to

LB530
2025

encourage and support positive behavior change and compliance with court-ordered conditions of probation.

(3)(a) Subject to subdivisions (3)(b) and (c) of this section, when a probation officer has reasonable cause to believe that a juvenile probationer has committed a violation of the terms of the juvenile's probation, but that such juvenile will not attempt to leave the jurisdiction and will not place lives or property in danger, the probation officer shall either:

(i) Impose one or more graduated response sanctions with the approval of his or her chief probation officer or such chief's designee. The decision to impose graduated response sanctions in lieu of formal revocation proceedings rests with the probation officer and his or her chief probation officer or such chief's designee and shall be based upon such juvenile's risk level, the severity of the violation, and the juvenile's response to the violation. If graduated response sanctions are to be imposed, such juvenile shall acknowledge in writing the nature of the violation and agree upon the graduated response sanction with approval of such juvenile's parents or guardian. Such juvenile has the right to decline to acknowledge the violation, and if he or she declines to acknowledge the violation, the probation officer shall submit a written report pursuant to subdivision (3)(a)(ii) of this section. If the juvenile fails to satisfy the graduated response sanctions and the office determines that a motion to revoke probation should be pursued, the probation officer shall submit a written report pursuant to subdivision (3)(a)(ii) of this section. A copy of the report shall be submitted to the county attorney of the county where probation was imposed; or

(ii) Submit a written report to the county attorney of the county where probation was imposed and to the juvenile’s attorney of record. The report shall outline the nature of the probation violation and request that formal revocation proceedings be instituted against the juvenile. The report shall also include a statement regarding why graduated response sanctions were not utilized or were ineffective. If there is no attorney of record for the juvenile, the office shall notify the court and counsel for the juvenile shall

LB530
2025

be appointed.

(b) For a juvenile who has been designated as a comprehensive supervision probationer, graduated response sanctions under subdivision (3)(a)(i) of this section may only be imposed one time. For any subsequent violations of the terms of the juvenile's probation, the probation officer shall proceed as provided in subdivision (3)(a)(ii) or subsection (4) of this section, as appropriate.

(c) When a probation officer has reasonable cause to believe that a juvenile probationer has committed a violation of the terms of the juvenile's probation that is a criminal violation, the probation officer shall not impose graduated response sanctions, but shall proceed as provided in subdivision (3)(a)(ii) or subsection (4) of this section, as appropriate.

(d) Whenever a graduated response sanction is imposed, the probation officer shall provide the county attorney of the county where probation was imposed with notice of the probation violation and the sanction.

(4) Whenever a probation officer has reasonable cause to believe that a juvenile probationer has violated a condition of his or her probation and that such juvenile will attempt to leave the jurisdiction or will place lives or property in danger, the probation officer shall take such juvenile into temporary custody without a warrant and may call on any peace officer for assistance as provided in section 43-248. Continued detention or deprivation of liberty shall be subject to the criteria and requirements of sections 43-251.01, 43-260, and 43-260.01 and subdivision (5)(b)(iv) of section 43-286, and a hearing shall be held before the court within twenty-four hours as provided in subsection (3) of section 43-253.

(5) Immediately after detention or deprivation of liberty pursuant to subsection (4) of this section, the probation officer shall notify the county attorney of the county where probation was imposed and the juvenile's attorney of record and submit a written report describing the risk of harm to lives or property or of fleeing the jurisdiction which precipitated the need for such detention or deprivation of liberty and of any violation of probation. If there

LB530
2025

is no attorney of record for the juvenile, the office shall notify the court and counsel for the juvenile shall be appointed. After prompt consideration of the written report, the county attorney shall:

(a) Order the release of the juvenile from confinement or alternative to detention subject to the supervision of a probation officer; or

(b) File with the adjudicating court a motion to revoke the probation.

(6) Whenever a county attorney receives a report from a probation officer that a juvenile probationer has violated a condition of probation and the probation officer is seeking revocation of probation, the county attorney may file a motion to revoke probation.

(7) Whenever a juvenile probationer is engaging in positive behavior, completion of goals, and compliance with the terms of probation, the probation officer shall use graduated incentives to provide positive reinforcement and encouragement of such behavior. The office shall keep records of all incentives and provide such records to the county attorney or the juvenile’s attorney upon request.

(8) During the term of probation, the court, on application of a probation officer or of the juvenile or on its own motion, may reduce or eliminate any of the conditions imposed on the juvenile. Upon completion of the term of probation or the earlier discharge of the juvenile, the juvenile shall be relieved of any obligations imposed by the order of the court and his or her record shall be sealed pursuant to section 43-2,108.04.

(9) The probation administrator shall adopt and promulgate rules and regulations to carry out this section.

Sec. 18. (1) At least thirty calendar days before the expiration of any juvenile's term of probation, the probation officer shall send a progress report to the county attorney and to the juvenile's attorney of record. The progress report shall include all court orders relating to such term of probation, information on all conditions of probation, and information regarding the juvenile's compliance with, or violations of, such conditions.

(2) If the county attorney determines that revocation is appropriate, the

LB530
2025

county attorney may file a motion to revoke probation. If there is no attorney of record for the juvenile, counsel for the juvenile shall be appointed. If such motion is filed no later than fourteen calendar days before the expiration of the term of probation, the court shall schedule a revocation hearing prior to the date of expiration.

Sec. 19. Section 43-2,108, Revised Statutes Cumulative Supplement, 2024, is amended to read:

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

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

(3) As used in this section, confidential record information means all docket records, other than the pleadings, orders, decrees, and judgments; case files and records; reports and records of probation officers; and information

LB530
2025

supplied to the court of jurisdiction in such cases by any individual or any public or private institution, agency, facility, or clinic, which is compiled by, produced by, and in the possession of any court. In all cases under subdivision (3)(a) of section 43-247, access to all confidential record information in such cases shall be granted only as follows: (a) The court of jurisdiction may, subject to applicable federal and state regulations, disseminate such confidential record information to any individual, or public or private agency, institution, facility, or clinic which is providing services directly to the juvenile and such juvenile's parents or guardian and his or her immediate family who are the subject of such record information; (b) the court of jurisdiction may disseminate such confidential record information, with the consent of persons who are subjects of such information, or by order of such court after showing of good cause, to any law enforcement agency upon such agency's specific request for such agency's exclusive use in the investigation of any protective service case or investigation of allegations under subdivision (3)(a) of section 43-247, regarding the juvenile or such juvenile's immediate family, who are the subject of such investigation; and (c) the court of jurisdiction may disseminate such confidential record information to any court, which has jurisdiction of the juvenile who is the subject of such information upon such court's request.

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

(5) In all cases under sections 43-246.01 and 43-247, the office of Inspector General of Nebraska Child Welfare may submit a written request to the probation administrator for access to the records of juvenile probation officers in a specific case. Upon a juvenile court order, the records shall be provided to the Inspector General within five days for the exclusive use in an investigation pursuant to the Office of Inspector General of Nebraska Child Welfare Act. Nothing in this subsection shall prevent the notification of death

LB530
2025

or serious injury of a juvenile to the Inspector General of Nebraska Child Welfare pursuant to section 43-4318 as soon as reasonably possible after the Office of Probation Administration learns of such death or serious injury.

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

(7) Nothing in subsections (3), (5), and (6) of this section shall be construed to restrict the dissemination of confidential record information between any individual or public or private agency, institute, facility, or clinic, except any such confidential record information disseminated by the court of jurisdiction pursuant to this section shall be for the exclusive and private use of those to whom it was released and shall not be disseminated further without order of such court.

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

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

(9) Nothing in subsection (3), (5), or (6) of this section shall be construed to restrict the immediate dissemination of a current picture and information about a child who is missing from a foster care or out-of-home placement. Such dissemination by the Office of Probation Administration shall be authorized by an order of a judge or court. Such information shall be

LB530
2025

subject to state and federal confidentiality laws and shall not include that the child is in the care, custody, or control of the Department of Health and Human Services or under the supervision of the Office of Probation Administration.

(10) Any juvenile court order that places a juvenile on electronic monitoring shall also state that data from such electronic monitoring device shall be made available to a designated law enforcement officer as provided in this subsection. A law enforcement agency may designate law enforcement officers who may receive such data. Upon a request by such an officer or a law enforcement agency, the Office of Probation Administration shall provide such officer or law enforcement agency with access to the electronic monitoring database.

(11) For any juvenile subject to the supervision of a probation officer, the Office of Probation Administration shall provide the Nebraska Commission on Law Enforcement and Criminal Justice with the following information: The name of the juvenile, the name and contact information of the juvenile's parents or guardians, the name and contact information of the juvenile's probation officer, any terms of probation included in a juvenile court order, the placement of the juvenile if placed out of home, whether the juvenile is a prohibited juvenile offender under section 28-1204.05, search and seizure status, criminal associations, and the school the juvenile is attending. The commission shall provide access to such information to law enforcement agencies through the state's criminal justice information system in a manner that allows such information to be readily accessible through the main interface of the system.

Sec. 20. Section 43-2,108.05, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-2,108.05 (1) If the court orders the record of a juvenile sealed, the court shall:

(a) Order that all records, including any information or other data concerning any proceedings relating to the offense, including the arrest,

LB530
2025

taking into custody, petition, complaint, indictment, information, trial, hearing, adjudication, correctional supervision, dismissal, or other disposition or sentence, be deemed never to have occurred;

(b) Send notice of the order to seal the record (i) if the record includes impoundment or prohibition to obtain a license or permit pursuant to section 43-287, to the Department of Motor Vehicles, (ii) if the juvenile whose record has been ordered sealed was a ward of the state at the time the proceeding was initiated or if the Department of Health and Human Services was a party in the proceeding, to such department, and (iii) to law enforcement agencies, county attorneys, and city attorneys referenced in the court record;

(c) Order all notified under subdivision (1)(b) of this section to seal all records pertaining to the offense;

(d) If the case was transferred from district court to juvenile court or was transferred under section 43-282, send notice of the order to seal the record to the transferring court; and

(e) Explain to the juvenile using developmentally appropriate language what sealing the record means. The explanation shall be given verbally if the juvenile is present in the court at the time the court issues the sealing order and by written notice sent by regular mail to the juvenile's last-known address if the juvenile is not present in the court at the time the court issues the sealing order. If applicable, the explanation shall inform the juvenile that the juvenile is prohibited from possessing a firearm under section 28-1204.05. The sealing order shall include contact information for each government agency subject to the sealing order.

(2) The effect of having a record sealed is that thereafter no person is allowed to release any information concerning such record, except as provided by this section. After a record is sealed, the person whose record was sealed can respond to any public inquiry as if the offense resulting in such record never occurred. A government agency and any other public office or agency shall reply to any public inquiry that no information exists regarding a sealed record. Except as provided in subsection (3) of this section, an order to seal

LB530
2025

the record applies to every government agency and any other public office or agency that has a record relating to the offense, regardless of whether it receives notice of the hearing on the sealing of the record or a copy of the order. Upon the written request of a person whose record has been sealed and the presentation of a copy of such order, a government agency or any other public office or agency shall seal all records pertaining to the offense.

(3) A sealed record is accessible to the individual who is the subject of the sealed record and any persons authorized by such individual, law enforcement officers, county attorneys, and city attorneys in the investigation, prosecution, and sentencing of crimes, to the sentencing judge in the sentencing of criminal defendants, to a judge making a determination whether to transfer a case to or from juvenile court, to any attorney representing the subject of the sealed record, and to the Inspector General of Nebraska Child Welfare pursuant to an investigation conducted under the Office of Inspector General of Nebraska Child Welfare Act. Inspection of records that have been ordered sealed under section 43-2,108.04 may be made by the following persons or for the following purposes:

(a) By the court or by any person allowed to inspect such records by an order of the court for good cause shown;

(b) By the court, city attorney, or county attorney for purposes of collection of any remaining parental support or obligation balances under section 43-290;

(c) By the Nebraska Probation System for purposes of juvenile intake services, for presentence and other probation investigations, and for the direct supervision of persons placed on probation and by the Department of Correctional Services, the Office of Juvenile Services, a juvenile assessment center, a criminal detention facility, a juvenile detention facility, or a staff secure juvenile facility, for an individual committed to it, placed with it, or under its care;

(d) By the Department of Health and Human Services for purposes of juvenile intake services, the preparation of case plans and reports, the

LB530
2025

preparation of evaluations, compliance with federal reporting requirements, or the supervision and protection of persons placed with the department or for licensing or certification purposes under sections 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's Residential Facilities and Placing Licensure Act;

(e) By the individual who is the subject of the sealed record and by persons authorized by such individual. The individual shall provide satisfactory verification of his or her identity;

(f) At the request of a party in a civil action that is based on a case that has a sealed record, as needed for the civil action. The party also may copy the sealed record as needed for the civil action. The sealed record shall be used solely in the civil action and is otherwise confidential and subject to this section;

(g) By persons engaged in bona fide research, with the permission of the court or the State Court Administrator, only if the research results in no disclosure of the person's identity and protects the confidentiality of the sealed record;

(h) By a law enforcement agency if the individual whose record has been sealed applies for employment with the law enforcement agency; or

(i) By a law enforcement agency for firearm eligibility purposes to determine if a person under the age of twenty-five years has been previously adjudicated for an act which would constitute a felony or a misdemeanor crime of domestic violence as defined in subsection (6) of section 28-1204.05.

(4) Nothing in this section prohibits the Department of Health and Human Services from releasing information from sealed records in the performance of its duties with respect to the supervision and protection of persons served by the department.

(5) In any application for employment, bonding, license, education, or other right or privilege, any appearance as a witness, or any other public inquiry, a person cannot be questioned with respect to any offense for which the record is sealed. If an inquiry is made in violation of this subsection,

LB530
2025

the person may respond as if the offense never occurred. Applications for employment shall contain specific language that states that the applicant is not obligated to disclose a sealed record. Employers shall not ask if an applicant has had a record sealed. The Department of Labor shall develop a link on the department's website to inform employers that employers cannot ask if an applicant had a record sealed and that an application for employment shall contain specific language that states that the applicant is not obligated to disclose a sealed record.

(6) Any person who knowingly violates this section shall be guilty of a Class V misdemeanor.

Sec. 21. On or before the first day of each month, the Office of Probation Administration shall generate a list of all juvenile probationers in each county and provide such list to each law enforcement agency with jurisdiction.

Sec. 22. Section 43-2,129, Revised Statutes Cumulative Supplement, 2024, is amended to read:

43-2,129 Sections 43-245 to 43-2,129 and sections 11, 16, 18, and 21 of this act shall be known and may be cited as the Nebraska Juvenile Code.

Sec. 23. Section 60-601, Revised Statutes Cumulative Supplement, 2024, is amended to read:

60-601 Sections 60-601 to 60-6,383 and sections 25, 28, and 31 of this act shall be known and may be cited as the Nebraska Rules of the Road.

Sec. 24. Section 60-605, Revised Statutes Cumulative Supplement, 2024, is amended to read:

60-605 For purposes of the Nebraska Rules of the Road, the definitions found in sections 60-606 to 60-676 and section 25 of this act shall be used.

Sec. 25. Vulnerable road user means:

(1) Any pedestrian who is:

(a) On a highway and constructing or repairing such highway;

(b) Working on utility facilities along a highway;

(c) Providing emergency services on or along a highway;

LB530
2025

(d) In a crosswalk; or

(e) On the shoulder;

(2) Any individual operating any of the following on or along a highway:

(a) Any bicycle;

(b) Any electric bicycle;

(c) Any motorcycle other than an autocycle;

(d) Any moped; or

(e) Any vehicle or device similar to any vehicle or device listed in subdivisions (2)(a) through (2)(d) of this section;

(3) Any individual who is riding any animal or driving any animal-drawn vehicle on or along a highway;

(4) Any individual operating an implement of husbandry, including a farm tractor, that is on or along a highway; and

(5) Any individual who is in a crosswalk or on a shoulder and who is on any:

(a) Coaster, skate, sled, ski, board, or toy vehicle;

(b) Electric personal assistive mobility device; or

(c) Wheelchair.

Sec. 26. Section 60-682.01, Reissue Revised Statutes of Nebraska, is amended to read:

60-682.01 (1) Any person who operates a vehicle in violation of any maximum speed limit established for any highway or freeway is guilty of a traffic infraction.

(2) Upon conviction for a violation of this section, a person shall be fined:

(a) Fifty dollars for traveling one to five miles per hour over the authorized speed limit;

(b) Seventy-five dollars for traveling over five miles per hour but not over ten miles per hour over the authorized speed limit;

(c) One hundred twenty-five dollars for traveling over ten miles per hour but not over fifteen miles per hour over the authorized speed limit;

LB530
2025

(d) Two hundred dollars for traveling over fifteen miles per hour but not over twenty miles per hour over the authorized speed limit;

(e) Three hundred dollars for traveling over twenty miles per hour but not over thirty-five miles per hour over the authorized speed limit; and

(f) Four hundred dollars for traveling over thirty-five miles per hour over the authorized speed limit.

(3) The fines prescribed in subsection (2) of this section shall be doubled if the violation occurs within a maintenance, repair, or construction zone established pursuant to section 60-6,188. For purposes of this subsection, maintenance, repair, or construction zone means (a)(i) the portion of a highway identified by posted or moving signs as being under maintenance, repair, or construction or (ii) the portion of a highway identified by maintenance, repair, or construction zone speed limit signs displayed pursuant to section 60-6,188 and (b) within such portion of a highway where road construction workers are present. The maintenance, repair, or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until a posted or moving sign indicates that the maintenance, repair, or construction zone has ended.

(4) The fines prescribed in subsection (2) of this section shall be doubled if the violation occurs within a school crossing zone as defined in section 60-658.01.

Sec. 27. Section 60-6,186, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,186 (1) Except when a special hazard exists that requires lower speed for compliance with section 60-6,185, the limits set forth in this section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be the maximum lawful speeds unless reduced pursuant to subsection (2) of this section, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits:

(a) Twenty-five miles per hour in any residential district;

(b) Twenty miles per hour in any business district;

(c) Fifty miles per hour upon any highway that is gravel or not dustless

LB530
2025

surfaced;

(d) Fifty-five miles per hour upon any dustless-surfaced highway not a part of the state highway system;

(e) Sixty-five miles per hour upon any four-lane divided highway not a part of the state highway system;

(f) Sixty-five miles per hour upon any part of the state highway system other than an expressway, a super-two highway, or a freeway;

(g) Seventy miles per hour upon an expressway or a super-two highway that is part of the state highway system;

(h) Seventy miles per hour upon a freeway that is part of the state highway system but not part of the National System of Interstate and Defense Highways; and

(i) Seventy-five miles per hour upon the National System of Interstate and Defense Highways, except that the maximum speed limit shall be sixty-five miles per hour for:

(i) Any portion of the National System of Interstate and Defense Highways located in Douglas County; and

(ii) That portion of the National System of Interstate and Defense Highways designated as Interstate 180 in Lancaster County and Interstate 129 in Dakota County.

(2) The maximum speed limits established in subsection (1) of this section may be reduced by the Department of Transportation or by local authorities pursuant to section 60-6,188 or 60-6,190 or section 28 of this act.

(3) The Department of Transportation and local authorities may erect and maintain suitable signs along highways under their respective jurisdictions in such number and at such locations as they deem necessary to give adequate notice of the speed limits established pursuant to subsection (1) or (2) of this section upon such highways.

Sec. 28. (1) The Department of Transportation may temporarily reduce the maximum lawful speed for vehicles on any highway for any of the following reasons:

LB530
2025

(a) Any weather or environmental condition that reduces the visibility of vehicle operators to approximately one-fourth of one mile or less, including, but not limited to, fog, precipitation, smoke, or dust;

(b) Any condition that could result in reduced vehicle traction to the highway, including rain, water, ice, snow, oil, road surface conditions, or any object on the highway;

(c) Any emergency situation; or

(d) Any traffic congestion, reduced traffic mobility, or reduced traffic flow.

(2) Any reduction of the maximum lawful speed for vehicles on a highway under subsection (1) of this section is only effective if the Department of Transportation prominently displays an electronic or digital sign with the reduced maximum lawful speed for vehicles on such highway.

(3) When the normal maximum lawful speed limit for a highway has been reduced under this section, the normal maximum lawful speed limit for such highway shall not apply until another electronic, digital, nonelectronic, or nondigital sign indicates a return to the normal maximum lawful speed limit for such highway.

(4) Any temporarily reduced maximum lawful speed limit under this section shall be changed in increments of five miles per hour.

(5) When the maximum lawful speed limit is temporarily reduced under this section, there shall be no minimum speed limit for the corresponding area of the temporarily reduced maximum lawful speed limit.

(6) The Department of Transportation shall:

(a) Develop and implement a policy for determining:

(i) When to temporarily reduce maximum lawful speed limits;

(ii) What such speed limits should be; and

(iii) The increments, which may exceed the increments specified in section 60-6,190, to be used in reducing and reestablishing the regular maximum lawful speed limit;

(b) Keep appropriate records that include when any maximum lawful speed

LB530
2025

limit under this section has been changed, what such maximum lawful speed limit was set at, and the reason for the change; and

(c) Keep appropriate records that include the maximum lawful speed limit for each highway.

(7) The Department of Transportation may adopt and promulgate rules and regulations to carry out this section.

Sec. 29. Section 60-6,213, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,213 (1) Any person who drives any motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be guilty of reckless driving.

(2) For purposes of determining if a person is guilty of reckless driving, evidence that such person was driving a motor vehicle in excess of double the maximum lawful speed limit shall be prima facie evidence that the motor vehicle was being driven in a manner as to indicate an indifferent or wanton disregard for the safety of persons or property.

Sec. 30. Section 60-6,378, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,378 (1)(a) The driver of a vehicle on a controlled-access highway approaching or passing a stopped vehicle located on the same side of the highway shall proceed with due care and caution as described in this section.

(b) If there are at least two adjacent lanes of travel in the same direction on the same side of the highway as the stopped vehicle, the driver of the approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way when approaching or passing the stopped vehicle by moving into a lane at least one moving lane apart from the stopped vehicle unless directed otherwise by any peace officer, authorized emergency personnel, or road assistance personnel.

(c) If there are not two adjacent lanes of travel in the same direction on the same side of the highway as the stopped vehicle or if moving into another lane is not reasonably possible, the driver of the approaching or passing

LB530
2025

vehicle shall:

(i) Reduce his or her speed;

(ii) Maintain a safe speed with regard to the location of the stopped vehicle, the weather conditions, the road conditions, and vehicular or pedestrian traffic; and

(iii) Proceed with due care and caution or proceed as directed by any peace officer, authorized emergency personnel, or road assistance personnel.

(d) Any person who violates this subsection is guilty of a:

(i) Class IIIA misdemeanor for a second or subsequent violation committed within five years after a conviction for a violation of this subsection; or

(ii) Traffic infraction for any other violation.

(2) Subsection (1) of this section does not apply if the stopped vehicle is unoccupied and there are no individuals present in or near the stopped vehicle.

(3) The Department of Transportation shall erect and maintain or cause to be erected and maintained signs giving notice of subsection (1) of this section along controlled-access highways.

(4) Enforcement of subsection (1) of this section shall not be accomplished using simulated situations involving a stopped vehicle.

(5) This section does not relieve the driver of a stopped vehicle from the duty to operate or stop such vehicle with due regard for the safety of all persons using the highway.

(6) For purposes of this section:

(a) Moving into another lane is not reasonably possible if it would be impractical or unsafe to do so because of weather conditions, road conditions, or the immediate presence of vehicular or pedestrian traffic; and

(b) Road assistance personnel includes any agent of the Nebraska Department of Transportation, the Nebraska State Patrol, the United States Department of Transportation, or a utility company.

Sec. 31. (1) The operator of a motor vehicle shall proceed with due care and caution as described in subsection (2) of this section when approaching or

LB530
2025

passing a vulnerable road user.

(2)(a) If there are at least two adjacent lanes of travel in the same direction on the same side of the highway as the vulnerable road user, the driver of the approaching or passing motor vehicle shall proceed with due care and caution and yield the right-of-way when approaching or passing the vulnerable road user by moving into a lane at least one moving lane apart from the vulnerable road user unless directed otherwise by any peace officer, authorized emergency personnel, or road assistance personnel as defined in section 60-6,378.

(b) If there are not two adjacent lanes of travel in the same direction on the same side of the highway as the vulnerable road user or if moving into another lane is not reasonably possible as defined in section 60-6,378, the driver of the approaching or passing vehicle shall:

(i) Reduce his or her speed;

(ii) Maintain a safe speed with regard to the location of the vulnerable road user, the weather conditions, the road conditions, and vehicular or pedestrian traffic; and

(iii) Proceed with due care and caution or proceed as directed by any peace officer, authorized emergency personnel, or road assistance personnel.

(3) Any person who violates this section is guilty of a:

(a) Class IIIA misdemeanor for a second or subsequent violation committed within five years after a conviction for a violation of this section; or

(b) Traffic infraction for any other violation.

(4) This section does not grant any vulnerable road user the right to be on or along any highway in violation of any other state or local law.

Sec. 32. Original sections 28-306, 28-394, 29-2262.06, 29-2267, 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 43-245, 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108, 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative Supplement, 2024, are repealed.

PRESIDENT OF THE LEGISLATURE

THIS IS TO CERTIFY that the within LB 530 was passed by the One Hundred Ninth Legislature of Nebraska at its First Session on the ..... day of ..... 20.....

CLERK OF THE LEGISLATURE

Approved:

..... 20....., ... o'clock .....M.

GOVERNOR