

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 530

FINAL READING

Introduced by Kauth, 31; Sanders, 45.

Read first time January 22, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to public safety; to amend sections 28-306,
2 28-394, 29-2262.06, 29-2267, 60-682.01, 60-6,186, 60-6,213, and
3 60-6,378, Reissue Revised Statutes of Nebraska, and sections 28-101,
4 28-416, 28-1204.05, 29-2263, 43-245, 43-250, 43-251.01, 43-253,
5 43-260.01, 43-286.01, 43-2,108, 43-2,108.05, 43-2,129, 60-601, and
6 60-605, Revised Statutes Cumulative Supplement, 2024; to create the
7 offense of tampering with an electronic monitoring device; to define
8 and redefine terms; to change provisions relating to motor vehicle
9 homicide and motor vehicle homicide of an unborn child and increase
10 the penalty for the latter offense; to provide for a penalty
11 enhancement for a controlled substances violation resulting in
12 serious bodily injury or death; to include certain adjudications
13 within the offense of possession of a firearm by a prohibited
14 juvenile offender; to provide for the waiver of certain fees under
15 the Nebraska Probation Administration Act; to authorize a court to
16 extend a term of probation as prescribed; to define detention for
17 purposes of the Nebraska Juvenile Code; to provide duties for peace
18 officers taking juvenile probationers into custody; to change
19 provisions relating to detention, the age at which a juvenile may be
20 detained, revocation of juvenile probation, access to electronic
21 monitoring data of juveniles, information regarding juveniles
22 probationers provided to the Nebraska Commission on Law Enforcement

1 and Criminal Justice, and the sealing of juvenile records; to
2 provide procedures and requirements for comprehensive supervision
3 probationers; to provide for a list of juvenile probationers in each
4 county; to provide duties for courts, probation officers, and the
5 commission; to increase penalties for violations of the maximum
6 speed limit; to authorize the Department of Transportation to
7 temporarily reduce maximum speed limits; to change provisions
8 relating to reckless driving; to require motor vehicle operators to
9 proceed with due care when passing stopped vehicles or vulnerable
10 road users and provide for penalties; to harmonize provisions; and
11 to repeal the original sections.

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

1 **Section 1.** Section 28-101, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 28-101 Sections 28-101 to 28-1357, 28-1601 to 28-1603, and 28-1701
4 and section 2 of this act shall be known and may be cited as the Nebraska
5 Criminal Code.

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

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

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

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

16 28-306 (1) A person who causes the death of another unintentionally
17 while engaged in the operation of a motor vehicle in violation of the law
18 of the State of Nebraska or in violation of any city or village ordinance
19 commits motor vehicle homicide.

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

22 (3)(a) If the proximate cause of the death of another is the
23 operation of a motor vehicle in violation of section 60-6,213 or
24 60-6,214, motor vehicle homicide is a Class IIIA felony.

25 (b) If the proximate cause of the death of another is the operation
26 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
27 vehicle homicide is a Class IIA felony. ~~The court shall, as part of the~~
28 ~~judgment of conviction, order the person not to drive any motor vehicle~~
29 ~~for any purpose for a period of at least one year and not more than~~
30 ~~fifteen years and shall order that the operator's license of such person~~
31 ~~be revoked for the same period.~~

1 (c) If the proximate cause of the death of another is the operation
2 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
3 vehicle homicide is a Class II felony if the defendant has a prior
4 conviction for a violation of section 60-6,196 or 60-6,197.06, under a
5 city or village ordinance enacted in conformance with section 60-6,196,
6 or under a law of another state if, at the time of the conviction under
7 the law of such other state, the offense for which the defendant was
8 convicted would have been a violation of section 60-6,196. ~~The court
9 shall, as part of the judgment of conviction, order the person not to
10 drive any motor vehicle for any purpose for a period of fifteen years and
11 shall order that the operator's license of such person be revoked for the
12 same period.~~

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

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

23 ~~(5) (d) An order of the court described in this section subdivision~~
24 ~~(b) or (c) of this subsection shall be administered upon sentencing, upon~~
25 ~~final judgment of any appeal or review, or upon the date that any~~
26 ~~probation is revoked.~~

27 ~~(6) (4) The crime punishable under this section shall be treated as~~
28 ~~a separate and distinct offense from any other offense arising out of~~
29 ~~acts alleged to have been committed while the person was in violation of~~
30 ~~this section.~~

31 **Sec. 4.** Section 28-394, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 28-394 (1) A person who causes the death of an unborn child
3 unintentionally while engaged in the operation of a motor vehicle in
4 violation of the law of the State of Nebraska or in violation of any city
5 or village ordinance commits motor vehicle homicide of an unborn child.

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

8 (3)(a) If the proximate cause of the death of an unborn child is the
9 operation of a motor vehicle in violation of section 60-6,213 or
10 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA
11 felony.

12 (b) Except as provided in subdivision (3)(c) of this section, if the
13 proximate cause of the death of an unborn child is the operation of a
14 motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
15 vehicle homicide of an unborn child is a Class ~~IIA~~ IIIA felony. ~~and the~~
16 ~~court shall, as part of the judgment of conviction, order the person not~~
17 ~~to drive any motor vehicle for any purpose for a period of at least sixty~~
18 ~~days and not more than fifteen years after the date ordered by the court~~
19 ~~and shall order that the operator's license of such person be revoked for~~
20 ~~the same period. The revocation shall not run concurrently with any jail~~
21 ~~term imposed.~~

22 (c) If the proximate cause of the death of an unborn child is the
23 operation of a motor vehicle in violation of section 60-6,196 or
24 60-6,197.06 and the defendant has a prior conviction for a violation of
25 section 60-6,196 or a city or village ordinance enacted in conformance
26 with section 60-6,196, motor vehicle homicide of an unborn child is a
27 Class ~~II~~ IIA felony. ~~and~~

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

1 person be suspended for the same period.

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

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

12 (6) (4) The crime punishable under this section shall be treated as
13 a separate and distinct offense from any other offense arising out of
14 acts alleged to have been committed while the person was in violation of
15 this section.

16 **Sec. 5.** Section 28-416, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 28-416 (1) Except as authorized by the Uniform Controlled Substances
19 Act, it shall be unlawful for any person knowingly or intentionally: (a)
20 To manufacture, distribute, deliver, dispense, or possess with intent to
21 manufacture, distribute, deliver, or dispense a controlled substance; or
22 (b) to create, distribute, or possess with intent to distribute a
23 counterfeit controlled substance.

24 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
25 (10) of this section, any person who violates subsection (1) of this
26 section with respect to: (a) A controlled substance classified in
27 Schedule I, II, or III of section 28-405 which is an exceptionally
28 hazardous drug shall be guilty of a Class II felony; (b) any other
29 controlled substance classified in Schedule I, II, or III of section
30 28-405 shall be guilty of a Class IIA felony; or (c) a controlled
31 substance classified in Schedule IV or V of section 28-405 shall be

1 guilty of a Class IIIA felony.

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

12 (4)(a) Except as authorized by the Uniform Controlled Substances
13 Act, any person eighteen years of age or older who knowingly or
14 intentionally manufactures, distributes, delivers, dispenses, or
15 possesses with intent to manufacture, distribute, deliver, or dispense a
16 controlled substance or a counterfeit controlled substance (i) to a
17 person under the age of eighteen years, (ii) in, on, or within one
18 thousand feet of the real property comprising a public or private
19 elementary, vocational, or secondary school, a community college, a
20 public or private college, junior college, or university, or a
21 playground, or (iii) within one hundred feet of a public or private youth
22 center, public swimming pool, or video arcade facility shall be punished
23 by the next higher penalty classification than the penalty prescribed in
24 subsection (2), (7), (8), (9), or (10) of this section, depending upon
25 the controlled substance involved, for the first violation and for a
26 second or subsequent violation shall be punished by the next higher
27 penalty classification than that prescribed for a first violation of this
28 subsection, but in no event shall such person be punished by a penalty
29 greater than a Class IB felony.

30 (b) For purposes of this subsection:

31 (i) Playground means any outdoor facility, including any parking lot

1 appurtenant to the facility, intended for recreation, open to the public,
2 and with any portion containing three or more apparatus intended for the
3 recreation of children, including sliding boards, swingsets, and
4 teeterboards;

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

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

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

20 (b) Except as authorized by the Uniform Controlled Substances Act,
21 it shall be unlawful for any person eighteen years of age or older to
22 knowingly and intentionally employ, hire, use, cause, persuade, coax,
23 induce, entice, seduce, or coerce any person under the age of eighteen
24 years to aid and abet any person in the manufacture, transportation,
25 distribution, carrying, delivery, dispensing, preparation for delivery,
26 offering for delivery, or possession with intent to do the same of a
27 controlled substance or a counterfeit controlled substance.

28 (c) Any person who violates subdivision (a) or (b) of this
29 subsection shall be punished by the next higher penalty classification
30 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of
31 this section, depending upon the controlled substance involved, for the

1 first violation and for a second or subsequent violation shall be
2 punished by the next higher penalty classification than that prescribed
3 for a first violation of this subsection, but in no event shall such
4 person be punished by a penalty greater than a Class IB felony.

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

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

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

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

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

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

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

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

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

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

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

31 (b) At least twenty-eight grams but less than one hundred forty

1 grams shall be guilty of a Class IC felony; or

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

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

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

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

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

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

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

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

24 (a) For the first offense, be guilty of an infraction, receive a
25 citation, be fined three hundred dollars, and be assigned to attend a
26 course as prescribed in section 29-433 if the judge determines that
27 attending such course is in the best interest of the individual
28 defendant;

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

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

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

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

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

16 (i) The ~~(16)~~ Any person knowingly or intentionally possessed
17 possessing a firearm while in violation of subsection (1) of this
18 section; or

19 (ii) Such violation resulted in the use of the controlled substance
20 and directly and proximately caused the death of, or serious bodily
21 injury to, another person. shall be punished by the next higher penalty
22 classification than the penalty prescribed in subsection (2), (7), (8),
23 (9), or (10) of this section, but in no event shall such person be
24 punished by

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

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

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

1 conspiracy to violate subsection (1) of this section, a sentencing court
2 may order that any money, securities, negotiable instruments, firearms,
3 conveyances, or electronic communication devices as defined in section
4 28-833 or any equipment, components, peripherals, software, hardware, or
5 accessories related to electronic communication devices be forfeited as a
6 part of the sentence imposed if it finds by clear and convincing evidence
7 adduced at a separate hearing in the same prosecution, following
8 conviction for a violation of subsection (1) of this section, and
9 conducted pursuant to section 28-1601, that any or all such property was
10 derived from, used, or intended to be used to facilitate a violation of
11 subsection (1) of this section.

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

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

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

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

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

31 (b) If the person convicted or adjudicated of violating this section

1 is eighteen years of age or younger and does not have a permit or license
2 issued under the Motor Vehicle Operator's License Act:

3 (i) For the first offense, the court may, as part of the judgment of
4 conviction or adjudication, (A) prohibit such person from obtaining any
5 permit or any license pursuant to the act for which such person would
6 otherwise be eligible until thirty days after the date of such order and
7 (B) require such person to attend a drug education class;

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

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

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

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

29 28-1204.05 (1) Except as provided in subsections (3) and (4) of this
30 section, a person under the age of twenty-five years who knowingly
31 possesses a firearm commits the offense of possession of a firearm by a

1 prohibited juvenile offender if he or she has previously been adjudicated
2 an offender in juvenile court for an act which would constitute a felony
3 or an act which would constitute a misdemeanor crime of domestic
4 violence. This subsection includes an adjudication for which a juvenile
5 record has been sealed upon termination of probation.

6 (2) Possession of a firearm by a prohibited juvenile offender is a
7 Class IV felony for a first offense and a Class IIIA felony for a second
8 or subsequent offense.

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

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

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

- 24 (i) The behavior of the person after the underlying adjudication;
25 (ii) The likelihood that the person will engage in further criminal
26 activity; and
27 (iii) Any other information the court considers relevant.

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

1 public welfare.

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

9 (6) For purposes of this section, misdemeanor crime of domestic
10 violence has the same meaning as in section 28-1206.

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

13 29-2262.06 (1) Except as otherwise provided in this section,
14 whenever a district court or county court sentences an adult offender to
15 probation, the court shall require the probationer to pay a one-time
16 administrative enrollment fee and thereafter a monthly probation
17 programming fee.

18 (2) Participants in non-probation-based programs or services in
19 which probation personnel or probation resources are utilized pursuant to
20 an interlocal agreement authorized by subdivision (16) of section 29-2252
21 and in which all or a portion of the costs of such probation personnel or
22 such probation resources are covered by funds provided pursuant to
23 section 29-2262.07 shall pay the one-time administrative enrollment fee
24 described in subdivision (3)(a) of this section and the monthly probation
25 programming fee described in subdivision (3)(c) of this section. In
26 addition, the provisions of subsections (4), (7), and ~~(11)~~ ~~(10)~~ of this
27 section applicable to probationers apply to participants in non-
28 probation-based programs or services. Any participant in a non-probation-
29 based program or service who defaults on the payment of any such fees
30 may, at the discretion of the court, be subject to removal from such non-
31 probation-based program or service. This subdivision does not preclude a

1 court or other governmental entity from charging additional local fees
2 for participation in such non-probation-based programs and services or
3 other similar non-probation-based programs and services.

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

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

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

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

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

28 (5) If a probationer defaults in the payment of monthly probation
29 programming fees or any installment thereof, the court may revoke his or
30 her probation for nonpayment, except that probation shall not be revoked
31 nor shall the offender be imprisoned for such nonpayment if the

1 probationer is financially unable to make the payment, if he or she so
2 states to the court in writing under oath, and if the court so finds
3 after a hearing.

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

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

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

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

27 (10) (9) Any adult probationer received for supervision pursuant to
28 section 29-2637 or the Interstate Compact for Adult Offender Supervision
29 shall be assessed both a one-time administrative enrollment fee and
30 monthly probation programming fees during the period of time the
31 probationer is actively supervised by Nebraska probation authorities.

1 ~~(11)~~ (10) The probationer or participant in a non-probation-based
2 program or service shall pay the fees described in this section to the
3 clerk of the court. The clerk of the court shall remit all fees so
4 collected to the State Treasurer for credit to the Probation Program Cash
5 Fund.

6 **Sec. 8.** Section 29-2263, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 29-2263 (1)(a) Except as provided in subsection (2) of this section,
9 when a court has sentenced an offender to probation, the court shall
10 specify the term of such probation which shall be not more than five
11 years upon conviction of a felony or second offense misdemeanor and two
12 years upon conviction of a first offense misdemeanor.

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

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

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

27 (3) During the term of probation, the court on application of a
28 probation officer or of the probationer, or its own motion, may modify or
29 eliminate any of the conditions imposed on the probationer or add further
30 conditions authorized by section 29-2262. The court on joint application
31 of the probation officer and the probationer may extend the term of

1 probation within the limits authorized by subdivision (1)(a) of this
2 section. This subsection does not preclude a probation officer from
3 imposing administrative sanctions with the probationer's full knowledge
4 and consent as authorized by sections 29-2266.01 and 29-2266.02.

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

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

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

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

27 29-2267 (1) Whenever a motion or information to revoke probation is
28 filed, the probationer shall be entitled to a prompt consideration of
29 such charge by the sentencing court. The court shall not revoke probation
30 or increase the probation requirements imposed on the probationer, except
31 after a hearing upon proper notice where the violation of probation is

1 established by clear and convincing evidence.

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

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

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

20 **Sec. 10.** Section 43-245, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 43-245 For purposes of the Nebraska Juvenile Code, unless the
23 context otherwise requires:

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

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

29 (3) Alternative to detention means a program or directive that
30 increases supervision of a youth in the community in an effort to ensure
31 the youth attends court and refrains from committing a new law violation.

1 Alternative to detention includes, but is not limited to, electronic
2 monitoring, day and evening reporting centers, house arrest, tracking,
3 family crisis response, and temporary shelter placement. Except for the
4 use of manually controlled delayed egress of not more than thirty
5 seconds, placements that utilize physical construction or hardware to
6 restrain a youth's freedom of movement and ingress and egress from
7 placement are not considered alternatives to detention;

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

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

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

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

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

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

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

27 (11) ~~(10)~~ Guardian means a person, other than a parent, who has
28 qualified by law as the guardian of a juvenile pursuant to testamentary
29 or court appointment, but excludes a person who is merely a guardian ad
30 litem;

31 (12) ~~(11)~~ Juvenile means any person under the age of eighteen;

1 (13) ~~(12)~~ Juvenile court means the separate juvenile court where it
2 has been established pursuant to sections 43-2,111 to 43-2,127 and the
3 county court sitting as a juvenile court in all other counties. Nothing
4 in the Nebraska Juvenile Code shall be construed to deprive the district
5 courts of their habeas corpus, common-law, or chancery jurisdiction or
6 the county courts and district courts of jurisdiction of domestic
7 relations matters as defined in section 25-2740;

8 (14) ~~(13)~~ Juvenile detention facility has the same meaning as in
9 section 83-4,125;

10 (15) ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

11 (16) ~~(15)~~ Mental health facility means a treatment facility as
12 defined in section 71-914 or a government, private, or state hospital
13 which treats mental illness;

14 (17) ~~(16)~~ Nonoffender means a juvenile who is subject to the
15 jurisdiction of the juvenile court for reasons other than legally
16 prohibited conduct, including, but not limited to, juveniles described in
17 subdivision (3)(a) of section 43-247;

18 (18) ~~(17)~~ Parent means one or both parents or stepparents when the
19 stepparent is married to a parent who has physical custody of the
20 juvenile as of the filing of the petition;

21 (19) ~~(18)~~ Parties means the juvenile as described in section 43-247
22 and his or her parent, guardian, or custodian;

23 (20) ~~(19)~~ Physical custody has the same meaning as in section
24 43-2922;

25 (21) ~~(20)~~ Except in proceedings under the Nebraska Indian Child
26 Welfare Act, relative means father, mother, grandfather, grandmother,
27 brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle,
28 aunt, first cousin, nephew, or niece;

29 (22) ~~(21)~~ Restorative justice means practices, programs, or services
30 that emphasize repairing the harm caused to victims and the community by
31 persons who have caused the harm or committed an offense. Restorative

1 justice practices may include, but are not limited to, victim youth
2 conferencing, victim-offender mediation, youth or community dialogue,
3 panels, circles, and truancy mediation;

4 (23) ~~(22)~~ Restorative justice facilitator means a qualified
5 individual who has been trained to facilitate restorative justice
6 practices. A qualified individual shall be approved by the referring
7 county attorney, city attorney, or juvenile or county court judge.
8 Factors for approval may include, but are not limited to, an individual's
9 education and training in restorative justice principles and practices;
10 experience in facilitating restorative justice sessions; understanding of
11 the necessity to do no harm to either the victim or the person who harmed
12 the victim; and proven commitment to ethical practices;

13 (24) ~~(23)~~ Seal a record means that a record shall not be available
14 to the public except upon the order of a court upon good cause shown;

15 (25) ~~(24)~~ Secure detention means detention in a highly structured,
16 residential, hardware-secured facility designed to restrict a juvenile's
17 movement;

18 (26) ~~(25)~~ Staff secure juvenile facility means a juvenile
19 residential facility operated by a political subdivision (a) which does
20 not include construction designed to physically restrict the movements
21 and activities of juveniles who are in custody in the facility, (b) in
22 which physical restriction of movement or activity of juveniles is
23 provided solely through staff, (c) which may establish reasonable rules
24 restricting ingress to and egress from the facility, and (d) in which the
25 movements and activities of individual juvenile residents may, for
26 treatment purposes, be restricted or subject to control through the use
27 of intensive staff supervision. Staff secure juvenile facility does not
28 include any institution operated by the Department of Correctional
29 Services;

30 (27) ~~(26)~~ Status offender means a juvenile who has been charged with
31 or adjudicated for conduct which would not be a crime if committed by an

1 adult, including, but not limited to, juveniles charged under subdivision
2 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

3 ~~(28) (27)~~ Traffic offense means any nonfelonious act in violation of
4 a law or ordinance regulating vehicular or pedestrian travel, whether
5 designated a misdemeanor or a traffic infraction; and

6 ~~(29) (28)~~ Young adult means an individual older than eighteen years
7 of age but under twenty-one years of age.

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

12 **Sec. 12.** Section 43-250, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 43-250 (1) A peace officer who takes a juvenile into temporary
15 custody under section 29-401 or subdivision (1), (2), (3), or (7) of
16 section 43-248 shall immediately take reasonable measures to notify the
17 juvenile's parent, guardian, custodian, or relative and shall proceed as
18 follows:

19 (a) The peace officer may release a juvenile taken into temporary
20 custody under section 29-401 or subdivision (1), (2), or (7) of section
21 43-248;

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

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

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

19 (i) When a juvenile described in subdivision (1) or (2) of section
20 43-247, except for a status offender, is taken into temporary custody
21 within a metropolitan statistical area and where no juvenile detention
22 facility is reasonably available, the juvenile may be delivered, for
23 temporary custody not to exceed six hours, to a secure area of a jail or
24 other facility intended or used for the detention of adults solely for
25 the purposes of identifying the juvenile and ascertaining his or her
26 health and well-being and for safekeeping while awaiting transport to an
27 appropriate juvenile placement or release to a responsible party;

28 (ii) When a juvenile described in subdivision (1) or (2) of section
29 43-247, except for a status offender, is taken into temporary custody
30 outside of a metropolitan statistical area and where no juvenile
31 detention facility is reasonably available, the juvenile may be

1 delivered, for temporary custody not to exceed twenty-four hours
2 excluding nonjudicial days and while awaiting an initial court
3 appearance, to a secure area of a jail or other facility intended or used
4 for the detention of adults solely for the purposes of identifying the
5 juvenile and ascertaining his or her health and well-being and for
6 safekeeping while awaiting transport to an appropriate juvenile placement
7 or release to a responsible party;

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

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

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

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

27 (vii) A juvenile described in subdivision (1) or (2) of section
28 43-247, except for a status offender, may be held in a secure area of a
29 jail or other facility intended or used for the detention of adults for
30 up to six hours before and six hours after any court appearance.

31 (2)(a) ~~(2)~~ A juvenile taken into custody pursuant to a legal warrant

1 of arrest shall be delivered to a probation officer.

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

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

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

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

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

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

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

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

1 harm to others.

2 (e) If a juvenile is released under subdivision (2)(d) of this
3 section, is not at risk, and the court that issued the warrant shall be
4 is notified that the juvenile had been taken into custody and was
5 released.

6 (3) In determining the appropriate temporary placement or
7 alternative to detention of a juvenile under this section, the peace
8 officer shall select the placement or alternative which is least
9 restrictive of the juvenile's freedom so long as such placement or
10 alternative is compatible with the best interests of the juvenile and the
11 safety of the community. Any alternative to detention shall cause the
12 least restriction of the juvenile's freedom of movement consistent with
13 the best interests of the juvenile and the safety of the community.

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

17 (5) When a juvenile is taken into temporary custody pursuant to
18 subdivision (5), (6), or (7) of section 43-248, and not released under
19 subdivision (1)(a) of this section, the peace officer shall deliver the
20 custody of such juvenile to the Department of Health and Human Services
21 which shall make a temporary placement of the juvenile in the least
22 restrictive environment consistent with the best interests of the
23 juvenile as determined by the department. The department shall supervise
24 such placement and, if necessary, consent to any necessary emergency
25 medical, psychological, or psychiatric treatment for such juvenile. The
26 department shall have no other authority with regard to such temporary
27 custody until or unless there is an order by the court placing the
28 juvenile in the custody of the department. If the peace officer delivers
29 temporary custody of the juvenile pursuant to this subsection, the peace
30 officer shall make a full written report to the county attorney within
31 twenty-four hours of taking such juvenile into temporary custody. If a

1 court order of temporary custody is not issued within forty-eight hours
2 of taking the juvenile into custody, the temporary custody by the
3 department shall terminate and the juvenile shall be returned to the
4 custody of his or her parent, guardian, custodian, or relative.

5 (6) If the peace officer takes the juvenile into temporary custody
6 pursuant to subdivision (8) of section 43-248, the peace officer may
7 place the juvenile at a mental health facility for evaluation and
8 emergency treatment or may deliver the juvenile to the Department of
9 Health and Human Services as provided in subsection (5) of this section.
10 At the time of the admission or turning the juvenile over to the
11 department, the peace officer responsible for taking the juvenile into
12 custody pursuant to subdivision (8) of section 43-248 shall execute a
13 written certificate as prescribed by the department which will indicate
14 that the peace officer believes the juvenile to be mentally ill and
15 dangerous, a summary of the subject's behavior supporting such
16 allegations, and that the harm described in section 71-908 is likely to
17 occur before proceedings before a juvenile court may be invoked to obtain
18 custody of the juvenile. A copy of the certificate shall be forwarded to
19 the county attorney. The peace officer shall notify the juvenile's
20 parents, guardian, custodian, or relative of the juvenile's placement.

21 **Sec. 13.** Section 43-251.01, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 43-251.01 All placements and commitments of juveniles for
24 evaluations or as temporary or final dispositions are subject to the
25 following:

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

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

1 treatment center or committed to the Office of Juvenile Services;

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

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

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

9 (i) The the physical safety of persons in the community would be
10 seriously threatened;

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

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

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

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

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

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

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

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

3 (iv) To facilitate further interrogation or investigation; or

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

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

12 (7) A juvenile alleged to be a juvenile as described in subdivision
13 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
14 or her home as a dispositional order of the court unless:

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

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

19 **Sec. 14.** Section 43-253, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 43-253 (1) Upon delivery to the probation officer of a juvenile who
22 has been taken into temporary custody under section 29-401, 43-248, or
23 43-250, the probation officer shall immediately investigate the situation
24 of the juvenile and the nature and circumstances of the events
25 surrounding his or her being taken into custody. Such investigation may
26 be by informal means when appropriate.

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

31 (3) No juvenile who has been taken into temporary custody under

1 subdivision (1)(c) of section 43-250 or subsection (4) ~~(6)~~ of section
2 43-286.01 or pursuant to an alleged violation of an order for conditional
3 release shall be detained in any detention facility or be subject to an
4 alternative to detention infringing upon the juvenile's liberty interest
5 for longer than twenty-four hours, excluding nonjudicial days, after
6 having been taken into custody unless such juvenile has appeared
7 personally before a court of competent jurisdiction for a hearing to
8 determine if continued detention, services, or supervision is necessary.
9 The juvenile shall be represented by counsel at the hearing. Whether such
10 counsel shall be provided at the cost of the county shall be determined
11 as provided in subsection (1) of section 43-272. If continued secure
12 detention is ordered, such detention shall be in a juvenile detention
13 facility, except that a juvenile charged with a felony as an adult in
14 county or district court may be held in an adult jail as set forth in
15 subdivision (1)(c)(v) of section 43-250. A juvenile ~~placed in an~~
16 ~~alternative to detention, but not in detention,~~ may only waive this
17 hearing with the agreement of the juvenile's through counsel and the
18 county attorney or city attorney.

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

31 (5) The court may admit such juvenile to bail by bond in such amount

1 and on such conditions and security as the court, in its sole discretion,
2 shall determine, or the court may proceed as provided in section 43-254.
3 In no case shall the court or probation officer release such juvenile if
4 it appears that:

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

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

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

16 **Sec. 15.** Section 43-260.01, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 43-260.01 The need for preadjudication placement, services, or
19 supervision and the need for detention of a juvenile and whether
20 detention or an alternative to detention is indicated shall be subject to
21 subdivision (5) of section 43-251.01 and shall be determined as follows:

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

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

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

30 **Sec. 16.** (1) If a juvenile court decides to place a juvenile on
31 probation, the court shall conduct a hearing to determine whether the

1 juvenile should be designated as a comprehensive supervision probationer.
2 The hearing may be conducted together with the dispositional hearing or
3 following a motion to revoke probation following the procedures provided
4 in subdivision (5)(b) of section 43-286.

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

9 (a) The nature of the adjudication;

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

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

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

14 (3) Comprehensive supervision probationers shall receive prioritized
15 services that assist with early identification of needs and intensive
16 supports, such as therapeutic services, educational and vocational
17 assistance, family engagement, mentorship, and behavioral interventions.
18 When a youth is dually involved in both the probation and child welfare
19 systems, the Office of Probation Administration shall work with the
20 Department of Health and Human Services to ensure coordinated and
21 adequate service delivery.

22 **Sec. 17.** Section 43-286.01, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 43-286.01 (1) For purposes of this section:

25 (a) Comprehensive supervision probationer means a juvenile
26 designated as such under section 16 of this act; 7

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

30 (c) Graduated ~~graduated~~ response means an accountability-based
31 series of sanctions, incentives, and services designed to facilitate the

1 juvenile's continued progress in changing behavior, ongoing compliance,
2 and successful completion of probation. Graduated response does not
3 include restrictions of liberty that would otherwise require a hearing
4 under subsection (3) of section 43-253.

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

14 (b) ~~(3)~~ Graduated response sanctions should be immediate, certain,
15 consistent, and fair to appropriately address the behavior. Failure to
16 complete a sanction may result in repeating the sanction, increasing the
17 duration, or selecting a different sanction similar in nature. Continued
18 failure to comply could result in a request for a motion to revoke
19 probation. Once a sanction is successfully completed the alleged
20 probation violation is deemed resolved and cannot be alleged as a
21 violation in future proceedings.

22 (c) ~~(4)~~ Graduated response incentives should provide positive
23 reinforcement to encourage and support positive behavior change and
24 compliance with court-ordered conditions of probation.

25 (3)(a) Subject to subdivisions (3)(b) and (c) of this section, when
26 ~~(5) whenever~~ a probation officer has reasonable cause to believe that a
27 juvenile probationer ~~subject to the supervision of a probation officer~~
28 has committed a violation of the terms of the juvenile's probation ~~while~~
29 ~~on probation~~, but that such juvenile will not attempt to leave the
30 jurisdiction and will not place lives or property in danger, the
31 probation officer shall either:

1 *(i) (a)* Impose one or more graduated response sanctions with the
2 approval of his or her chief probation officer or such chief's designee.
3 The decision to impose graduated response sanctions in lieu of formal
4 revocation proceedings rests with the probation officer and his or her
5 chief probation officer or such chief's designee and shall be based upon
6 such juvenile's risk level, the severity of the violation, and the
7 juvenile's response to the violation. If graduated response sanctions are
8 to be imposed, such juvenile shall acknowledge in writing the nature of
9 the violation and agree upon the graduated response sanction with
10 approval of such juvenile's parents or guardian. Such juvenile has the
11 right to decline to acknowledge the violation, and if he or she declines
12 to acknowledge the violation, the probation officer shall submit a
13 written report pursuant to subdivision (3)(a)(ii) ~~(5)(b)~~ of this section.
14 If the juvenile fails to satisfy the graduated response sanctions and the
15 office determines that a motion to revoke probation should be pursued,
16 the probation officer shall submit a written report pursuant to
17 subdivision (3)(a)(ii) ~~(5)(b)~~ of this section. A copy of the report shall
18 be submitted to the county attorney of the county where probation was
19 imposed; or

20 *(ii) (b)* Submit a written report to the county attorney of the
21 county where probation was imposed and to the juvenile's attorney of
22 record. The report shall outline ~~—outlining~~ the nature of the probation
23 violation and request that formal revocation proceedings be instituted
24 against the juvenile ~~subject to the supervision of a probation officer~~.
25 The report shall also include a statement regarding why graduated
26 response sanctions were not utilized or were ineffective. If there is no
27 attorney of record for the juvenile, the office shall notify the court
28 and counsel for the juvenile shall be appointed.

29 **(b) For a juvenile who has been designated as a comprehensive**
30 **supervision probationer, graduated response sanctions under subdivision**
31 **(3)(a)(i) of this section may only be imposed one time. For any**

1 subsequent violations of the terms of the juvenile's probation, the
2 probation officer shall proceed as provided in subdivision (3)(a)(ii) or
3 subsection (4) of this section, as appropriate.

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

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

13 (4) ~~(6)~~ Whenever a probation officer has reasonable cause to believe
14 that a juvenile probationer subject to the supervision of a probation
15 officer has violated a condition of his or her probation and that such
16 juvenile will attempt to leave the jurisdiction or will place lives or
17 property in danger, the probation officer shall take such juvenile into
18 temporary custody without a warrant and may call on any peace officer for
19 assistance as provided in section 43-248. Continued detention or
20 deprivation of liberty shall be subject to the criteria and requirements
21 of sections 43-251.01, 43-260, and 43-260.01 and subdivision (5)(b)(iv)
22 of section 43-286, and a hearing shall be held before the court within
23 twenty-four hours as provided in subsection (3) of section 43-253.

24 (5) ~~(7)~~ Immediately after detention or deprivation of liberty
25 pursuant to subsection ~~(4)~~ ~~(6)~~ of this section, the probation officer
26 shall notify the county attorney of the county where probation was
27 imposed and the juvenile's attorney of record and submit a written report
28 describing the risk of harm to lives or property or of fleeing the
29 jurisdiction which precipitated the need for such detention or
30 deprivation of liberty and of any violation of probation. If there is no
31 attorney of record for the juvenile, the office shall notify the court

1 and counsel for the juvenile shall be appointed. After prompt
2 consideration of the written report, the county attorney shall:

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

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

8 ~~(6) (8)~~ Whenever a county attorney receives a report from a
9 probation officer that a juvenile probationer ~~subject to the supervision~~
10 ~~of a probation officer~~ has violated a condition of probation and the
11 probation officer is seeking revocation of probation, the county attorney
12 may file a motion to revoke probation.

13 ~~(7) (9)~~ Whenever a juvenile probationer ~~subject to supervision of a~~
14 ~~probation officer~~ is engaging in positive behavior, completion of goals,
15 and compliance with the terms of probation, the probation officer shall
16 use graduated incentives to provide positive reinforcement and
17 encouragement of such behavior. The office shall keep records of all
18 incentives and provide such records to the county attorney or the
19 juvenile's attorney upon request.

20 ~~(8) (10)~~ During the term of probation, the court, on application of
21 a probation officer or of the juvenile or on its own motion, may reduce
22 or eliminate any of the conditions imposed on the juvenile. Upon
23 completion of the term of probation or the earlier discharge of the
24 juvenile, the juvenile shall be relieved of any obligations imposed by
25 the order of the court and his or her record shall be sealed pursuant to
26 section 43-2,108.04.

27 ~~(9) (11)~~ The probation administrator shall adopt and promulgate
28 rules and regulations to carry out this section.

29 **Sec. 18.** (1) At least thirty calendar days before the expiration of
30 any juvenile's term of probation, the probation officer shall send a
31 progress report to the county attorney and to the juvenile's attorney of

1 record. The progress report shall include all court orders relating to
2 such term of probation, information on all conditions of probation, and
3 information regarding the juvenile's compliance with, or violations of,
4 such conditions.

5 (2) If the county attorney determines that revocation is
6 appropriate, the county attorney may file a motion to revoke probation.
7 If there is no attorney of record for the juvenile, counsel for the
8 juvenile shall be appointed. If such motion is filed no later than
9 fourteen calendar days before the expiration of the term of probation,
10 the court shall schedule a revocation hearing prior to the date of
11 expiration.

12 **Sec. 19.** Section 43-2,108, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 43-2,108 (1) The juvenile court judge shall keep a record of all
15 proceedings of the court in each case, including appearances, findings,
16 orders, decrees, and judgments, and any evidence which he or she feels it
17 is necessary and proper to record. The case file shall contain the
18 complaint or petition and subsequent pleadings. The case file may be
19 maintained as an electronic document through the court's electronic case
20 management system, on microfilm, or in a paper volume and disposed of
21 when determined by the State Records Administrator pursuant to the
22 Records Management Act.

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

1 district court records shall be made available to a county court or
2 separate juvenile court upon request of the county judge or separate
3 juvenile judge for the confidential use of such judge and his or her
4 probation officer as to matters pending before such court, but shall not
5 be made available by such judge to the parties or their counsel.

6 (3) As used in this section, confidential record information means
7 all docket records, other than the pleadings, orders, decrees, and
8 judgments; case files and records; reports and records of probation
9 officers; and information supplied to the court of jurisdiction in such
10 cases by any individual or any public or private institution, agency,
11 facility, or clinic, which is compiled by, produced by, and in the
12 possession of any court. In all cases under subdivision (3)(a) of section
13 43-247, access to all confidential record information in such cases shall
14 be granted only as follows: (a) The court of jurisdiction may, subject to
15 applicable federal and state regulations, disseminate such confidential
16 record information to any individual, or public or private agency,
17 institution, facility, or clinic which is providing services directly to
18 the juvenile and such juvenile's parents or guardian and his or her
19 immediate family who are the subject of such record information; (b) the
20 court of jurisdiction may disseminate such confidential record
21 information, with the consent of persons who are subjects of such
22 information, or by order of such court after showing of good cause, to
23 any law enforcement agency upon such agency's specific request for such
24 agency's exclusive use in the investigation of any protective service
25 case or investigation of allegations under subdivision (3)(a) of section
26 43-247, regarding the juvenile or such juvenile's immediate family, who
27 are the subject of such investigation; and (c) the court of jurisdiction
28 may disseminate such confidential record information to any court, which
29 has jurisdiction of the juvenile who is the subject of such information
30 upon such court's request.

31 (4) The court shall provide copies of predispositional reports and

1 evaluations of the juvenile to the juvenile's attorney and the county
2 attorney or city attorney prior to any hearing in which the report or
3 evaluation will be relied upon.

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

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

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

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

1 court.

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

10 (9) Nothing in subsection (3), (5), or (6) of this section shall be
11 construed to restrict the immediate dissemination of a current picture
12 and information about a child who is missing from a foster care or out-
13 of-home placement. Such dissemination by the Office of Probation
14 Administration shall be authorized by an order of a judge or court. Such
15 information shall be subject to state and federal confidentiality laws
16 and shall not include that the child is in the care, custody, or control
17 of the Department of Health and Human Services or under the supervision
18 of the Office of Probation Administration.

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

28 (11) For any juvenile subject to the supervision of a probation
29 officer, the Office of Probation Administration shall provide the
30 Nebraska Commission on Law Enforcement and Criminal Justice with the
31 following information: The the name of the juvenile, the name and contact

1 information of the juvenile's parents or guardians, the name and contact
2 information of the juvenile's probation officer, and any terms of
3 probation included in a juvenile court order, the placement of the
4 juvenile if placed out of home, whether the juvenile is a prohibited
5 juvenile offender under section 28-1204.05, search and seizure status,
6 criminal associations, and the school the juvenile is attending. The
7 commission otherwise open to inspection shall be provided to the Nebraska
8 Commission on Law Enforcement and Criminal Justice which shall provide
9 access to such information to law enforcement agencies through the
10 state's criminal justice information system in a manner that allows such
11 information to be readily accessible through the main interface of the
12 system.

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

15 43-2,108.05 (1) If the court orders the record of a juvenile sealed,
16 the court shall:

17 (a) Order that all records, including any information or other data
18 concerning any proceedings relating to the offense, including the arrest,
19 taking into custody, petition, complaint, indictment, information, trial,
20 hearing, adjudication, correctional supervision, dismissal, or other
21 disposition or sentence, be deemed never to have occurred;

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

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

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

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

14 (2) The effect of having a record sealed is that thereafter no
15 person is allowed to release any information concerning such record,
16 except as provided by this section. After a record is sealed, the person
17 whose record was sealed can respond to any public inquiry as if the
18 offense resulting in such record never occurred. A government agency and
19 any other public office or agency shall reply to any public inquiry that
20 no information exists regarding a sealed record. Except as provided in
21 subsection (3) of this section, an order to seal the record applies to
22 every government agency and any other public office or agency that has a
23 record relating to the offense, regardless of whether it receives notice
24 of the hearing on the sealing of the record or a copy of the order. Upon
25 the written request of a person whose record has been sealed and the
26 presentation of a copy of such order, a government agency or any other
27 public office or agency shall seal all records pertaining to the offense.

28 (3) A sealed record is accessible to the individual who is the
29 subject of the sealed record and any persons authorized by such
30 individual, law enforcement officers, county attorneys, and city
31 attorneys in the investigation, prosecution, and sentencing of crimes, to

1 the sentencing judge in the sentencing of criminal defendants, to a judge
2 making a determination whether to transfer a case to or from juvenile
3 court, to any attorney representing the subject of the sealed record, and
4 to the Inspector General of Nebraska Child Welfare pursuant to an
5 investigation conducted under the Office of Inspector General of Nebraska
6 Child Welfare Act. Inspection of records that have been ordered sealed
7 under section 43-2,108.04 may be made by the following persons or for the
8 following purposes:

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

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

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

21 (d) By the Department of Health and Human Services for purposes of
22 juvenile intake services, the preparation of case plans and reports, the
23 preparation of evaluations, compliance with federal reporting
24 requirements, or the supervision and protection of persons placed with
25 the department or for licensing or certification purposes under sections
26 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
27 Residential Facilities and Placing Licensure Act;

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

31 (f) At the request of a party in a civil action that is based on a

1 case that has a sealed record, as needed for the civil action. The party
2 also may copy the sealed record as needed for the civil action. The
3 sealed record shall be used solely in the civil action and is otherwise
4 confidential and subject to this section;

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

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

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

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

20 (5) In any application for employment, bonding, license, education,
21 or other right or privilege, any appearance as a witness, or any other
22 public inquiry, a person cannot be questioned with respect to any offense
23 for which the record is sealed. If an inquiry is made in violation of
24 this subsection, the person may respond as if the offense never occurred.
25 Applications for employment shall contain specific language that states
26 that the applicant is not obligated to disclose a sealed record.
27 Employers shall not ask if an applicant has had a record sealed. The
28 Department of Labor shall develop a link on the department's website to
29 inform employers that employers cannot ask if an applicant had a record
30 sealed and that an application for employment shall contain specific
31 language that states that the applicant is not obligated to disclose a

1 sealed record.

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

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

8 **Sec. 22.** Section 43-2,129, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 43-2,129 Sections 43-245 to 43-2,129 and sections 11, 16, 18, and 21
11 of this act shall be known and may be cited as the Nebraska Juvenile
12 Code.

13 **Sec. 23.** Section 60-601, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 60-601 Sections 60-601 to 60-6,383 and sections 25, 28, and 31 of
16 this act shall be known and may be cited as the Nebraska Rules of the
17 Road.

18 **Sec. 24.** Section 60-605, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 60-605 For purposes of the Nebraska Rules of the Road, the
21 definitions found in sections 60-606 to 60-676 and section 25 of this act
22 shall be used.

23 **Sec. 25.** Vulnerable road user means:

24 (1) Any pedestrian who is:

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

26 (b) Working on utility facilities along a highway;

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

28 (d) In a crosswalk; or

29 (e) On the shoulder;

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

- 1 (a) Any bicycle;
- 2 (b) Any electric bicycle;
- 3 (c) Any motorcycle other than an autocycle;
- 4 (d) Any moped; or
- 5 (e) Any vehicle or device similar to any vehicle or device listed in
- 6 subdivisions (2)(a) through (2)(d) of this section;
- 7 (3) Any individual who is riding any animal or driving any animal-
- 8 drawn vehicle on or along a highway;
- 9 (4) Any individual operating an implement of husbandry, including a
- 10 farm tractor, that is on or along a highway; and
- 11 (5) Any individual who is in a crosswalk or on a shoulder and who is
- 12 on any:
- 13 (a) Coaster, skate, sled, ski, board, or toy vehicle;
- 14 (b) Electric personal assistive mobility device; or
- 15 (c) Wheelchair.

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

18 60-682.01 (1) Any person who operates a vehicle in violation of any
19 maximum speed limit established for any highway or freeway is guilty of a
20 traffic infraction.

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

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

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

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

30 (d) Two hundred One hundred twenty-five dollars for traveling over
31 fifteen miles per hour but not over twenty miles per hour over the

1 authorized speed limit;

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

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

7 (3) ~~(2)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
8 shall be doubled if the violation occurs within a maintenance, repair, or
9 construction zone established pursuant to section 60-6,188. For purposes
10 of this subsection, maintenance, repair, or construction zone means (a)
11 (i) the portion of a highway identified by posted or moving signs as
12 being under maintenance, repair, or construction or (ii) the portion of a
13 highway identified by maintenance, repair, or construction zone speed
14 limit signs displayed pursuant to section 60-6,188 and (b) within such
15 portion of a highway where road construction workers are present. The
16 maintenance, repair, or construction zone starts at the location of the
17 first sign identifying the maintenance, repair, or construction zone and
18 continues until a posted or moving sign indicates that the maintenance,
19 repair, or construction zone has ended.

20 (4) ~~(3)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
21 shall be doubled if the violation occurs within a school crossing zone as
22 defined in section 60-658.01.

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

25 60-6,186 (1) Except when a special hazard exists that requires lower
26 speed for compliance with section 60-6,185, the limits set forth in this
27 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
28 the maximum lawful speeds unless reduced pursuant to subsection (2) of
29 this section, and no person shall drive a vehicle on a highway at a speed
30 in excess of such maximum limits:

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

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

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

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

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

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

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

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

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

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

20 (ii) That portion of the National System of Interstate and Defense
21 Highways designated as Interstate 180 in Lancaster County and Interstate
22 129 in Dakota County.

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

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

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

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

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

11 (c) Any emergency situation; or

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

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

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

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

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

29 (6) The Department of Transportation shall:

30 (a) Develop and implement a policy for determining:

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

1 (ii) What such speed limits should be; and

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

5 (b) Keep appropriate records that include when any maximum lawful
6 speed limit under this section has been changed, what such maximum lawful
7 speed limit was set at, and the reason for the change; and

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

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

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

14 60-6,213 (1) Any person who drives any motor vehicle in such a
15 manner as to indicate an indifferent or wanton disregard for the safety
16 of persons or property shall be guilty of reckless driving.

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

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

24 60-6,378 (1)(a) The driver of a vehicle on a controlled-access
25 highway approaching or passing a stopped vehicle located on the same side
26 of the highway shall proceed with due care and caution as described in
27 this section. A driver in a vehicle on a controlled-access highway
28 approaching or passing a stopped authorized emergency vehicle or road
29 assistance vehicle which makes use of proper audible or visual signals
30 shall proceed with due care and caution as described in subdivision (b)
31 of this subsection.

1 **(b) If there are at least two adjacent lanes of travel in the same**
2 **direction on the same side of the highway as the stopped vehicle, the**
3 **driver of the approaching or passing vehicle shall proceed with due care**
4 **and caution and yield the right-of-way when approaching or passing the**
5 **stopped vehicle by moving into a lane at least one moving lane apart from**
6 **the stopped vehicle unless directed otherwise by any peace officer,**
7 **authorized emergency personnel, or road assistance personnel.** ~~On a~~
8 ~~controlled-access highway with at least two adjacent lanes of travel in~~
9 ~~the same direction on the same side of the highway where a stopped~~
10 ~~authorized emergency vehicle or road assistance vehicle is using proper~~
11 ~~audible or visual signals, the driver of the vehicle shall proceed with~~
12 ~~due care and caution and yield the right-of-way by moving into a lane at~~
13 ~~least one moving lane apart from the stopped authorized emergency vehicle~~
14 ~~or road assistance vehicle unless directed otherwise by a peace officer~~
15 ~~or other authorized emergency personnel. If moving into another lane is~~
16 ~~not possible because of weather conditions, road conditions, or the~~
17 ~~immediate presence of vehicular or pedestrian traffic or because the~~
18 ~~controlled-access highway does not have two available adjacent lanes of~~
19 ~~travel in the same direction on the same side of the highway where such a~~
20 ~~stopped authorized emergency vehicle or road assistance vehicle is~~
21 ~~located,~~

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

26 **(i) Reduce** ~~reduce~~ his or her speed; ~~τ~~

27 **(ii) Maintain** ~~maintain~~ a safe speed with regard to the location of
28 the stopped ~~authorized emergency vehicle or road assistance vehicle, the~~
29 weather conditions, the road conditions, and vehicular or pedestrian
30 traffic; ~~τ~~ and

31 **(iii) Proceed** ~~proceed~~ with due care and caution or proceed as

1 directed by any a peace officer, ~~or other~~ authorized emergency personnel,
2 or road assistance personnel.

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

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

7 (ii) Traffic infraction for any other violation.

8 ~~(c) Any person who violates this subsection is guilty of a traffic~~
9 ~~infraction for a first offense and Class IIIA misdemeanor for a second or~~
10 ~~subsequent offense.~~

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

14 (3) (2) The Department of Transportation shall erect and maintain or
15 cause to be erected and maintained signs giving notice of subsection (1)
16 of this section along controlled-access highways.

17 (4) (3) Enforcement of subsection (1) of this section shall not be
18 accomplished using simulated situations involving a stopped an authorized
19 emergency vehicle or a road assistance vehicle.

20 (5) (4) This section does not relieve the driver of a stopped an
21 authorized emergency vehicle or a road assistance vehicle from the duty
22 to operate or stop such vehicle drive with due regard for the safety of
23 all persons using the highway.

24 (6) (5) For purposes of this section:

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

29 (b) Road , road assistance personnel vehicle includes any agent of a
30 vehicle operated by the Nebraska Department of Transportation, the a
31 Nebraska State Patrol motorist assistance vehicle, the a United States

1 Department of Transportation ~~registered towing or roadside assistance~~
2 ~~vehicle, or and a utility service vehicle operated by a utility company.~~
3 ~~A road assistance vehicle shall emit a warning signal utilizing properly~~
4 ~~displayed emergency indicators such as strobe, rotating, or oscillating~~
5 ~~lights when stopped along a highway.~~

6 **Sec. 31.** (1) The operator of a motor vehicle shall proceed with due
7 care and caution as described in subsection (2) of this section when
8 approaching or passing a vulnerable road user.

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

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

21 (i) Reduce his or her speed;

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

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

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

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

1 (b) Traffic infraction for any other violation.

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

5 **Sec. 32.** Original sections 28-306, 28-394, 29-2262.06, 29-2267,
6 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of
7 Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 43-245,
8 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108, 43-2,108.05,
9 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative Supplement,
10 2024, are repealed.