

AMENDMENTS TO LB530

(Amendments to E&R amendments, ER74)

Introduced by Bosn, 25.

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

3           **Section 1.** Section 28-101, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

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

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

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

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

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

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

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

24           (3)(a) If the proximate cause of the death of another is the  
25 operation of a motor vehicle in violation of section 60-6,213 or  
26 60-6,214, motor vehicle homicide is a Class IIIA felony.

1 (b) 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 IIA felony. ~~The court shall, as part of the~~  
4 ~~judgment of conviction, order the person not to drive any motor vehicle~~  
5 ~~for any purpose for a period of at least one year and not more than~~  
6 ~~fifteen years and shall order that the operator's license of such person~~  
7 ~~be revoked for the same period.~~

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

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

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

30 (5) (d) An order of the court described in this section subdivision  
31 (b) or (c) of this subsection shall be administered upon sentencing, upon

1 final judgment of any appeal or review, or upon the date that any  
2 probation is revoked.

3 ~~(6)~~ (4) The crime punishable under this section shall be treated as  
4 a separate and distinct offense from any other offense arising out of  
5 acts alleged to have been committed while the person was in violation of  
6 this section.

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

9 28-394 (1) A person who causes the death of an unborn child  
10 unintentionally while engaged in the operation of a motor vehicle in  
11 violation of the law of the State of Nebraska or in violation of any city  
12 or village ordinance commits motor vehicle homicide of an unborn child.

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

15 (3)(a) If the proximate cause of the death of an unborn child is the  
16 operation of a motor vehicle in violation of section 60-6,213 or  
17 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA  
18 felony.

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

29 (c) If the proximate cause of the death of an unborn child is the  
30 operation of a motor vehicle in violation of section 60-6,196 or  
31 60-6,197.06 and the defendant has a prior conviction for a violation of

1 section 60-6,196 or a city or village ordinance enacted in conformance  
2 with section 60-6,196, motor vehicle homicide of an unborn child is a  
3 Class II ~~IIA~~ felony, and

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

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

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

19 (6) ~~(4)~~ The crime punishable under this section shall be treated as  
20 a separate and distinct offense from any other offense arising out of  
21 acts alleged to have been committed while the person was in violation of  
22 this section.

23 **Sec. 5.** Section 28-416, Revised Statutes Cumulative Supplement,  
24 2024, is amended to read:

25 28-416 (1) Except as authorized by the Uniform Controlled Substances  
26 Act, it shall be unlawful for any person knowingly or intentionally: (a)  
27 To manufacture, distribute, deliver, dispense, or possess with intent to  
28 manufacture, distribute, deliver, or dispense a controlled substance; or  
29 (b) to create, distribute, or possess with intent to distribute a  
30 counterfeit controlled substance.

31 (2) Except as provided in subsections (4), (5), (7), (8), (9), and

1 (10) of this section, any person who violates subsection (1) of this  
2 section with respect to: (a) A controlled substance classified in  
3 Schedule I, II, or III of section 28-405 which is an exceptionally  
4 hazardous drug shall be guilty of a Class II felony; (b) any other  
5 controlled substance classified in Schedule I, II, or III of section  
6 28-405 shall be guilty of a Class IIA felony; or (c) a controlled  
7 substance classified in Schedule IV or V of section 28-405 shall be  
8 guilty of a Class IIIA felony.

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

19 (4)(a) Except as authorized by the Uniform Controlled Substances  
20 Act, any person eighteen years of age or older who knowingly or  
21 intentionally manufactures, distributes, delivers, dispenses, or  
22 possesses with intent to manufacture, distribute, deliver, or dispense a  
23 controlled substance or a counterfeit controlled substance (i) to a  
24 person under the age of eighteen years, (ii) in, on, or within one  
25 thousand feet of the real property comprising a public or private  
26 elementary, vocational, or secondary school, a community college, a  
27 public or private college, junior college, or university, or a  
28 playground, or (iii) within one hundred feet of a public or private youth  
29 center, public swimming pool, or video arcade facility shall be punished  
30 by the next higher penalty classification than the penalty prescribed in  
31 subsection (2), (7), (8), (9), or (10) of this section, depending upon

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

6 (b) For purposes of this subsection:

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

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

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

20 (5)(a) Except as authorized by the Uniform Controlled Substances  
21 Act, it shall be unlawful for any person eighteen years of age or older  
22 to 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 manufacture, transport, distribute, carry, deliver, dispense,  
25 prepare for delivery, offer for delivery, or possess with intent to do  
26 the same a controlled substance or a counterfeit controlled substance.

27 (b) Except as authorized by the Uniform Controlled Substances Act,  
28 it shall be unlawful for any person eighteen years of age or older to  
29 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
30 induce, entice, seduce, or coerce any person under the age of eighteen  
31 years to aid and abet any person in the manufacture, transportation,

1 distribution, carrying, delivery, dispensing, preparation for delivery,  
2 offering for delivery, or possession with intent to do the same of a  
3 controlled substance or a counterfeit controlled substance.

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

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

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

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

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

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

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

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

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

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

1 guilty of a Class ID felony.

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

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

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

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

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

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

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

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

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

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

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

31 (a) For the first offense, be guilty of an infraction, receive a

1 citation, be fined three hundred dollars, and be assigned to attend a  
2 course as prescribed in section 29-433 if the judge determines that  
3 attending such course is in the best interest of the individual  
4 defendant;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 A copy of an abstract of the court's conviction or adjudication  
30 shall be transmitted to the Director of Motor Vehicles pursuant to  
31 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a

1 juvenile is prohibited from obtaining a license or permit under this  
2 subsection.

3 **Sec. 6.** Section 28-1204.05, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5 28-1204.05 (1) Except as provided in subsections (3) and (4) of this  
6 section, a person under the age of twenty-five years who knowingly  
7 possesses a firearm commits the offense of possession of a firearm by a  
8 prohibited juvenile offender if he or she has previously been adjudicated  
9 an offender in juvenile court for an act which would constitute a felony  
10 or an act which would constitute a misdemeanor crime of domestic  
11 violence. This subsection includes an adjudication for which a juvenile  
12 record has been sealed upon termination of probation.

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

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

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

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

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

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

3 (iii) Any other information the court considers relevant.

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

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

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

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

20 29-2262.06 (1) Except as otherwise provided in this section,  
21 whenever a district court or county court sentences an adult offender to  
22 probation, the court shall require the probationer to pay a one-time  
23 administrative enrollment fee and thereafter a monthly probation  
24 programming fee.

25 (2) Participants in non-probation-based programs or services in  
26 which probation personnel or probation resources are utilized pursuant to  
27 an interlocal agreement authorized by subdivision (16) of section 29-2252  
28 and in which all or a portion of the costs of such probation personnel or  
29 such probation resources are covered by funds provided pursuant to  
30 section 29-2262.07 shall pay the one-time administrative enrollment fee  
31 described in subdivision (3)(a) of this section and the monthly probation

1 programming fee described in subdivision (3)(c) of this section. In  
2 addition, the provisions of subsections (4), (7), and (11) ~~(10)~~ of this  
3 section applicable to probationers apply to participants in non-  
4 probation-based programs or services. Any participant in a non-probation-  
5 based program or service who defaults on the payment of any such fees  
6 may, at the discretion of the court, be subject to removal from such non-  
7 probation-based program or service. This subdivision does not preclude a  
8 court or other governmental entity from charging additional local fees  
9 for participation in such non-probation-based programs and services or  
10 other similar non-probation-based programs and services.

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

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

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

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

27 (4) The court shall waive payment of the monthly probation  
28 programming fees in whole or in part if after a hearing a determination  
29 is made that such payment would constitute an undue hardship on the  
30 offender due to limited income, employment or school status, or physical  
31 or mental handicap. Such waiver shall be in effect only during the period

1 of time that the probationer or participant in a non-probation-based  
2 program or service is unable to pay his or her monthly probation  
3 programming fee.

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

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

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

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

25 (9) The court may waive payment of the fees described in  
26 subdivisions (2)(m) and (o) of section 29-2262 in whole or in part if the  
27 offender has been previously found to be indigent in the case for which  
28 he or she is placed on probation or if after a hearing a determination is  
29 made that such payment would constitute an undue hardship on the offender  
30 due to limited income, employment or school status, or physical or mental  
31 handicap. Such waiver shall be in effect only during the period of time

1 that the probationer or participant in a non-probation-based program or  
2 service is unable to pay his or her monthly probation programming fee.

3 ~~(10)~~ (9) Any adult probationer received for supervision pursuant to  
4 section 29-2637 or the Interstate Compact for Adult Offender Supervision  
5 shall be assessed both a one-time administrative enrollment fee and  
6 monthly probation programming fees during the period of time the  
7 probationer is actively supervised by Nebraska probation authorities.

8 ~~(11)~~ (10) The probationer or participant in a non-probation-based  
9 program or service shall pay the fees described in this section to the  
10 clerk of the court. The clerk of the court shall remit all fees so  
11 collected to the State Treasurer for credit to the Probation Program Cash  
12 Fund.

13 **Sec. 8.** Section 29-2263, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15 29-2263 (1)(a) Except as provided in subsection (2) of this section,  
16 when a court has sentenced an offender to probation, the court shall  
17 specify the term of such probation which shall be not more than five  
18 years upon conviction of a felony or second offense misdemeanor and two  
19 years upon conviction of a first offense misdemeanor.

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

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

29 (2) When a court has sentenced an offender to post-release  
30 supervision, the court shall specify the term of such post-release  
31 supervision as provided in section 28-105. The court, on application of a

1 probation officer or of the probationer or on its own motion, may  
2 discharge a probationer at any time.

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

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

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

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

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

3           29-2267 (1) Whenever a motion or information to revoke probation is  
4 filed, the probationer shall be entitled to a prompt consideration of  
5 such charge by the sentencing court. The court shall not revoke probation  
6 or increase the probation requirements imposed on the probationer, except  
7 after a hearing upon proper notice where the violation of probation is  
8 established by clear and convincing evidence.

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

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

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

27           **Sec. 10.** Section 29-3001, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

29           29-3001 (1) A prisoner in custody under sentence and claiming a  
30 right to be released on the ground that there was such a denial or  
31 infringement of the rights of the prisoner as to render the judgment void

1 or voidable under the Constitution of this state or the Constitution of  
2 the United States, may file a verified motion, in the court which imposed  
3 such sentence, stating the grounds relied upon and asking the court to  
4 vacate or set aside the sentence.

5 (2) Unless the motion and the files and records of the case show to  
6 the satisfaction of the court that the prisoner is entitled to no relief,  
7 the court shall cause notice thereof to be served on the county attorney,  
8 grant a prompt hearing thereon, and determine the issues and make  
9 findings of fact and conclusions of law with respect thereto. If the  
10 court finds that there was such a denial or infringement of the rights of  
11 the prisoner as to render the judgment void or voidable under the  
12 Constitution of this state or the Constitution of the United States, the  
13 court shall vacate and set aside the judgment and shall discharge the  
14 prisoner or resentence the prisoner or grant a new trial as may appear  
15 appropriate. Proceedings under the provisions of sections 29-3001 to  
16 29-3004 shall be civil in nature. Costs shall be taxed as in habeas  
17 corpus cases.

18 (3) A court may entertain and determine such motion without  
19 requiring the production of the prisoner, whether or not a hearing is  
20 held. Testimony of the prisoner or other witnesses may be offered by  
21 deposition. The court need not entertain a second motion or successive  
22 motions for similar relief on behalf of the same prisoner.

23 (4) ~~Any A one-year period of limitation shall apply to the filing of~~  
24 a verified motion for postconviction relief under this section, including  
25 a second or subsequent motion, shall be filed within a one-year period,  
26 which ~~The one-year limitation period~~ shall run from the later of:

27 (a) The date the judgment of conviction became final by the  
28 conclusion of a direct appeal or the expiration of the time for filing a  
29 direct appeal;

30 (b) The date on which the factual predicate of the constitutional  
31 claim or claims alleged could have been discovered through the exercise

1 of due diligence;

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

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

10 (e) The date on which the Supreme Court of the United States denies  
11 a writ of certiorari or affirms a conviction appealed from the Nebraska  
12 Supreme Court. This subdivision only applies if, within thirty days after  
13 petitioning the Supreme Court of the United States for a writ of  
14 certiorari, the prisoner files a notice in the district court of  
15 conviction stating that the prisoner has filed such petition; or -

16 (f) The date on which the prisoner reaches twenty-one years of age  
17 for an offense committed when the prisoner was younger than eighteen  
18 years of age.

19 (5) The prisoner shall allege and prove that the verified motion for  
20 postconviction relief was timely filed under subsection (4) of this  
21 section. If such motion is untimely filed, the court shall dismiss the  
22 motion as time barred.

23 **Sec. 11.** Section 43-245, Revised Statutes Cumulative Supplement,  
24 2024, is amended to read:

25 43-245 For purposes of the Nebraska Juvenile Code, unless the  
26 context otherwise requires:

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

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

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

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

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

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

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

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

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

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

30           (11) ~~(10)~~ Guardian means a person, other than a parent, who has  
31 qualified by law as the guardian of a juvenile pursuant to testamentary

1 or court appointment, but excludes a person who is merely a guardian ad  
2 litem;

3 (12) ~~(11)~~ Juvenile means any person under the age of eighteen;

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

11 (14) ~~(13)~~ Juvenile detention facility has the same meaning as in  
12 section 83-4,125;

13 (15) ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

14 (16) ~~(15)~~ Mental health facility means a treatment facility as  
15 defined in section 71-914 or a government, private, or state hospital  
16 which treats mental illness;

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

21 (18) ~~(17)~~ Parent means one or both parents or stepparents when the  
22 stepparent is married to a parent who has physical custody of the  
23 juvenile as of the filing of the petition;

24 (19) ~~(18)~~ Parties means the juvenile as described in section 43-247  
25 and his or her parent, guardian, or custodian;

26 (20) ~~(19)~~ Physical custody has the same meaning as in section  
27 43-2922;

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

1           (22) ~~(21)~~ Restorative justice means practices, programs, or services  
2 that emphasize repairing the harm caused to victims and the community by  
3 persons who have caused the harm or committed an offense. Restorative  
4 justice practices may include, but are not limited to, victim youth  
5 conferencing, victim-offender mediation, youth or community dialogue,  
6 panels, circles, and truancy mediation;

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

16           (24) ~~(23)~~ Seal a record means that a record shall not be available  
17 to the public except upon the order of a court upon good cause shown;

18           (25) ~~(24)~~ Secure detention means detention in a highly structured,  
19 residential, hardware-secured facility designed to restrict a juvenile's  
20 movement;

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

1 Services;

2 ~~(27)~~ (26) Status offender means a juvenile who has been charged with  
3 or adjudicated for conduct which would not be a crime if committed by an  
4 adult, including, but not limited to, juveniles charged under subdivision  
5 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

6 ~~(28)~~ (27) Traffic offense means any nonfelonious act in violation of  
7 a law or ordinance regulating vehicular or pedestrian travel, whether  
8 designated a misdemeanor or a traffic infraction; and

9 ~~(29)~~ (28) Young adult means an individual older than eighteen years  
10 of age but under twenty-one years of age.

11 **Sec. 12.** If a peace officer takes a juvenile probationer into  
12 custody for a criminal violation as defined in section 43-286.01, the  
13 peace officer shall immediately take reasonable measures to notify a  
14 juvenile intake probation officer.

15 **Sec. 13.** Section 43-250, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

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

22 (a) The peace officer may release a juvenile taken into temporary  
23 custody under section 29-401 or subdivision (1), (2), or (7) of section  
24 43-248;

25 (b) The peace officer may require a juvenile taken into temporary  
26 custody under section 29-401 or subdivision (1) or (2) of section 43-248  
27 to appear before the court of the county in which such juvenile was taken  
28 into custody at a time and place specified in the written notice prepared  
29 in triplicate by the peace officer or at the call of the court. The  
30 notice shall also contain a concise statement of the reasons such  
31 juvenile was taken into custody. The peace officer shall deliver one copy

1 of the notice to such juvenile and require such juvenile or his or her  
2 parent, guardian, other custodian, or relative, or both, to sign a  
3 written promise that such signer will appear at the time and place  
4 designated in the notice. Upon the execution of the promise to appear,  
5 the peace officer shall immediately release such juvenile. The peace  
6 officer shall, as soon as practicable, file one copy of the notice with  
7 the county attorney or city attorney and, when required by the court,  
8 also file a copy of the notice with the court or the officer appointed by  
9 the court for such purpose; or

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

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

31 (ii) When a juvenile described in subdivision (1) or (2) of section

1 43-247, except for a status offender, is taken into temporary custody  
2 outside of a metropolitan statistical area and where no juvenile  
3 detention facility is reasonably available, the juvenile may be  
4 delivered, for temporary custody not to exceed twenty-four hours  
5 excluding nonjudicial days and while awaiting an initial court  
6 appearance, to a secure area of a jail or other facility intended or used  
7 for the detention of adults solely for the purposes of identifying the  
8 juvenile and ascertaining his or her health and well-being and for  
9 safekeeping while awaiting transport to an appropriate juvenile placement  
10 or release to a responsible party;

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

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

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

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

30 (vii) A juvenile described in subdivision (1) or (2) of section  
31 43-247, except for a status offender, may be held in a secure area of a

1 jail or other facility intended or used for the detention of adults for  
2 up to six hours before and six hours after any court appearance.

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

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

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

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

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

22 (i) Such such release is not in the best interests of the  
23 juvenile; or

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

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

30 (iv) Detention of such juvenile is a matter of immediate and urgent  
31 necessity for the protection of such juvenile, as evidenced by a

1 demonstrable record of fleeing from law enforcement, absconding from a  
2 court-ordered placement, absconding from home, committing a violent  
3 offense, committing multiple property crimes, or threatening to cause  
4 harm to others.

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

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

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

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

1 temporary custody of the juvenile pursuant to this subsection, the peace  
2 officer shall make a full written report to the county attorney within  
3 twenty-four hours of taking such juvenile into temporary custody. If a  
4 court order of temporary custody is not issued within forty-eight hours  
5 of taking the juvenile into custody, the temporary custody by the  
6 department shall terminate and the juvenile shall be returned to the  
7 custody of his or her parent, guardian, custodian, or relative.

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

24 **Sec. 14.** Section 43-251.01, Revised Statutes Cumulative Supplement,  
25 2024, is amended to read:

26 43-251.01 All placements and commitments of juveniles for  
27 evaluations or as temporary or final dispositions are subject to the  
28 following:

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

31 (2) A juvenile who is found to be a juvenile as described in

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (7) A juvenile alleged to be a juvenile as described in subdivision  
16 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his  
17 or her home as a dispositional order of the court unless:

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

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

22 **Sec. 15.** Section 43-253, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

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

30 (2) The probation officer's decision to release the juvenile from  
31 custody or place the juvenile in detention or an alternative to detention

1 shall be based upon the results of the standardized juvenile detention  
2 screening instrument described in section 43-260.01.

3 (3) No juvenile who has been taken into temporary custody under  
4 subdivision (1)(c) of section 43-250 or subsection (4) ~~(6)~~ of section  
5 43-286.01 or pursuant to an alleged violation of an order for conditional  
6 release shall be detained in any detention facility or be subject to an  
7 alternative to detention infringing upon the juvenile's liberty interest  
8 for longer than twenty-four hours, excluding nonjudicial days, after  
9 having been taken into custody unless such juvenile has appeared  
10 personally before a court of competent jurisdiction for a hearing to  
11 determine if continued detention, services, or supervision is necessary.  
12 The juvenile shall be represented by counsel at the hearing. Whether such  
13 counsel shall be provided at the cost of the county shall be determined  
14 as provided in subsection (1) of section 43-272. If continued secure  
15 detention is ordered, such detention shall be in a juvenile detention  
16 facility, except that a juvenile charged with a felony as an adult in  
17 county or district court may be held in an adult jail as set forth in  
18 subdivision (1)(c)(v) of section 43-250. A juvenile ~~placed in an~~  
19 ~~alternative to detention, but not in detention,~~ may only waive this  
20 hearing with the agreement of the juvenile's through counsel and the  
21 county attorney or city attorney.

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

1 may release the juvenile to the custody of a legal guardian, a  
2 responsible relative, or another responsible person.

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

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

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

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

19 **Sec. 16.** Section 43-260.01, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:

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

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

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

31 (3) If the results indicate that detention is required, detention

1 shall be pursued.

2 **Sec. 17.** (1) If a juvenile court decides to place a juvenile on  
3 probation, the court shall conduct a hearing to determine whether the  
4 juvenile should be designated as a comprehensive supervision probationer.  
5 The hearing may be conducted together with the dispositional hearing or  
6 following a motion to revoke probation following the procedures provided  
7 in subdivision (5)(b) of section 43-286.

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

12 (a) The nature of the adjudication;

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

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

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

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

25 **Sec. 18.** Section 43-286.01, Revised Statutes Cumulative Supplement,  
26 2024, is amended to read:

27 43-286.01 (1) For purposes of this section:

28 (a) Comprehensive supervision probationer means a juvenile  
29 designated as such under section 17 of this act; 7

30 (b) Criminal violation means a violation of a condition of probation  
31 involving commission of a misdemeanor or felony. Criminal violation does

1 not include a traffic offense; and

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

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

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

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

28 (3)(a) Subject to subdivisions (3)(b) and (c) of this section, when  
29 ~~(5) Whenever~~ a probation officer has reasonable cause to believe that a  
30 juvenile probationer ~~subject to the supervision of a probation officer~~  
31 has committed a violation of the terms of the juvenile's probation while

1 ~~on probation~~, but that such juvenile will not attempt to leave the  
2 jurisdiction and will not place lives or property in danger, the  
3 probation officer shall either:

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

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

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

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

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

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

27        (5) ~~(7)~~ Immediately after detention or deprivation of liberty  
28 pursuant to subsection ~~(4)~~ ~~(6)~~ of this section, the probation officer  
29 shall notify the county attorney of the county where probation was  
30 imposed and the juvenile's attorney of record and submit a written report  
31 describing the risk of harm to lives or property or of fleeing the

1 jurisdiction which precipitated the need for such detention or  
2 deprivation of liberty and of any violation of probation. If there is no  
3 attorney of record for the juvenile, the office shall notify the court  
4 and counsel for the juvenile shall be appointed. After prompt  
5 consideration of the written report, the county attorney shall:

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

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

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

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

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

30 (9) ~~(11)~~ The probation administrator shall adopt and promulgate  
31 rules and regulations to carry out this section.

1           **Sec. 19.** (1) At least thirty calendar days before the expiration of  
2 any juvenile's term of probation, the probation officer shall send a  
3 progress report to the county attorney and to the juvenile's attorney of  
4 record. The progress report shall include all court orders relating to  
5 such term of probation, information on all conditions of probation, and  
6 information regarding the juvenile's compliance with, or violations of,  
7 such conditions.

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

15           **Sec. 20.** Section 43-2,108, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

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

26           (2) Except as provided in subsections (3) and (4) of this section,  
27 the medical, psychological, psychiatric, and social welfare reports and  
28 the records of juvenile probation officers, as they relate to individual  
29 proceedings in the juvenile court, shall not be open to inspection,  
30 without order of the court. Such records shall be made available to a  
31 district court of this state or the District Court of the United States

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

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

1 has jurisdiction of the juvenile who is the subject of such information  
2 upon such court's request.

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

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

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

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

29 (8)(a) Any records concerning a juvenile court petition filed  
30 pursuant to subdivision (3)(c) of section 43-247 shall remain  
31 confidential except as may be provided otherwise by law. Such records

1 shall be accessible to (i) the juvenile except as provided in subdivision  
2 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's  
3 parent or guardian, and (iv) persons authorized by an order of a judge or  
4 court.

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

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

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

31 (11) For any juvenile subject to the supervision of a probation

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

16 **Sec. 21.** Section 43-2,108.05, Revised Statutes Cumulative  
17 Supplement, 2024, is amended to read:

18 43-2,108.05 (1) If the court orders the record of a juvenile sealed,  
19 the court shall:

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

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

1 referenced in the court record;

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

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

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

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

31 (3) A sealed record is accessible to the individual who is the

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

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

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

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

24 (d) By the Department of Health and Human Services for purposes of  
25 juvenile intake services, the preparation of case plans and reports, the  
26 preparation of evaluations, compliance with federal reporting  
27 requirements, or the supervision and protection of persons placed with  
28 the department or for licensing or certification purposes under sections  
29 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's  
30 Residential Facilities and Placing Licensure Act;

31 (e) By the individual who is the subject of the sealed record and by

1 persons authorized by such individual. The individual shall provide  
2 satisfactory verification of his or her identity;

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

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

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

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

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

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

1 inform employers that employers cannot ask if an applicant had a record  
2 sealed and that an application for employment shall contain specific  
3 language that states that the applicant is not obligated to disclose a  
4 sealed record.

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

7 **Sec. 22.** On or before the first day of each month, the Office of  
8 Probation Administration shall generate a list of all juvenile  
9 probationers in each county and provide such list to each law enforcement  
10 agency with jurisdiction.

11 **Sec. 23.** Section 43-2,129, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 43-2,129 Sections 43-245 to 43-2,129 and sections 12, 17, 19, and 22  
14 of this act shall be known and may be cited as the Nebraska Juvenile  
15 Code.

16 **Sec. 24.** Section 60-601, Revised Statutes Cumulative Supplement,  
17 2024, is amended to read:

18 60-601 Sections 60-601 to 60-6,383 and sections 26, 29, and 32 of  
19 this act shall be known and may be cited as the Nebraska Rules of the  
20 Road.

21 **Sec. 25.** Section 60-605, Revised Statutes Cumulative Supplement,  
22 2024, is amended to read:

23 60-605 For purposes of the Nebraska Rules of the Road, the  
24 definitions found in sections 60-606 to 60-676 and section 26 of this act  
25 shall be used.

26 **Sec. 26.** Vulnerable road user means:

27 (1) Any pedestrian who is:

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

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

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

31 (d) In a crosswalk; or

1           (e) On the shoulder;

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

4           (a) Any bicycle;

5           (b) Any electric bicycle;

6           (c) Any motorcycle other than an autocycle;

7           (d) Any moped; or

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

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

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

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

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

17          (b) Electric personal assistive mobility device; or

18          (c) Wheelchair.

19          **Sec. 27.** Section 60-682.01, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21           60-682.01 (1) Any person who operates a vehicle in violation of any  
22 maximum speed limit established for any highway or freeway is guilty of a  
23 traffic infraction.

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

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

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

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

1 authorized speed limit;

2 (d) Two hundred ~~One hundred twenty-five~~ dollars for traveling over  
3 fifteen miles per hour but not over twenty miles per hour over the  
4 authorized speed limit;

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

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

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

23 (4) ~~(3)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section  
24 shall be doubled if the violation occurs within a school crossing zone as  
25 defined in section 60-658.01.

26 **Sec. 28.** Section 60-6,186, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 60-6,186 (1) Except when a special hazard exists that requires lower  
29 speed for compliance with section 60-6,185, the limits set forth in this  
30 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be  
31 the maximum lawful speeds unless reduced pursuant to subsection (2) of

1 this section, and no person shall drive a vehicle on a highway at a speed  
2 in excess of such maximum limits:

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

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

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

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

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

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

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

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

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

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

23 (ii) That portion of the National System of Interstate and Defense  
24 Highways designated as Interstate 180 in Lancaster County and Interstate  
25 129 in Dakota County.

26 (2) The maximum speed limits established in subsection (1) of this  
27 section may be reduced by the Department of Transportation or by local  
28 authorities pursuant to section 60-6,188 or 60-6,190 or section 29 of  
29 this act.

30 (3) The Department of Transportation and local authorities may erect  
31 and maintain suitable signs along highways under their respective

1 jurisdictions in such number and at such locations as they deem necessary  
2 to give adequate notice of the speed limits established pursuant to  
3 subsection (1) or (2) of this section upon such highways.

4 **Sec. 29.** (1) The Department of Transportation may temporarily  
5 reduce the maximum lawful speed for vehicles on any highway for any of  
6 the following reasons:

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

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

14 (c) Any emergency situation; or

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

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

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

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

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

- 1           (6) The Department of Transportation shall:  
2           (a) Develop and implement a policy for determining:  
3           (i) When to temporarily reduce maximum lawful speed limits;  
4           (ii) What such speed limits should be; and  
5           (iii) The increments, which may exceed the increments specified in  
6 section 60-6,190, to be used in reducing and reestablishing the regular  
7 maximum lawful speed limit;  
8           (b) Keep appropriate records that include when any maximum lawful  
9 speed limit under this section has been changed, what such maximum lawful  
10 speed limit was set at, and the reason for the change; and  
11           (c) Keep appropriate records that include the maximum lawful speed  
12 limit for each highway.

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

15           **Sec. 30.** Section 60-6,213, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           60-6,213 (1) Any person who drives any motor vehicle in such a  
18 manner as to indicate an indifferent or wanton disregard for the safety  
19 of persons or property shall be guilty of reckless driving.

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

25           **Sec. 31.** Section 60-6,378, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27           60-6,378 (1)(a) The driver of a vehicle on a controlled-access  
28 highway approaching or passing a stopped vehicle located on the same side  
29 of the highway shall proceed with due care and caution as described in  
30 this section. A driver in a vehicle on a controlled-access highway  
31 approaching or passing a stopped authorized emergency vehicle or road

1 ~~assistance vehicle which makes use of proper audible or visual signals~~  
2 ~~shall proceed with due care and caution as described in subdivision (b)~~  
3 ~~of this subsection.~~

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

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

29 (i) Reduce reduce his or her speed; 7

30 (ii) Maintain maintain a safe speed with regard to the location of  
31 the stopped authorized emergency vehicle or road assistance vehicle, the

1 weather conditions, the road conditions, and vehicular or pedestrian  
2 traffic; ~~and~~

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

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

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

10 (ii) Traffic infraction for any other violation.

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

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

17 ~~(3) (2)~~ The Department of Transportation shall erect and maintain or  
18 cause to be erected and maintained signs giving notice of subsection (1)  
19 of this section along controlled-access highways.

20 ~~(4) (3)~~ Enforcement of subsection (1) of this section shall not be  
21 accomplished using simulated situations involving a stopped ~~an authorized~~  
22 ~~emergency vehicle or a road assistance vehicle.~~

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

27 ~~(6) (5)~~ For purposes of this section:

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

1        ~~(b) Road , road assistance personnel vehicle includes any agent of a~~  
2 ~~vehicle operated by the Nebraska Department of Transportation, the a~~  
3 ~~Nebraska State Patrol motorist assistance vehicle, the a United States~~  
4 ~~Department of Transportation registered towing or roadside assistance~~  
5 ~~vehicle, or and a utility service vehicle operated by a utility company.~~  
6 ~~A road assistance vehicle shall emit a warning signal utilizing properly~~  
7 ~~displayed emergency indicators such as strobe, rotating, or oscillating~~  
8 ~~lights when stopped along a highway.~~

9        **Sec. 32.** (1) The operator of a motor vehicle shall proceed with due  
10 care and caution as described in subsection (2) of this section when  
11 approaching or passing a vulnerable road user.

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

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

24        (i) Reduce his or her speed;

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

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

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

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

4        (b) Traffic infraction for any other violation.

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

8        **Sec. 33.** Original sections 28-306, 28-394, 29-2262.06, 29-2267,  
9 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of  
10 Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 29-3001,  
11 43-245, 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108,  
12 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative  
13 Supplement, 2024, are repealed.