

E AND R AMENDMENTS TO LB 530

Introduced by Guereca, 7, Chairman Enrollment and Review

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.

27 (b) If the proximate cause of the death of another is the operation

1 of a motor vehicle in violation of section 60-6,196 or 60-6,197.06, motor
2 vehicle homicide is a Class IIA felony. ~~The court shall, as part of the~~
3 ~~judgment of conviction, order the person not to drive any motor vehicle~~
4 ~~for any purpose for a period of at least one year and not more than~~
5 ~~fifteen years and shall order that the operator's license of such person~~
6 ~~be revoked for the same period.~~

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

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

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

29 (5) (d) An order of the court described in this section subdivision
30 (b) or (c) of this subsection shall be administered upon sentencing, upon
31 final judgment of any appeal or review, or upon the date that any

1 probation is revoked.

2 ~~(6)~~ (4) The crime punishable under this section shall be treated as
3 a separate and distinct offense from any other offense arising out of
4 acts alleged to have been committed while the person was in violation of
5 this section.

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

8 28-394 (1) A person who causes the death of an unborn child
9 unintentionally while engaged in the operation of a motor vehicle in
10 violation of the law of the State of Nebraska or in violation of any city
11 or village ordinance commits motor vehicle homicide of an unborn child.

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

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

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

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

1 with section 60-6,196, motor vehicle homicide of an unborn child is a
2 Class II ~~IIA~~ felony, and

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

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

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

18 (6) (4) The crime punishable under this section shall be treated as
19 a separate and distinct offense from any other offense arising out of
20 acts alleged to have been committed while the person was in violation of
21 this section.

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

24 28-416 (1) Except as authorized by the Uniform Controlled Substances
25 Act, it shall be unlawful for any person knowingly or intentionally: (a)
26 To manufacture, distribute, deliver, dispense, or possess with intent to
27 manufacture, distribute, deliver, or dispense a controlled substance; or
28 (b) to create, distribute, or possess with intent to distribute a
29 counterfeit controlled substance.

30 (2) Except as provided in subsections (4), (5), (7), (8), (9), and
31 (10) of this section, any person who violates subsection (1) of this

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

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

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

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

5 (b) For purposes of this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (a) For the first offense, be guilty of an infraction, receive a
31 citation, be fined three hundred dollars, and be assigned to attend a

1 course as prescribed in section 29-433 if the judge determines that
2 attending such course is in the best interest of the individual
3 defendant;

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

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

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

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

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

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

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

31 (b) A penalty enhanced under this subsection shall in no event

1 result in a penalty greater than a Class IB felony.

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

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

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

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

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

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

31 (iii) For a third or subsequent offense, the court may, as a part of

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

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

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

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

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

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

1 subsection.

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

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

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

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

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

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

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

31 (ii) The likelihood that the person will engage in further criminal

1 activity; and

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

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

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

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

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

19 29-2262.06 (1) Except as otherwise provided in this section,
20 whenever a district court or county court sentences an adult offender to
21 probation, the court shall require the probationer to pay a one-time
22 administrative enrollment fee and thereafter a monthly probation
23 programming fee.

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

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

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

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

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

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

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

1 program or service is unable to pay his or her monthly probation
2 programming fee.

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

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

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

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

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

1 service is unable to pay his or her monthly probation programming fee.

2 ~~(10)~~ (9) Any adult probationer received for supervision pursuant to
3 section 29-2637 or the Interstate Compact for Adult Offender Supervision
4 shall be assessed both a one-time administrative enrollment fee and
5 monthly probation programming fees during the period of time the
6 probationer is actively supervised by Nebraska probation authorities.

7 ~~(11)~~ (10) The probationer or participant in a non-probation-based
8 program or service shall pay the fees described in this section to the
9 clerk of the court. The clerk of the court shall remit all fees so
10 collected to the State Treasurer for credit to the Probation Program Cash
11 Fund.

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

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

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

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

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

1 discharge a probationer at any time.

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

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

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

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

31 **Sec. 9.** Section 29-2267, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-2267 (1) Whenever a motion or information to revoke probation is
3 filed, the probationer shall be entitled to a prompt consideration of
4 such charge by the sentencing court. The court shall not revoke probation
5 or increase the probation requirements imposed on the probationer, except
6 after a hearing upon proper notice where the violation of probation is
7 established by clear and convincing evidence.

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

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

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

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

28 29-3001 (1) A prisoner in custody under sentence and claiming a
29 right to be released on the ground that there was such a denial or
30 infringement of the rights of the prisoner as to render the judgment void
31 or voidable under the Constitution of this state or the Constitution of

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

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

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

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

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

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

31 (c) The date on which an impediment created by state action, in

1 violation of the Constitution of the United States or the Constitution of
2 Nebraska or any law of this state, is removed, if the prisoner was
3 prevented from filing a verified motion by such state action;

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

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

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

17 **Sec. 11.** Section 43-245, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 43-245 For purposes of the Nebraska Juvenile Code, unless the
20 context otherwise requires:

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

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

26 (3) Alternative to detention means a program or directive that
27 increases supervision of a youth in the community in an effort to ensure
28 the youth attends court and refrains from committing a new law violation.
29 Alternative to detention includes, but is not limited to, electronic
30 monitoring, day and evening reporting centers, house arrest, tracking,
31 family crisis response, and temporary shelter placement. Except for the

1 use of manually controlled delayed egress of not more than thirty
2 seconds, placements that utilize physical construction or hardware to
3 restrain a youth's freedom of movement and ingress and egress from
4 placement are not considered alternatives to detention;

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

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

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

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

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

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

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

24 (11) ~~(10)~~ Guardian means a person, other than a parent, who has
25 qualified by law as the guardian of a juvenile pursuant to testamentary
26 or court appointment, but excludes a person who is merely a guardian ad
27 litem;

28 (12) ~~(11)~~ Juvenile means any person under the age of eighteen;

29 (13) ~~(12)~~ Juvenile court means the separate juvenile court where it
30 has been established pursuant to sections 43-2,111 to 43-2,127 and the
31 county court sitting as a juvenile court in all other counties. Nothing

1 in the Nebraska Juvenile Code shall be construed to deprive the district
2 courts of their habeas corpus, common-law, or chancery jurisdiction or
3 the county courts and district courts of jurisdiction of domestic
4 relations matters as defined in section 25-2740;

5 (14) ~~(13)~~ Juvenile detention facility has the same meaning as in
6 section 83-4,125;

7 (15) ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

8 (16) ~~(15)~~ Mental health facility means a treatment facility as
9 defined in section 71-914 or a government, private, or state hospital
10 which treats mental illness;

11 (17) ~~(16)~~ Nonoffender means a juvenile who is subject to the
12 jurisdiction of the juvenile court for reasons other than legally
13 prohibited conduct, including, but not limited to, juveniles described in
14 subdivision (3)(a) of section 43-247;

15 (18) ~~(17)~~ Parent means one or both parents or stepparents when the
16 stepparent is married to a parent who has physical custody of the
17 juvenile as of the filing of the petition;

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

20 (20) ~~(19)~~ Physical custody has the same meaning as in section
21 43-2922;

22 (21) ~~(20)~~ Except in proceedings under the Nebraska Indian Child
23 Welfare Act, relative means father, mother, grandfather, grandmother,
24 brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle,
25 aunt, first cousin, nephew, or niece;

26 (22) ~~(21)~~ Restorative justice means practices, programs, or services
27 that emphasize repairing the harm caused to victims and the community by
28 persons who have caused the harm or committed an offense. Restorative
29 justice practices may include, but are not limited to, victim youth
30 conferencing, victim-offender mediation, youth or community dialogue,
31 panels, circles, and truancy mediation;

1 (23) ~~(22)~~ Restorative justice facilitator means a qualified
2 individual who has been trained to facilitate restorative justice
3 practices. A qualified individual shall be approved by the referring
4 county attorney, city attorney, or juvenile or county court judge.
5 Factors for approval may include, but are not limited to, an individual's
6 education and training in restorative justice principles and practices;
7 experience in facilitating restorative justice sessions; understanding of
8 the necessity to do no harm to either the victim or the person who harmed
9 the victim; and proven commitment to ethical practices;

10 (24) ~~(23)~~ Seal a record means that a record shall not be available
11 to the public except upon the order of a court upon good cause shown;

12 (25) ~~(24)~~ Secure detention means detention in a highly structured,
13 residential, hardware-secured facility designed to restrict a juvenile's
14 movement;

15 (26) ~~(25)~~ Staff secure juvenile facility means a juvenile
16 residential facility operated by a political subdivision (a) which does
17 not include construction designed to physically restrict the movements
18 and activities of juveniles who are in custody in the facility, (b) in
19 which physical restriction of movement or activity of juveniles is
20 provided solely through staff, (c) which may establish reasonable rules
21 restricting ingress to and egress from the facility, and (d) in which the
22 movements and activities of individual juvenile residents may, for
23 treatment purposes, be restricted or subject to control through the use
24 of intensive staff supervision. Staff secure juvenile facility does not
25 include any institution operated by the Department of Correctional
26 Services;

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

31 (28) ~~(27)~~ Traffic offense means any nonfelonious act in violation of

1 a law or ordinance regulating vehicular or pedestrian travel, whether
2 designated a misdemeanor or a traffic infraction; and

3 (29) ~~(28)~~ Young adult means an individual older than eighteen years
4 of age but under twenty-one years of age.

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

9 **Sec. 13.** Section 43-250, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 43-250 (1) A peace officer who takes a juvenile into temporary
12 custody under section 29-401 or subdivision (1), (2), (3), or (7) of
13 section 43-248 shall immediately take reasonable measures to notify the
14 juvenile's parent, guardian, custodian, or relative and shall proceed as
15 follows:

16 (a) The peace officer may release a juvenile taken into temporary
17 custody under section 29-401 or subdivision (1), (2), or (7) of section
18 43-248;

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

1 the county attorney or city attorney and, when required by the court,
2 also file a copy of the notice with the court or the officer appointed by
3 the court for such purpose; or

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

16 (i) When a juvenile described in subdivision (1) or (2) of section
17 43-247, except for a status offender, is taken into temporary custody
18 within a metropolitan statistical area and where no juvenile detention
19 facility is reasonably available, the juvenile may be delivered, for
20 temporary custody not to exceed six hours, to a secure area of a jail or
21 other facility intended or used for the detention of adults solely for
22 the purposes of identifying the juvenile and ascertaining his or her
23 health and well-being and for safekeeping while awaiting transport to an
24 appropriate juvenile placement or release to a responsible party;

25 (ii) When a juvenile described in subdivision (1) or (2) of section
26 43-247, except for a status offender, is taken into temporary custody
27 outside of a metropolitan statistical area and where no juvenile
28 detention facility is reasonably available, the juvenile may be
29 delivered, for temporary custody not to exceed twenty-four hours
30 excluding nonjudicial days and while awaiting an initial court
31 appearance, to a secure area of a jail or other facility intended or used

1 for the detention of adults solely for the purposes of identifying the
2 juvenile and ascertaining his or her health and well-being and for
3 safekeeping while awaiting transport to an appropriate juvenile placement
4 or release to a responsible party;

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

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

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

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

24 (vii) A juvenile described in subdivision (1) or (2) of section
25 43-247, except for a status offender, may be held in a secure area of a
26 jail or other facility intended or used for the detention of adults for
27 up to six hours before and six hours after any court appearance.

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

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

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

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

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

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

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

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

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

30 (e) If a juvenile is released under subdivision (2)(d) of this
31 section, is not at risk, and the court that issued the warrant shall be

1 is notified that the juvenile had been taken into custody and was
2 released.

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

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

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

1 custody of his or her parent, guardian, custodian, or relative.

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

18 **Sec. 14.** Section 43-251.01, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 43-251.01 All placements and commitments of juveniles for
21 evaluations or as temporary or final dispositions are subject to the
22 following:

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

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

30 (3) A juvenile who is found to be a juvenile as described in
31 subdivision (1), (2), or (4) of section 43-247 shall not be assigned or

1 transferred to an adult correctional facility or the secure youth
2 confinement facility operated by the Department of Correctional Services;

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

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

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

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

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

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

19 (c) A juvenile shall not be placed into detention:

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

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

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

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

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

28 (6) A juvenile alleged to be a juvenile as described in subdivision
29 (3) of section 43-247 shall not be placed in a juvenile detention
30 facility, including a wing labeled as staff secure at such facility,
31 unless the designated staff secure portion of the facility fully complies

1 with subdivision (5) of section 83-4,125 and the ingress and egress to
2 the facility are restricted solely through staff supervision; and

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

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

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

10 **Sec. 15.** Section 43-253, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 43-253 (1) Upon delivery to the probation officer of a juvenile who
13 has been taken into temporary custody under section 29-401, 43-248, or
14 43-250, the probation officer shall immediately investigate the situation
15 of the juvenile and the nature and circumstances of the events
16 surrounding his or her being taken into custody. Such investigation may
17 be by informal means when appropriate.

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

22 (3) No juvenile who has been taken into temporary custody under
23 subdivision (1)(c) of section 43-250 or subsection (6) of section
24 43-286.01 or pursuant to an alleged violation of an order for conditional
25 release shall be detained in any detention facility or be subject to an
26 alternative to detention infringing upon the juvenile's liberty interest
27 for longer than twenty-four hours, excluding nonjudicial days, after
28 having been taken into custody unless such juvenile has appeared
29 personally before a court of competent jurisdiction for a hearing to
30 determine if continued detention, services, or supervision is necessary.
31 The juvenile shall be represented by counsel at the hearing. Whether such

1 counsel shall be provided at the cost of the county shall be determined
2 as provided in subsection (1) of section 43-272. If continued secure
3 detention is ordered, such detention shall be in a juvenile detention
4 facility, except that a juvenile charged with a felony as an adult in
5 county or district court may be held in an adult jail as set forth in
6 subdivision (1)(c)(v) of section 43-250. A juvenile ~~placed in an~~
7 ~~alternative to detention, but not in detention,~~ may only waive this
8 hearing with the agreement of the juvenile's through counsel and the
9 county attorney or city attorney.

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

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

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

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

1 months; or -

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

7 **Sec. 16.** Section 43-260.01, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 43-260.01 The need for preadjudication placement, services, or
10 supervision and the need for detention of a juvenile and whether
11 detention or an alternative to detention is indicated shall be subject to
12 subdivision (5) of section 43-251.01 and shall be determined as follows:

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

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

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

21 **Sec. 17.** (1) If a juvenile court decides to place a juvenile on
22 probation, the court shall conduct a hearing to determine whether the
23 juvenile is a high-risk juvenile probationer. The hearing may be
24 conducted together with the dispositional hearing or following a motion
25 to revoke probation following the procedures provided in subdivision (5)
26 (b) of section 43-286.

27 (2) The court shall designate a juvenile as a high-risk juvenile
28 probationer if the court determines that the juvenile is unlikely to
29 respond effectively to graduated response sanctions under section
30 43-286.01, taking into account:

31 (a) A validated risk assessment instrument completed by probation;

- 1 (b) The nature of the adjudication;
- 2 (c) The effectiveness of any past interventions or sanctions;
- 3 (d) The recommendation of the probation officer;
- 4 (e) The recommendation from law enforcement submitted to the county
- 5 attorney; and
- 6 (f) The recommendation from the county attorney or city attorney.

7 **Sec. 18.** Section 43-286.01, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 43-286.01 (1) For purposes of this section: ~~τ~~

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

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

19 (c) High-risk juvenile probationer means a juvenile determined to be
20 such under section 17 of this act.

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

30 (b) ~~(3)~~ Graduated response sanctions should be immediate, certain,
31 consistent, and fair to appropriately address the behavior. Failure to

1 complete a sanction may result in repeating the sanction, increasing the
2 duration, or selecting a different sanction similar in nature. Continued
3 failure to comply could result in a request for a motion to revoke
4 probation. Once a sanction is successfully completed the alleged
5 probation violation is deemed resolved and cannot be alleged as a
6 violation in future proceedings.

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

10 (3)(a) Except as provided in subsections (4) and (5) of this
11 section, when ~~(5) Whenever~~ a probation officer has reasonable cause to
12 believe that a juvenile probationer ~~subject to the supervision of a~~
13 ~~probation officer~~ has committed a violation of the terms of the
14 juvenile's probation ~~while on probation~~, but that such juvenile will not
15 attempt to leave the jurisdiction and will not place lives or property in
16 danger, the probation officer shall either:

17 (i) ~~(a)~~ Impose one or more graduated response sanctions with the
18 approval of his or her chief probation officer or such chief's designee.
19 The decision to impose graduated response sanctions in lieu of formal
20 revocation proceedings rests with the probation officer and his or her
21 chief probation officer or such chief's designee and shall be based upon
22 such juvenile's risk level, the severity of the violation, and the
23 juvenile's response to the violation. If graduated response sanctions are
24 to be imposed, such juvenile shall acknowledge in writing the nature of
25 the violation and agree upon the graduated response sanction with
26 approval of such juvenile's parents or guardian. Such juvenile has the
27 right to decline to acknowledge the violation, and if he or she declines
28 to acknowledge the violation, the probation officer shall submit a
29 written report pursuant to subdivision (3)(a)(ii) ~~(5)(b)~~ of this section.
30 If the juvenile fails to satisfy the graduated response sanctions and the
31 office determines that a motion to revoke probation should be pursued,

1 the probation officer shall submit a written report pursuant to
2 subdivision ~~(3)(a)(ii)~~ ~~(5)(b)~~ of this section. A copy of the report shall
3 be submitted to the county attorney of the county where probation was
4 imposed; or

5 ~~(ii)~~ ~~(b)~~ Submit a written report to the county attorney of the
6 county where probation was imposed and to the juvenile's attorney of
7 record. ~~The report shall outline~~ ~~, outlining~~ the nature of the probation
8 violation and request that formal revocation proceedings be instituted
9 against the juvenile ~~subject to the supervision of a probation officer.~~
10 The report shall also include a statement regarding why graduated
11 response sanctions were not utilized or were ineffective. If there is no
12 attorney of record for the juvenile, the office shall notify the court
13 and counsel for the juvenile shall be appointed.

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

17 (4) For a high-risk juvenile probationer, when a probation officer
18 has reasonable cause to believe that the juvenile probationer has
19 committed a violation of the terms of the juvenile's probation, other
20 than a criminal violation, and that such juvenile will not attempt to
21 leave the jurisdiction and will not place lives or property in danger,
22 the probation officer may impose one or more graduated response sanctions
23 under subdivision (3)(a)(i) of this section. However, the probation
24 officer may only do so one time. For any subsequent violation of the
25 terms of the juvenile's probation, the officer shall proceed as provided
26 in subdivision (3)(a)(ii) or subsection (5) or (6) of this section, as
27 appropriate.

28 (5) When a probation officer has reasonable cause to believe that a
29 juvenile probationer has committed a violation of the terms of the
30 juvenile's probation that is a criminal violation, the probation officer
31 shall submit a written report to the county attorney of the county where

1 probation was imposed and to the juvenile's attorney of record. The
2 report shall outline the nature of the probation violation and request
3 that formal revocation proceedings be instituted against the juvenile. If
4 there is no attorney of record for the juvenile, the office shall notify
5 the court, and counsel for the juvenile shall be appointed.

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

17 (7) Immediately after detention or deprivation of liberty pursuant
18 to subsection (6) of this section, the probation officer shall notify the
19 county attorney of the county where probation was imposed and the
20 juvenile's attorney of record and submit a written report describing the
21 risk of harm to lives or property or of fleeing the jurisdiction which
22 precipitated the need for such detention or deprivation of liberty and of
23 any violation of probation. If there is no attorney of record for the
24 juvenile, the office shall notify the court and counsel for the juvenile
25 shall be appointed. After prompt consideration of the written report, the
26 county attorney shall:

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

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

1 (8) Whenever a county attorney receives a report from a probation
2 officer that a juvenile probationer ~~subject to the supervision of a~~
3 ~~probation officer~~ has violated a condition of probation and the probation
4 officer is seeking revocation of probation, the county attorney may file
5 a motion to revoke probation.

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

13 (10) During the term of probation, the court, on application of a
14 probation officer or of the juvenile or on its own motion, may reduce or
15 eliminate any of the conditions imposed on the juvenile. Upon completion
16 of the term of probation or the earlier discharge of the juvenile, the
17 juvenile shall be relieved of any obligations imposed by the order of the
18 court and his or her record shall be sealed pursuant to section
19 43-2,108.04.

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

22 **Sec. 19.** (1) At least thirty calendar days before the expiration of
23 any juvenile's term of probation, the probation officer shall send a
24 progress report to the county attorney and to the juvenile's attorney of
25 record. The progress report shall include all court orders relating to
26 such term of probation, information on all conditions of probation, and
27 information regarding the juvenile's compliance with, or violations of,
28 such conditions.

29 (2) If the county attorney determines that revocation is
30 appropriate, the county attorney may file a motion to revoke probation.
31 If there is no attorney of record for the juvenile, counsel for the

1 juvenile shall be appointed. If such motion is filed no later than
2 fourteen calendar days before the expiration of the term of probation,
3 the court shall schedule a revocation hearing prior to the date of
4 expiration.

5 **Sec. 20.** Section 43-2,108, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 43-2,108 (1) The juvenile court judge shall keep a record of all
8 proceedings of the court in each case, including appearances, findings,
9 orders, decrees, and judgments, and any evidence which he or she feels it
10 is necessary and proper to record. The case file shall contain the
11 complaint or petition and subsequent pleadings. The case file may be
12 maintained as an electronic document through the court's electronic case
13 management system, on microfilm, or in a paper volume and disposed of
14 when determined by the State Records Administrator pursuant to the
15 Records Management Act.

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

30 (3) As used in this section, confidential record information means
31 all docket records, other than the pleadings, orders, decrees, and

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

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

28 (5) In all cases under sections 43-246.01 and 43-247, the office of
29 Inspector General of Nebraska Child Welfare may submit a written request
30 to the probation administrator for access to the records of juvenile
31 probation officers in a specific case. Upon a juvenile court order, the

1 records shall be provided to the Inspector General within five days for
2 the exclusive use in an investigation pursuant to the Office of Inspector
3 General of Nebraska Child Welfare Act. Nothing in this subsection shall
4 prevent the notification of death or serious injury of a juvenile to the
5 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
6 as soon as reasonably possible after the Office of Probation
7 Administration learns of such death or serious injury.

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

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

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

26 (b) Upon application by the county attorney or by the director of
27 the facility where the juvenile is placed and upon a showing of good
28 cause therefor, a judge of the juvenile court having jurisdiction over
29 the juvenile or of the county where the facility is located may order
30 that the records shall not be made available to the juvenile if, in the
31 judgment of the court, the availability of such records to the juvenile

1 will adversely affect the juvenile's mental state and the treatment
2 thereof.

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

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

21 (11) For any juvenile subject to the supervision of a probation
22 officer, the Office of Probation Administration shall provide the
23 Nebraska Commission on Law Enforcement and Criminal Justice with the
24 following information: The the name of the juvenile, the name and contact
25 information of the juvenile's parents or guardians, the name and contact
26 information of the juvenile's probation officer, and any terms of
27 probation included in a juvenile court order, the placement of the
28 juvenile if placed out of home, whether the juvenile is a prohibited
29 juvenile offender under section 28-1204.05, search and seizure status,
30 criminal associations, and the school the juvenile is attending. The
31 commission otherwise open to inspection shall be provided to the Nebraska

1 ~~Commission on Law Enforcement and Criminal Justice~~ which shall provide
2 access to such information to law enforcement agencies through the
3 state's criminal justice information system in a manner that allows such
4 information to be readily accessible through the main interface of the
5 system.

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

8 43-2,108.05 (1) If the court orders the record of a juvenile sealed,
9 the court shall:

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

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

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

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

28 (e) Explain to the juvenile using developmentally appropriate
29 language what sealing the record means. The explanation shall be given
30 verbally if the juvenile is present in the court at the time the court
31 issues the sealing order and by written notice sent by regular mail to

1 the juvenile's last-known address if the juvenile is not present in the
2 court at the time the court issues the sealing order. If applicable, the
3 explanation shall inform the juvenile that the juvenile is prohibited
4 from possessing a firearm under section 28-1204.05. The sealing order
5 shall include contact information for each government agency subject to
6 the sealing order.

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

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

1 following purposes:

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

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

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

14 (d) By the Department of Health and Human Services for purposes of
15 juvenile intake services, the preparation of case plans and reports, the
16 preparation of evaluations, compliance with federal reporting
17 requirements, or the supervision and protection of persons placed with
18 the department or for licensing or certification purposes under sections
19 71-1901 to 71-1906.01, the Child Care Licensing Act, or the Children's
20 Residential Facilities and Placing Licensure Act;

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

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

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

1 confidentiality of the sealed record; ~~or~~

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

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

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

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

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

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

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

3 43-2,129 Sections 43-245 to 43-2,129 and sections 12, 17, 19, and 22
4 of this act shall be known and may be cited as the Nebraska Juvenile
5 Code.

6 **Sec. 24.** Section 60-601, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 60-601 Sections 60-601 to 60-6,383 and sections 26, 29, and 32 of
9 this act shall be known and may be cited as the Nebraska Rules of the
10 Road.

11 **Sec. 25.** Section 60-605, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 60-605 For purposes of the Nebraska Rules of the Road, the
14 definitions found in sections 60-606 to 60-676 and section 26 of this act
15 shall be used.

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

17 (1) Any pedestrian who is:

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

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

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

21 (d) In a crosswalk; or

22 (e) On the shoulder;

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

25 (a) Any bicycle;

26 (b) Any electric bicycle;

27 (c) Any motorcycle other than an autocycle;

28 (d) Any moped; or

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

31 (3) Any individual who is riding any animal or driving any animal-

1 drawn vehicle on or along a highway;

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

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

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

7 (b) Electric personal assistive mobility device; or

8 (c) Wheelchair.

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

11 60-682.01 (1) Any person who operates a vehicle in violation of any
12 maximum speed limit established for any highway or freeway is guilty of a
13 traffic infraction.

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

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

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

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

23 (d) Two hundred One hundred twenty-five dollars for traveling over
24 fifteen miles per hour but not over twenty miles per hour over the
25 authorized speed limit;

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

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

31 (3) (2) The fines prescribed in subsection (2) (1) of this section

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

13 (4) ~~(3)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
14 shall be doubled if the violation occurs within a school crossing zone as
15 defined in section 60-658.01.

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

18 60-6,186 (1) Except when a special hazard exists that requires lower
19 speed for compliance with section 60-6,185, the limits set forth in this
20 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
21 the maximum lawful speeds unless reduced pursuant to subsection (2) of
22 this section, and no person shall drive a vehicle on a highway at a speed
23 in excess of such maximum limits:

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

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

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

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

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

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

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

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

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

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

13 (ii) That portion of the National System of Interstate and Defense
14 Highways designated as Interstate 180 in Lancaster County and Interstate
15 129 in Dakota County.

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

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

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

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

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

4 (c) Any emergency situation; or

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

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

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

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

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

22 (6) The Department of Transportation shall:

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

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

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

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

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

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

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

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

7 60-6,213 (1) Any person who drives any motor vehicle in such a
8 manner as to indicate an indifferent or wanton disregard for the safety
9 of persons or property shall be guilty of reckless driving.

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

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

17 60-6,378 (1)(a) The driver of a vehicle on a controlled-access
18 highway approaching or passing a stopped vehicle located on the same side
19 of the highway shall proceed with due care and caution as described in
20 this section. A driver in a vehicle on a controlled-access highway
21 approaching or passing a stopped authorized emergency vehicle or road
22 assistance vehicle which makes use of proper audible or visual signals
23 shall proceed with due care and caution as described in subdivision (b)
24 of this subsection.

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

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

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

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

20 (ii) Maintain ~~maintain~~ a safe speed with regard to the location of
21 the stopped authorized emergency vehicle or road assistance vehicle, the
22 weather conditions, the road conditions, and vehicular or pedestrian
23 traffic; τ and

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

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

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

31 (ii) Traffic infraction for any other violation.

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

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

7 (3) (2) The Department of Transportation shall erect and maintain or
8 cause to be erected and maintained signs giving notice of subsection (1)
9 of this section along controlled-access highways.

10 (4) (3) Enforcement of subsection (1) of this section shall not be
11 accomplished using simulated situations involving a stopped ~~an authorized~~
12 ~~emergency vehicle or a road assistance vehicle.~~

13 (5) (4) This section does not relieve the driver of a stopped ~~an~~
14 ~~authorized emergency vehicle or a road assistance vehicle~~ from the duty
15 to operate or stop such vehicle ~~drive~~ with due regard for the safety of
16 all persons using the highway.

17 (6) (5) For purposes of this section:

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

22 (b) Road ~~, road assistance personnel vehicle~~ includes any agent of a
23 ~~vehicle operated by the Nebraska Department of Transportation, the a~~
24 ~~Nebraska State Patrol motorist assistance vehicle, the a~~ United States
25 Department of Transportation ~~registered towing or roadside assistance~~
26 ~~vehicle, or and a utility service vehicle operated by a utility company.~~
27 ~~A road assistance vehicle shall emit a warning signal utilizing properly~~
28 ~~displayed emergency indicators such as strobe, rotating, or oscillating~~
29 ~~lights when stopped along a highway.~~

30 **Sec. 32.** (1) The operator of a motor vehicle shall proceed with due
31 care and caution as described in subsection (2) of this section when

1 approaching or passing a vulnerable road user.

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

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

14 (i) Reduce his or her speed;

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

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

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

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

25 (b) Traffic infraction for any other violation.

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

29 **Sec. 33.** Original sections 28-306, 28-394, 29-2262.06, 29-2267,
30 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of
31 Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 29-3001,

1 43-245, 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108,
2 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative
3 Supplement, 2024, are repealed.

4 2. On page 1, strike beginning with "motor" in line 1 through line
5 11 and insert "public safety; to amend sections 28-306, 28-394,
6 29-2262.06, 29-2267, 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue
7 Revised Statutes of Nebraska, and sections 28-101, 28-416, 28-1204.05,
8 29-2263, 29-3001, 43-245, 43-250, 43-251.01, 43-253, 43-260.01,
9 43-286.01, 43-2,108, 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised
10 Statutes Cumulative Supplement, 2024; to create the offense of tampering
11 with an electronic monitoring device; to define and redefine terms; to
12 change provisions relating to motor vehicle homicide and motor vehicle
13 homicide of an unborn child and increase the penalty for the latter
14 offense; to provide for a penalty enhancement for a controlled substances
15 violation resulting in serious bodily injury or death; to include certain
16 adjudications within the offense of possession of a firearm by a
17 prohibited juvenile offender; to provide for the waiver of certain fees
18 under the Nebraska Probation Administration Act; to authorize a court to
19 extend a term of probation as prescribed; to change provisions relating
20 to limitations on actions for postconviction relief; to define detention
21 for purposes of the Nebraska Juvenile Code; to provide duties for peace
22 officers taking juvenile probationers into custody; to change provisions
23 relating to detention, the age at which a juvenile may be detained,
24 revocation of juvenile probation, access to electronic monitoring data of
25 juveniles, information regarding juveniles probationers provided to the
26 Nebraska Commission on Law Enforcement and Criminal Justice, and the
27 sealing of juvenile records; to provide procedures and requirements for
28 high-risk juvenile probationers; to provide for a list of juvenile
29 probationers in each county; to provide duties for courts, probation
30 officers, and the commission; to increase penalties for violations of the
31 maximum speed limit; to authorize the Department of Transportation to

1 temporarily reduce maximum speed limits; to change provisions relating to
2 reckless driving; to require motor vehicle operators to proceed with due
3 care when passing stopped vehicles or vulnerable road users and provide
4 for penalties; to harmonize provisions; and to repeal the original
5 sections."