

AMENDMENTS TO LB530

Introduced by Judiciary.

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

14 (a) A Class IV felony if the electronic monitoring device was
15 required to be worn or used as a condition of parole or pursuant to a
16 court order in a felony case; and

17 (b) A Class I misdemeanor in any other case.

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

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

22 28-306 (1) A person who causes the death of another unintentionally
23 while engaged in the operation of a motor vehicle in violation of the law
24 of the State of Nebraska or in violation of any city or village ordinance
25 commits motor vehicle homicide.

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

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

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

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

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

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

1 be revoked for the same period.

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

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

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

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

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

18 (3)(a) If the proximate cause of the death of an unborn child is the
19 operation of a motor vehicle in violation of section 60-6,213 or
20 60-6,214, motor vehicle homicide of an unborn child is a Class IIIA
21 felony.

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

1 (c) If the proximate cause of the death of an unborn child is the
2 operation of a motor vehicle in violation of section 60-6,196 or
3 60-6,197.06 and the defendant has a prior conviction for a violation of
4 section 60-6,196 or a city or village ordinance enacted in conformance
5 with section 60-6,196, motor vehicle homicide of an unborn child is a
6 Class II ~~IIA~~ felony. ~~and~~

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

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

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

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

26 **Sec. 5.** Section 28-416, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

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

1 (b) to create, distribute, or possess with intent to distribute a
2 counterfeit controlled substance.

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

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

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

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

9 (b) For purposes of this subsection:

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

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

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

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

30 (b) Except as authorized by the Uniform Controlled Substances Act,
31 it shall be unlawful for any person eighteen years of age or older to

1 knowingly and intentionally employ, hire, use, cause, persuade, coax,
2 induce, entice, seduce, or coerce any person under the age of eighteen
3 years to aid and abet any person in the manufacture, transportation,
4 distribution, carrying, delivery, dispensing, preparation for delivery,
5 offering for delivery, or possession with intent to do the same of a
6 controlled substance or a counterfeit controlled substance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (13) Except as provided in section 28-1701, any person knowingly or
30 intentionally possessing marijuana weighing one ounce or less or any
31 substance containing a quantifiable amount of the substances, chemicals,

1 or compounds described, defined, or delineated in subdivision (c)(27) of
2 Schedule I of section 28-405 shall:

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

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

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

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

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

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

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

29 (ii) Such violation resulted in the use of the controlled substance
30 and directly and proximately caused the death of, or serious bodily
31 injury to, another person. shall be punished by the next higher penalty

1 ~~classification than the penalty prescribed in subsection (2), (7), (8),~~
2 ~~(9), or (10) of this section, but in no event shall such person be~~
3 ~~punished by~~

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

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

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

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

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

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

30 (ii) For a second offense, the court may, as a part of the judgment
31 of conviction or adjudication, (A) impound any such licenses or permits

1 for ninety days and (B) require such person to complete no fewer than
2 twenty and no more than forty hours of community service and to attend a
3 drug education class; and

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

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

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

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

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

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

6 **Sec. 6.** Section 28-1204.05, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (2) Participants in non-probation-based programs or services in
29 which probation personnel or probation resources are utilized pursuant to
30 an interlocal agreement authorized by subdivision (16) of section 29-2252
31 and in which all or a portion of the costs of such probation personnel or

1 such probation resources are covered by funds provided pursuant to
2 section 29-2262.07 shall pay the one-time administrative enrollment fee
3 described in subdivision (3)(a) of this section and the monthly probation
4 programming fee described in subdivision (3)(c) of this section. In
5 addition, the provisions of subsections (4), (7), and (11) ~~(10)~~ of this
6 section applicable to probationers apply to participants in non-
7 probation-based programs or services. Any participant in a non-probation-
8 based program or service who defaults on the payment of any such fees
9 may, at the discretion of the court, be subject to removal from such non-
10 probation-based program or service. This subdivision does not preclude a
11 court or other governmental entity from charging additional local fees
12 for participation in such non-probation-based programs and services or
13 other similar non-probation-based programs and services.

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

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

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

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

30 (4) The court shall waive payment of the monthly probation
31 programming fees in whole or in part if after a hearing a determination

1 is made that such payment would constitute an undue hardship on the
2 offender due to limited income, employment or school status, or physical
3 or mental handicap. Such waiver shall be in effect only during the period
4 of time that the probationer or participant in a non-probation-based
5 program or service is unable to pay his or her monthly probation
6 programming fee.

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

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

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

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

28 (9) The court may waive payment of the fees described in
29 subdivisions (2)(m) and (o) of section 29-2262 in whole or in part if the
30 offender has been previously found to be indigent in the case for which
31 he or she is placed on probation or if after a hearing a determination is

1 made that such payment would constitute an undue hardship on the offender
2 due to limited income, employment or school status, or physical or mental
3 handicap. Such waiver shall be in effect only during the period of time
4 that the probationer or participant in a non-probation-based program or
5 service is unable to pay his or her monthly probation programming fee.

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

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

16 **Sec. 8.** Section 29-2263, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

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

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

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

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

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

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

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

31 (5) Whenever a probationer disappears or leaves the jurisdiction of

1 the court without permission, the time during which he or she keeps his
2 or her whereabouts hidden or remains away from the jurisdiction of the
3 court shall be added to the original term of probation.

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

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

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

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

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

30 **Sec. 10.** Section 29-3001, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

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

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

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

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

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

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

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

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

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

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

21 **Sec. 11.** Section 43-245, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

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

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

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

30 (3) Alternative to detention means a program or directive that
31 increases supervision of a youth in the community in an effort to ensure

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

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

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

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

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

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

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

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

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

1 ~~(12)~~ ~~(11)~~ Juvenile means any person under the age of eighteen;

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

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

11 ~~(15)~~ ~~(14)~~ Legal custody has the same meaning as in section 43-2922;

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

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

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

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

24 ~~(20)~~ ~~(19)~~ Physical custody has the same meaning as in section
25 43-2922;

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

30 ~~(22)~~ ~~(21)~~ Restorative justice means practices, programs, or services
31 that emphasize repairing the harm caused to victims and the community by

1 persons who have caused the harm or committed an offense. Restorative
2 justice practices may include, but are not limited to, victim youth
3 conferencing, victim-offender mediation, youth or community dialogue,
4 panels, circles, and truancy mediation;

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

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

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

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

31 (27) ~~(26)~~ Status offender means a juvenile who has been charged with

1 or adjudicated for conduct which would not be a crime if committed by an
2 adult, including, but not limited to, juveniles charged under subdivision
3 (3)(b) of section 43-247 and sections 53-180.01 and 53-180.02;

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

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

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

13 **Sec. 13.** Section 43-250, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 offense, committing multiple property crimes, or threatening to cause
2 harm to self or others.

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

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

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

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

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

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

22 **Sec. 14.** Section 43-251.01, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

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

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

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

1 the Department of Correctional Services, or a youth rehabilitation and
2 treatment center or committed to the Office of Juvenile Services;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (7) A juvenile alleged to be a juvenile as described in subdivision
8 (1), (2), (3)(b), or (4) of section 43-247 shall not be placed out of his
9 or her home as a dispositional order of the court unless:

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

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

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

16 43-253 (1) Upon delivery to the probation officer of a juvenile who
17 has been taken into temporary custody under section 29-401, 43-248, or
18 43-250, the probation officer shall immediately investigate the situation
19 of the juvenile and the nature and circumstances of the events
20 surrounding his or her being taken into custody. Such investigation may
21 be by informal means when appropriate.

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

26 (3) No juvenile who has been taken into temporary custody under
27 subdivision (1)(c) of section 43-250 or subsection (6) of section
28 43-286.01 or pursuant to an alleged violation of an order for conditional
29 release shall be detained in any detention facility or be subject to an
30 alternative to detention infringing upon the juvenile's liberty interest
31 for longer than twenty-four hours, excluding nonjudicial days, after

1 having been taken into custody unless such juvenile has appeared
2 personally before a court of competent jurisdiction for a hearing to
3 determine if continued detention, services, or supervision is necessary.
4 The juvenile shall be represented by counsel at the hearing. Whether such
5 counsel shall be provided at the cost of the county shall be determined
6 as provided in subsection (1) of section 43-272. If continued secure
7 detention is ordered, such detention shall be in a juvenile detention
8 facility, except that a juvenile charged with a felony as an adult in
9 county or district court may be held in an adult jail as set forth in
10 subdivision (1)(c)(v) of section 43-250. A juvenile ~~placed in an~~
11 ~~alternative to detention, but not in detention,~~ may only waive this
12 hearing with the agreement of the juvenile's through counsel and the
13 county attorney or city attorney.

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

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

31 (a) The physical safety of persons in the community would be

1 seriously threatened; ~~or~~

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

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

11 **Sec. 16.** Section 43-260.01, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 43-260.01 The need for preadjudication placement, services, or
14 supervision and the need for detention of a juvenile and whether
15 detention or an alternative to detention is indicated shall be subject to
16 subdivision (5) of section 43-251.01 and shall be determined as follows:

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

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

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

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

31 (2) The court shall designate a juvenile as a high-risk juvenile

1 probationer if the court determines that the juvenile is unlikely to
2 respond effectively to graduated response sanctions under section
3 43-286.01, taking into account:

- 4 (a) The nature of the adjudication;
- 5 (b) The effectiveness of any past interventions or sanctions;
- 6 (c) The recommendation of the probation officer;
- 7 (d) The recommendation from law enforcement; and
- 8 (e) The recommendation from the county attorney or city attorney.

9 **Sec. 18.** Section 43-286.01, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 43-286.01 (1) For purposes of this section: ~~τ~~

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

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

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

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

1 **(b)** ~~(3)~~ Graduated response sanctions should be immediate, certain,
2 consistent, and fair to appropriately address the behavior. Failure to
3 complete a sanction may result in repeating the sanction, increasing the
4 duration, or selecting a different sanction similar in nature. Continued
5 failure to comply could result in a request for a motion to revoke
6 probation. Once a sanction is successfully completed the alleged
7 probation violation is deemed resolved and cannot be alleged as a
8 violation in future proceedings.

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

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

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

1 If the juvenile fails to satisfy the graduated response sanctions and the
2 office determines that a motion to revoke probation should be pursued,
3 the probation officer shall submit a written report pursuant to
4 subdivision ~~(3)(a)(ii)~~ ~~(5)(b)~~ of this section. A copy of the report shall
5 be submitted to the county attorney of the county where probation was
6 imposed; or

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

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

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

30 (5) When a probation officer has reasonable cause to believe that a
31 juvenile probationer has committed a violation of the terms of the

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

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

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

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

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

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

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

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

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

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

31 (2) If the county attorney determines that revocation is

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

6 **Sec. 20.** Section 43-2,108, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

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

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

31 (3) As used in this section, confidential record information means

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

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

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

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

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

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

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

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

1 judgment of the court, the availability of such records to the juvenile
2 will adversely affect the juvenile's mental state and the treatment
3 thereof.

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

13 (10) Any juvenile court order that places a juvenile on electronic
14 monitoring shall also state that whether the data from such electronic
15 monitoring device shall be made available to a designated law enforcement
16 officer as provided in this subsection. A law enforcement agency may
17 designate law enforcement officers who may receive such data. Upon a
18 request by such an officer, the Office of Probation Administration shall
19 immediately provide such data to such officer agency immediately upon
20 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 of the
25 juvenile's probation officer, and any terms of probation included in a
26 juvenile court order, whether the juvenile is a prohibited juvenile
27 offender under section 28-1204.05, search and seizure status, criminal
28 associations, and school records otherwise open to inspection shall be
29 provided to the Nebraska Commission on Law Enforcement and Criminal
30 Justice. The commission which shall provide access to such information to
31 law enforcement agencies through the state's criminal justice information

1 system in a manner that allows such information to be readily accessible
2 through the main interface of the system.

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

5 43-2,108.05 (1) If the court orders the record of a juvenile sealed,
6 the court shall:

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

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

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

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

25 (e) Explain to the juvenile using developmentally appropriate
26 language what sealing the record means. The explanation shall be given
27 verbally if the juvenile is present in the court at the time the court
28 issues the sealing order and by written notice sent by regular mail to
29 the juvenile's last-known address if the juvenile is not present in the
30 court at the time the court issues the sealing order. If applicable, the
31 explanation shall inform the juvenile that the juvenile is prohibited

1 from possessing a firearm under section 28-1204.05. The sealing order
2 shall include contact information for each government agency subject to
3 the sealing order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **Sec. 23.** Section 43-2,129, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 43-2,129 Sections 43-245 to 43-2,129 and sections 12, 17, 19, and 22

1 of this act shall be known and may be cited as the Nebraska Juvenile
2 Code.

3 **Sec. 24.** Section 60-601, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 60-601 Sections 60-601 to 60-6,383 and sections 26, 29, and 32 of
6 this act shall be known and may be cited as the Nebraska Rules of the
7 Road.

8 **Sec. 25.** Section 60-605, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 60-605 For purposes of the Nebraska Rules of the Road, the
11 definitions found in sections 60-606 to 60-676 and section 26 of this act
12 shall be used.

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

14 (1) Any pedestrian who is:

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

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

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

18 (d) In a crosswalk; or

19 (e) On the shoulder;

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

22 (a) Any bicycle;

23 (b) Any electric bicycle;

24 (c) Any motorcycle other than an autocycle;

25 (d) Any moped; or

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

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

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

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

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

4 (b) Electric personal assistive mobility device; or

5 (c) Wheelchair.

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

8 60-682.01 (1) Any person who operates a vehicle in violation of any
9 maximum speed limit established for any highway or freeway is guilty of a
10 traffic infraction.

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

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

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

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

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

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

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

28 (3) {2} The fines prescribed in subsection (2) {1} of this section
29 shall be doubled if the violation occurs within a maintenance, repair, or
30 construction zone established pursuant to section 60-6,188. For purposes
31 of this subsection, maintenance, repair, or construction zone means (a)

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

10 (4) ~~(3)~~ The fines prescribed in subsection (2) ~~(1)~~ of this section
11 shall be doubled if the violation occurs within a school crossing zone as
12 defined in section 60-658.01.

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

15 60-6,186 (1) Except when a special hazard exists that requires lower
16 speed for compliance with section 60-6,185, the limits set forth in this
17 section and sections 60-6,187, 60-6,188, 60-6,305, and 60-6,313 shall be
18 the maximum lawful speeds unless reduced pursuant to subsection (2) of
19 this section, and no person shall drive a vehicle on a highway at a speed
20 in excess of such maximum limits:

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

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

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

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

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

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

31 (g) Seventy miles per hour upon an expressway or a super-two highway

1 that is part of the state highway system;

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

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

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

10 (ii) That portion of the National System of Interstate and Defense
11 Highways designated as Interstate 180 in Lancaster County and Interstate
12 129 in Dakota County.

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

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

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

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

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

1 (c) Any emergency situation; or
2 (d) Any traffic congestion, reduced traffic mobility, or reduced
3 traffic flow.

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

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

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

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

19 (6) The Department of Transportation shall:

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

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

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

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

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

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

31 (7) The Department of Transportation may adopt and promulgate rules

1 and regulations to carry out this section.

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

4 60-6,213 (1) Any person who drives any motor vehicle in such a
5 manner as to indicate an indifferent or wanton disregard for the safety
6 of persons or property shall be guilty of reckless driving.

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

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

14 60-6,378 (1)(a) The driver of a vehicle on a controlled-access
15 highway approaching or passing a stopped vehicle located on the same side
16 of the highway shall proceed with due care and caution as described in
17 this section. ~~A driver in a vehicle on a controlled-access highway~~
18 ~~approaching or passing a stopped authorized emergency vehicle or road~~
19 ~~assistance vehicle which makes use of proper audible or visual signals~~
20 ~~shall proceed with due care and caution as described in subdivision (b)~~
21 ~~of this subsection.~~

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

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

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

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

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

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

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

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

28 (ii) Traffic infraction for any other violation.

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

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

4 (3) (2) The Department of Transportation shall erect and maintain or
5 cause to be erected and maintained signs giving notice of subsection (1)
6 of this section along controlled-access highways.

7 (4) (3) Enforcement of subsection (1) of this section shall not be
8 accomplished using simulated situations involving a stopped an authorized
9 emergency vehicle or a road assistance vehicle.

10 (5) (4) This section does not relieve the driver of a stopped an
11 authorized emergency vehicle or a road assistance vehicle from the duty
12 to operate or stop such vehicle drive with due regard for the safety of
13 all persons using the highway.

14 (6) (5) For purposes of this section:

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

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

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

30 (2)(a) If there are at least two adjacent lanes of travel in the
31 same direction on the same side of the highway as the vulnerable road

1 user, the driver of the approaching or passing motor vehicle shall
2 proceed with due care and caution and yield the right-of-way when
3 approaching or passing the vulnerable road user by moving into a lane at
4 least one moving lane apart from the vulnerable road user unless directed
5 otherwise by any peace officer, authorized emergency personnel, or road
6 assistance personnel as defined in section 60-6,378.

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

11 (i) Reduce his or her speed;

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

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

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

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

22 (b) Traffic infraction for any other violation.

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

26 **Sec. 33.** Original sections 28-306, 28-394, 29-2262.06, 29-2267,
27 60-682.01, 60-6,186, 60-6,213, and 60-6,378, Reissue Revised Statutes of
28 Nebraska, and sections 28-101, 28-416, 28-1204.05, 29-2263, 29-3001,
29 43-245, 43-250, 43-251.01, 43-253, 43-260.01, 43-286.01, 43-2,108,
30 43-2,108.05, 43-2,129, 60-601, and 60-605, Revised Statutes Cumulative
31 Supplement, 2024, are repealed.