

LEGISLATIVE BILL 540

Approved by the Governor February 28, 1986

Introduced by Pirsch, 10

AN ACT relating to the Nebraska Commission on Law Enforcement and Criminal Justice; to amend sections 81-1423, 81-1801 to 81-1821, 81-1823 to 81-1825, 81-1827, 81-1830 to 81-1837, 81-1839, 81-1842, 81-1843, 81-1847, and 83-183.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-1822, Revised Statutes Supplement, 1984; to abolish the Crime Victim's Reparations Board; to create the Crime Victim's Reparations Committee; to harmonize provisions; to provide powers and duties; to provide for members, terms of office, vacancies, and expenses; to change provisions regarding hearings; to change provisions regarding compensation; and to repeal the original sections.

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

Section 1. That section 81-1423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1423. The commission shall have authority to:

(1) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under sections 81-1415 to 81-1426;

(2) Delegate to one or more of its members such powers and duties as it may deem proper;

(3) Coordinate and jointly pursue its activities with the Policy Research Office;

(4) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(5) Plan improvements in the administration of criminal justice and promote their implementation;

(6) Make or encourage studies of any aspect of the administration of criminal justice;

(7) Conduct research and stimulate research by public and private agencies which shall be designed to

improve the administration of criminal justice;

(8) Coordinate activities relating to the administration of criminal justice among agencies of state and local government;

(9) Cooperate with the federal and other state authorities concerning the administration of criminal justice;

(10) Accept and administer loans, grants, and donations from the United States, its agencies, the State of Nebraska, its agencies, and from other sources, public and private, for carrying out any of its functions, except; PROVIDED; that no communications equipment shall be acquired or and no approval for acquisition of communications equipment shall be granted without receiving the written approval of the director of the division of communications of the Department of Administrative Services;

(11) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under sections 81-1415 to 81-1426 with agencies of state or local government, corporations, or persons;

(12) Acquire, hold, and dispose of personal property in the exercise of its powers;

(13) Conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and privacy of criminal history information;

(14) Do all things necessary to carry out its purposes and for the exercise of the powers granted in sections 81-1415 to 81-1426, except that no activities or transfers or expenditures of funds available to the agency shall be inconsistent with legislative policy as reflected in substantive legislation, legislative intent legislation, or appropriations legislation;

(15) Exercise budgetary and administrative control over the Crime Victim's Reparations Board Committee and the Jail Standards Board; and

(16) Do all things necessary to carry out the provisions of sections 81-1843 to 81-1848.

Sec. 2. That section 81-1801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1801. As used in sections 81-1801 to 81-1841 the Nebraska Crime Victim's Reparations Act, unless the context otherwise requires:

(1) Board Committee shall mean the Crime

Victim's Reparations Beard Committee;

(2) Dependent shall mean a relative of a deceased victim, who was dependent upon the victim's income at the time of death, including children of a victim born after a victim's death;

(3) Personal injury shall mean actual bodily harm;

(4) Relative shall mean spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's parents;

(5) Victim shall mean a person who is injured or killed as a result of conduct specified in section 81-1818; and

(6) Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice.

Sec. 3. That section 81-1802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1802. A Crime Victim's Reparations Beard Committee is hereby created. The beard committee shall consist of three five members of the commission to be appointed by the Governor subject to approval by the Legislature. At least one member of the beard shall be a person licensed to practice law in Nebraska. The members of the committee shall select a chairperson who is a member of the committee. For budgetary and administrative purposes only, the beard shall be within the Nebraska Commission on Law Enforcement and Criminal Justice.

Sec. 4. That section 81-1803, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1803. Within thirty days after January 1, 1979, the Governor shall appoint the initial members to the beard. Members of the committee shall serve for terms of six four years, except that of the members first appointed one two shall be appointed for a term terms of two years; one for a term of four years; and one three for a term terms of six four years.

Sec. 5. That section 81-1804, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1804. When a vacancy occurs on the beard committee, appointment to fill the vacancy shall be made for the balance of the term. As the terms of the initial appointees to the beard committee expire, succeeding appointees shall be appointed to six-year four-year terms. Members whose terms have expired shall

continue to serve until their successors have been appointed.

Sec. 6. That section 81-1805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1805. ~~The members~~ Members of the board committee shall receive no reimbursement for ~~be paid a per diem of one hundred dollars for each day actually and necessarily engaged in the performance of their duties as members of the committee, except that such board-~~ in addition, members of the board shall receive reimbursement for actual and necessary expenses as provided in sections 84-306.01 to 84-306.05 for state employees.

Sec. 7. That section 81-1806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1806. The board committee, with the approval of the commission, shall, ~~with the approval of the commission,~~ appoint one or more hearing officers, who shall be licensed to practice law in the state, to conduct hearings, take testimony in proceedings under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act, and make determinations of any matter ~~subject to sections 81-1801 to 81-1841~~ such act. Each hearing officer shall report his or her findings of fact and conclusions of law to the board, together with the reasons for the findings and conclusions. The board shall act only after consideration of the report and such other evidence as it considers appropriate. The board may overrule any determination made by a hearing officer and may decrease or increase any compensation awarded by such hearing officer pursuant to ~~sections 81-1801 to 81-1841.~~

The executive director of the commission may appoint and fix the duties of personnel necessary to carry out the functions of the board under ~~sections 81-1801 to 81-1841.~~

Sec. 8. That section 81-1807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1807. Any person who may be eligible for compensation under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act may make application to the board committee on forms provided by the board committee. If the person entitled to make application is a minor or mentally incompetent, the application may be made on his or her behalf by his or her parent, guardian, or any other individual authorized

to administer his or her estate. Residents and nonresidents of the State of Nebraska who are victims shall be treated similarly in determining compensation awards under the act.

Sec. 9. That section 81-1808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1808. In order to be eligible for compensation the applicant shall, prior to any hearing on an application, submit available reports from any physician or surgeon who has treated or examined the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the hearing officer or the board committee, reports on the previous medical history of the victim, a report on the examination of the injured victim, or a report on the cause of death of the victim by an impartial medical expert would be of material aid to its determination, the hearing officer or the board committee shall order the reports and examination.

Sec. 10. That section 81-1809, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1809. The board (1) A hearing officer shall consider and rule upon any application made under the provisions of sections 81-1801 to 81-1841 Nebraska Crime Victim's Reparations Act. The board may upon its own motion order a hearing, specifying the time and place it shall be held. If a hearing is ordered, the board shall give written notice to the applicant. If, after consideration without a hearing, the decision is unfavorable to the applicant, in whole or in part,

(2) If the hearing officer denies an award of compensation or awards an amount less than or equal to the amount requested by the applicant, the board hearing officer shall furnish him the applicant with a written statement of the reason of for the ruling. The applicant may request a hearing on his or her application within thirty days after receipt of the statement, and the board If the applicant requests a hearing, the hearing officer shall furnish the committee with his or her findings of fact and conclusions of law together with the reasons for the findings and conclusions. The committee shall specify a time and place for a hearing and shall give written notice to the applicant. If no request for a hearing is made within the specified time, the decision of the board hearing officer shall be final.

(3) If the hearing officer awards an amount to the applicant greater than the amount requested by the applicant, the hearing officer shall furnish the committee with his or her findings of fact and conclusions of law together with the reasons for granting the applicant more than he or she requested. The committee shall review the decision of the hearing officer taking into consideration the availability of funds appropriated for the purposes of the Nebraska Crime Victim's Reparations Act and other standards formulated pursuant to section 81-1814. The committee may approve the same amount awarded by the hearing officer, may increase or decrease the amount, or may deny an award of compensation.

Sec. 11. That section 81-1810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1810. (1) The heard committee or its a hearing officer may hold hearings, sit and act at the times and places and take the testimony that the heard committee or the hearing officers consider officer considers advisable, and administer oaths or affirmations to witnesses. The hearing officer or the heard committee shall have full powers by subpoena to compel the appearance of witnesses and the production of any relevant evidence, but no subpoena shall be issued unless signed by a member of the heard committee. Application to a court for aid in enforcing the subpoena may be made in the name of the heard committee by any heard committee member.

(2) The applicant and any other person having a substantial interest in the proceeding may appear and be heard, produce evidence, and cross-examine witnesses in person or by an attorney. The heard committee or its a hearing officer may hear other persons who in its or his or her judgment may have relevant evidence to submit.

(3) The heard committee or its a hearing officer shall have access to criminal history record information, as defined in section 29-3506, and investigative information of the law enforcement agency which handled the offense which is the basis for the victim's application for compensation.

Sec. 12. That section 81-1811, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1811. If a person has been convicted of an offense on which a claim under sections 81-1801 to 81-1841 the Nebraska Crime Victim's Reparations Act is

based, proof of that conviction shall be taken as conclusive evidence that the offense occurred and that such person committed the offense, unless an appeal or a proceeding with regard to it is pending.

Sec. 13. That section 81-1812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1812. The hearing officer or the board committee may, as part of an order entered under sections 81-1801 to 81-1841 the Nebraska Crime Victim's Reparations Act, determine and allow reasonable attorney's fees not to exceed five per cent of any compensation awarded. If the decision of a hearing officer or the board committee is appealed, the court shall determine reasonable attorney's fees.

Sec. 14. That section 81-1813, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1813. The board committee may, subject to the approval of the commission, make, rescind, and amend adopt and promulgate rules and regulations prescribing the procedures to be followed in the filing of applications and proceedings under sections 81-1801 to 81-1841, the Nebraska Crime Victim's Reparations Act and any other matters the board committee considers appropriate, including special circumstances, such as when expenses of job retraining or similar employment-related rehabilitative services are involved, under which an award under sections 81-1801 to 81-1841 the act may exceed ten thousand dollars. The board committee shall make available all forms and educational materials necessary to promote the existence of the programs to persons throughout the state.

Sec. 15. That section 81-1814, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1814. For the purpose of determining the amount of the compensation payable under sections 81-1801 to 81-1841 the Nebraska Crime Victim's Reparations Act, the board committee shall formulate standards for uniform application of sections 81-1801 to 81-1841 the act and take into consideration rates and amounts of compensation payable for injuries and death under other laws of this state and of the United States and the availability of funds appropriated for the purposes of sections 81-1801 to 81-1841 the act. Victims of crimes subject to federal jurisdiction shall be awarded compensation on the same basis as victims of all other compensable crimes.

Sec. 16. That section 81-1815, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1815. In a case in which a person is injured or killed as a result of conduct specified in ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act, or by any act of any other person which is within the description of offenses listed in ~~sections 81-1801 to 81-1841~~ such act, the ~~board~~ committee or a hearing officer may order the payment of compensation:

(1) To or for the benefit of the injured person;

(2) In the case of personal injury or death of the victim, to a person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury; or

(3) In the case of death of the victim, to or for the benefit of any one or more of the dependents of the victim.

Sec. 17. That section 81-1816, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1816. (1) In determining whether to make an order under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act, the ~~board~~ committee or hearing officer shall consider all circumstances determined to be relevant, including, but not limited to, provocation, consent, or any other behavior of the victim which directly or indirectly contributed to his or her injury or death, the prior social history of the victim, if any, and the need for financial aid.

(2) An order may be made under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act, whether or not any person is prosecuted for or convicted of an offense arising out of the act which caused the injury or death involved in the application. Upon application made by an appropriate prosecuting authority, the ~~board~~ committee may suspend proceedings under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act for such period as it considers appropriate on the ground that a prosecution for an offense arising out of the act which caused the injury or death involved in the application has been commenced or is imminent.

Sec. 18. That section 81-1817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1817. (1) The ~~board~~ committee or a hearing officer may award compensation for losses and expenses

allowable under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act for which the applicant is not compensated by the offender or a person on behalf of the offender, by the United States, by a state or any of its subdivisions or agencies, or by a private source of emergency awards under section 81-1820, for injury or death compensable under ~~sections 81-1801 to 81-1841~~ such act. Life insurance proceeds and social security payments shall not be treated as forms of such collateral compensation.

(2) If compensation is awarded under ~~sections 81-1801 to 81-1841~~ the act and the person receiving it also receives a collateral sum under ~~sections 81-1801 to 81-1841~~ the act which has not been deducted from it, he or she shall refund to the board committee either the amount of the collateral sum or the amount of compensation paid to him or her under ~~sections 81-1801 to 81-1841~~ the act, whichever is less.

Sec. 19. That section 81-1818, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1818. The board committee or hearing officer may order the payment of compensation for personal injury or death which resulted from:

(1) An attempt on the part of the applicant to prevent the commission of crime, to apprehend a suspected criminal, to aid or attempt to aid a police officer in the performance of his or her duties, or to aid a victim of a crime; or

(2) The commission or attempt on the part of one other than the applicant of an unlawful criminal act committed or attempted in the State of Nebraska.

Sec. 20. That section 81-1819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1819. The board committee or hearing officer may order the payment of compensation to victims of crime and survivors of victims of crime for:

(1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim, including expenses for mental health counseling and care;

(2) Loss of earning power wages and future earning capacity as a result of total or partial incapacity of the victim and reasonable expenses of job retraining or similar employment-oriented rehabilitative services for the victim;

(3) Pecuniary loss to the dependents of the deceased victim; and

(4) Funeral and burial expenses actually and reasonably incurred as a result of the death of the victim; and

(5) Any other loss resulting from the personal injury or death of the victim which the ~~board~~ committee determines to be reasonable.

Sec. 21. That section 81-1820, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1820. (1) Prior to the hearing officer taking action on an application, the applicant may request that a hearing officer make an emergency award of compensation to the applicant. If it appears to the board hearing officer that, prior to taking action on an application, the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the board hearing officer may make an emergency award of compensation to the applicant pending a final decision in the case, except that:

(1) (a) The amount of the emergency compensation shall not exceed five hundred dollars;

(2) (b) The amount of the emergency compensation shall be deducted from the final compensation made to the applicant; and

(3) (c) The excess amount of the emergency compensation over the final amount shall be repaid by the applicant to the board committee.

(2) If the hearing officer refuses to make an emergency award of compensation to the applicant, the applicant may request an emergency hearing before the committee which may be conducted by means of teleconference. The committee shall forthwith specify a time and place for an emergency hearing and shall give written notice to the applicant. If it appears to the committee that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made, the committee may make an emergency award of compensation to the applicant pending a final decision in the case, subject to the conditions and limitations stated in subsection (1) of this section.

Sec. 22. That section 81-1821, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1821. No order for the payment of compensation shall be entered under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act unless the application has been submitted to the ~~board~~

committee within two years after the date of the personal injury or death and the personal injury or death was the result of an incident or offense which had been reported to the police within three days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within three days of the time when a report could reasonably have been made.

Sec. 23. That section 81-1822, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1822. No compensation shall be awarded if the victim:

(1) Is a relative of the offender and aided or abetted the offender in the commission of the unlawful act;

(2) Is, at the time of the injury, which results in the death of the victim, living with the offender as a member of the same family or household or maintaining a sexual relationship with the offender or with a member of the offender's family and aided or abetted the offender in the commission of the unlawful act;

(3) Violated a penal criminal law of the state, which violation caused or contributed to his or her injuries or death;

(4) Is injured as a result of the operation of a motor vehicle, boat, or airplane unless the vehicle was used in a deliberate attempt to injure or kill the victim or unless the operator is convicted of a violation of section 39-669.07 or 39-669.08;

(5) Aided or abetted the offender in the commission of the unlawful act; or

(6) Incurs an economic loss which does not exceed ten per cent of the claimant's net financial resources. For purposes of this subdivision a victim's net financial resources ~~do~~ shall not include the present value of future earnings and shall be determined by the heard committee by deducting from the victim's total financial resources:

(a) One year's earnings;

(b) The victim's equity in his or her home, not exceeding thirty thousand dollars;

(c) One motor vehicle; and

(d) Any other property which would be exempt from execution under section 25-1552 or 40-101.

Nothing in this section shall limit payments to a victim by an offender which are made as full or partial restitution of the victim's actual pecuniary

loss.

Sec. 24. That section 81-1823, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1823. Except as provided in section 81-1813, no compensation shall be awarded under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act in an amount in excess of ten thousand dollars for each applicant per incident unless expenses for job retraining or similar employment-related rehabilitative services for the victim are deemed necessary. In such case, amounts in excess of ten thousand dollars shall be used only for such purposes. Each award shall be paid in installments unless the board hearing officer or committee decides otherwise.

Sec. 25. That section 81-1824, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1824. No order for payment of compensation under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act shall be made for injuries or death resulting from incidents or offenses occurring prior to January 1, 1979, or outside the state.

Sec. 26. That section 81-1825, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1825. When an order for the payment of compensation for personal injury or death is made, the board committee shall be subrogated to the cause of action of the applicant against the person responsible for the injury or death and shall be entitled to bring an action against such person for the amount of the damages sustained by the applicant. If an amount greater than that paid under the order is recovered and collected in the action, the board committee shall pay the balance to the applicant.

Sec. 27. That section 81-1827, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1827. (1) The director Director of Correctional Services may enter into such contracts as may be necessary to fully implement the terms of sections 81-1801 to 81-1841 Nebraska Crime Victim's Reparations Act. Such contractual arrangements may include, but not be limited to, rental or lease agreements for such buildings or portions thereof on the grounds of any Department of Correctional Services facilities, together with the real estate needed for reasonable access to and egress from the leased

buildings, with a private corporation for the purpose of establishing and operating a factory for the manufacture and processing of goods, wares, or merchandise, or any other business or commercial enterprise deemed by the director to be consistent with the proper training and rehabilitation of persons committed to the department.

(2) Nothing in this section shall operate to limit the director's authority to enter into contractual arrangements as may be provided elsewhere in law.

(3) Any corporation operating a factory or other business or commercial enterprise under this section may employ offenders committed to the Department of Correctional Services and persons conditionally released subject to the provisions of section 83-184.

Sec. 28. That section 81-1830, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1830. Any person who knowingly makes a false claim under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act shall be guilty of a Class I misdemeanor and shall forfeit any benefit received and shall repay the state for any payment of compensation made under ~~sections 81-1801 to 81-1841~~ the act.

Sec. 29. That section 81-1831, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1831. The rights to compensation created under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act are personal and shall not survive the death of a victim or dependent entitled to them, except that if the death occurs after an application for compensation has been filed with the ~~board committee~~ the proceeding shall not abate, but may be continued by the legal representative of the decedent's estate.

Sec. 30. That section 81-1832, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1832. All determinations, decisions, and awards made by the ~~board committee~~ or any hearing officer may be appealed pursuant to ~~the provisions of Chapter 84, article 9.~~

Sec. 31. That section 81-1833, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1833. The ~~board committee~~ shall prepare and submit to the commission a biennial report of its activities under ~~sections 81-1801 to 81-1841~~ the

Nebraska Crime Victim's Reparations Act, including the name of each applicant, a brief description of the facts in each case, and the amount of compensation awarded, except that if the applicant was the victim of a sexual assault the victim's name shall not be included in the report, but shall be available to the Governor or a member of the Legislature upon request to the board committee. Such report shall be submitted to the Governor and Clerk of the Legislature as part of the commission's report submitted pursuant to section 81-1423.

Sec. 32. That section 81-1834, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1834. Any award to a claimant and any judgment in favor of a claimant under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act shall be certified by the board committee to the Director of Administrative Services; who shall promptly issue ~~his~~ a warrant for payment of such award of judgment out of the Victim's Compensation Fund if sufficient money is available in such fund.

Sec. 33. That section 81-1835, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1835. There is hereby established in the state treasury a Victim's Compensation Fund from which all awards or judgments under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act shall be paid. This fund shall be in such amount as the Legislature shall determine to be reasonably sufficient to meet anticipated claims. When the amount of money in the Victim's Compensation Fund is not sufficient to pay any awards or judgments under ~~sections 81-1801 to 81-1841~~ the act, the Director of Administrative Services shall immediately advise the Legislature, and request an emergency appropriation to satisfy such awards and judgments. Any money in the Victim's Compensation Fund available for investment shall be invested by the state investment officer pursuant to applicable provisions of law sections 72-1237 to 72-1269.

Sec. 34. That section 81-1836, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1836. Every person, firm, corporation, partnership, association, or other legal entity contracting with any person or the representative or assignee of any person, accused of a crime in this state, with respect to the reenactment of such crime, by

way of a movie, book, magazine article, radio, or television presentation, live entertainment of any kind, or from the expression of such person's thoughts, feelings, opinions, or emotions regarding such crime, shall pay over to the beard committee any money which would otherwise, by terms of such contract, be owing to the person so convicted or his or her representatives. The beard committee shall deposit such money in the Victim's Compensation Fund.

Sec. 35. That section 81-1837, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1837. Upon disposition of charges favorable to any person accused of committing a crime, or upon a showing by such person that five years have elapsed from the deposit of money into the Victim's Compensation Fund by the accused and further that no actions are pending against such person pursuant to ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act, the beard committee shall immediately pay the money deposited by the accused to such person.

Sec. 36. That section 81-1839, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1839. Notwithstanding the provisions of sections 81-1836 to 81-1838, the beard committee shall make payments from the fund to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such money shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

Sec. 37. That section 81-1842, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1842. The name of any victim of a sexual assault appearing in information or records of the Crime Victim's Reparations Beard Committee when the victim is applying for compensation under ~~sections 81-1801 to 81-1841~~ the Nebraska Crime Victim's Reparations Act shall not be made public.

Sec. 38. That section 81-1843, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1843. (1) The Legislature finds and declares:

(a) That there is a need to develop methods to reduce the trauma and discomfort that victims of a crime

and witnesses to a crime may experience because often such victims or witnesses are further victimized by the criminal justice system;

(b) That when crime strikes, the chief concern of the criminal justice system is apprehending and dealing with the criminal, and that the victim's needs are frequently forgotten;

(c) That victims often become isolated and receive little practical advice or necessary care;

(d) That witnesses must make arrangements to appear in court regardless of their own schedules, child-care responsibilities, or transportation problems;

(e) That witnesses often endure long waits before testifying, are subjected to confusing circumstances while testifying, and receive no information as to the ultimate disposition of the case;

(f) That a large number of victims and witnesses are unaware of both their rights and obligations;

(g) That unreported crimes occur at a rate that is more than twice the rate of reported crimes and that the reasons people give for not reporting crimes indicate that they are disenchanting with the criminal justice system;

(h) That the single most important factor determining whether or not a case will be solved is the information that the victim supplies to the responding police officer; and

(i) That although the State of Nebraska has the Crime Victim's Reparations Board Committee and compensation is available for medical expenses, lost earning power, and reasonable rehabilitation costs, the application process is difficult, complex, and time consuming and few victims are aware that the compensation provisions exist.

(2) It is therefore the intent of the Legislature to provide ways of improving the attitudes of victims and witnesses toward the criminal justice system and to provide for faster and more complete recovery by the victim from the effects of the crime through the establishment of pilot project centers for victim and witness assistance.

Sec. 39. That section 81-1847, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1847. Services provided by the centers shall include, but not be limited to:

(1) Providing assistance to victims in preparing claims for submission to the Nebraska Crime

Victim's Reparations Board Committee;

(2) Establishing a means for volunteers to work with criminal justice agencies to promote greater sensitivity to the needs of victims and witnesses;

(3) Providing ~~follow-up~~ followup support services to victims of violent crime and their families to insure that they receive necessary assistance through available community resources;

(4) Providing elderly victims of crime with services appropriate to their special needs;

(5) Providing liaison and referral systems to special counseling facilities and community service agencies for victims;

(6) Providing transportation and household assistance to those victims and witnesses participating in the criminal justice process;

(7) Notifying friends, relatives, and the employer of a victim, if requested;

(8) Arranging for verification of medical benefits and assistance when applying for compensation from the Crime Victim's Reparations Board Committee;

(9) Notifying witnesses prior to their being subpoenaed in criminal cases; and

(10) Notifying witnesses of changes in the court calendar to avoid unnecessary trips to the court or spending unnecessary time in court.

Sec. 40. That section 83-183.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-183.01. A person committed to the department, who is earning at least minimum wage, and is employed pursuant to sections 81-1827 and 83-183, shall have his or her wages set aside by the chief executive officer of the facility in a separate wage fund. The director shall adopt and promulgate rules and regulations which will protect the inmate's rights to due process, provide for hearing as necessary before the Crime Victim's Reparations Board Committee, and govern the disposition of a confined person's gross monthly wage minus required payroll deductions and payment of necessary work-related incidental expenses for the following purposes:

(1) For the support of families and dependent relatives of the respective inmates;

(2) For the discharge of any legal obligations, including judgments for restitution;

(3) To pay all or a part of the cost of their board, room, clothing, medical, dental, and other correctional services;

(4) To provide for funds payable to the person committed to the department upon his or her release;

(5) For the actual value of state property intentionally or willfully and wantonly destroyed by such person during his or her commitment; and

(6) For reasonable costs incurred in returning such person to the facility to which he or she is committed in the event of escape.

Sec. 41. That original sections 81-1423, 81-1801 to 81-1821, 81-1823 to 81-1825, 81-1827, 81-1830 to 81-1837, 81-1839, 81-1842, 81-1843, 81-1847, and 83-183.01, Reissue Revised Statutes of Nebraska, 1943, and section 81-1822, Revised Statutes Supplement, 1984, are repealed.