

LEGISLATIVE BILL 193

Approved by the Governor April 27, 2005

Introduced by Thompson, 14

AN ACT relating to juvenile services; to amend sections 43-2404.01 and 43-2404.02, Reissue Revised Statutes of Nebraska; to transfer oversight of the County Juvenile Services Aid Program to the Nebraska Commission on Law Enforcement and Criminal Justice; to change requirements of the program; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. Section 43-2404.01, Reissue Revised Statutes of Nebraska, is amended to read:

43-2404.01. (1) To be eligible for participation in either the Commission Grant Program or the County Juvenile Services Aid Program, counties shall develop and adopt a comprehensive juvenile services plan and submit such plan to the ~~Office of Juvenile Services~~ commission in accordance with the federal act and rules and regulations adopted and promulgated by the ~~office~~ commission in consultation with the Office of Juvenile Services. Such plan may be developed by individual counties or by multiple counties. Any portion of the comprehensive juvenile services plan dealing with administration, procedures, and programs of the juvenile court shall not be submitted to the ~~Office of Juvenile Services~~ commission without the concurrence of the presiding judge or judges of the court or courts having jurisdiction in juvenile cases for the geographic area to be served. Programs or services established by such plans shall conform to the family policy tenets prescribed in sections 43-532 to 43-534.

~~(2) Counties may apply to the commission for fiscal year 2001-02 and fiscal year 2002-03 for planning grants from funds appropriated by the Legislature to aid in the development and adoption of the comprehensive juvenile services plans. A separate and distinct budgetary program is created within the commission which shall only be used for county planning grants in the development of comprehensive juvenile services plans. The annual appropriation to the program shall not exceed one hundred twenty-five thousand dollars. A county or multiple counties may apply for a comprehensive juvenile services planning grant. Such grant shall be limited to two thousand five hundred dollars per county for a consecutive two-year period. No administrative costs shall be paid from funds appropriated to the county planning grant program.~~

~~(3) The commission, in consultation with the Office of Juvenile Services and the coalition, shall develop or contract for the development of a statewide system to monitor and evaluate the effectiveness of plans and programs receiving funds from: (a) The Commission Grant Program and (b) the County Juvenile Services Aid Program in preventing persons from entering the juvenile justice system and in rehabilitating juvenile offenders.~~

Sec. 2. Section 43-2404.02, Reissue Revised Statutes of Nebraska, is amended to read:

43-2404.02. (1) There is created a separate and distinct budgetary program within the ~~Office of Juvenile Services~~ commission to be known as the County Juvenile Services Aid Program. ~~The annual appropriation for this program shall not exceed four million dollars of General Funds.~~ Funding acquired from participation in the federal act, state General Funds, and funding acquired from other sources which may be used for purposes consistent with the Juvenile Services Act and the federal act shall be used to aid counties in the establishment and provision of community-based services for accused and adjudicated juvenile offenders and to increase capacity for community-based services to juveniles.

(2) ~~The annual General Fund appropriation to the County Juvenile Services Aid Program shall be apportioned to the counties as aid in accordance with a formula established in rules and regulations adopted and promulgated by the commission. The formula shall be based on the total number of residents per county who are twelve years of age through eighteen years of age and other relevant factors as determined by the commission. The commission may require a local match of up to forty percent from counties receiving aid under such program. Any local expenditures for community-based programs for juveniles may be applied toward such match requirement. the formula promulgated by the Office of Juvenile Services in rule and regulation. The formula shall be solely based upon the total number of residents per county who are twelve~~

years of age through eighteen years of age as provided by the most recently available federal census data. Aid provided to a county under this subsection shall be reduced by the cost to the state of care for juveniles from such county who, as determined by a risk and needs assessment instrument of the Office of Juvenile Services, do not meet the criteria established by rule and regulation under section 43-406 that identifies the types of offenders appropriate for youth rehabilitation and treatment centers or more restrictive placement, but who are in fact committed to the Office of Juvenile Services for placement at a youth rehabilitation and treatment center or more restrictive level placement.

(3) Funds provided to counties under the County Juvenile Services Aid Program shall be used exclusively to assist counties in implementation and operation of programs or services identified in their comprehensive juvenile services plan, including, but not limited to, programs for assessment and evaluation, prevention of delinquent behavior, diversion, shelter care, intensive juvenile probation services, restitution, family support services, and family group conferencing. No funds available appropriated or distributed under the County Juvenile Services Aid Program shall be used for construction of secure detention facilities, secure youth treatment facilities, or secure youth confinement facilities. Aid received under this section shall not be used for capital construction or the lease or acquisition of facilities and shall not be used to replace existing funding for programs or services.

(4) Counties shall provide a minimum of a forty percent local match from nonstate sources for aid funds received from the state under the County Juvenile Services Aid Program. Any local expenditures for community-based programs for juveniles may be applied toward the local match requirement of this subsection.

(5) Any county receiving funding under the County Juvenile Services Aid Program shall file an annual report as required by rules and regulations adopted and promulgated by the Office of Juvenile Services commission. The report shall include, but not be limited to, information on the total number of juveniles served, the units of service provided, a listing of the county's annual juvenile justice budgeted and actual expenditures, and a listing of expenditures for detention, residential treatment, and nonresidential treatment.

(5) The Office of Juvenile Services commission shall report annually to the Governor and the Legislature on the distribution and use of funds appropriated under the County Juvenile Services Aid Program. On or before December 1, 2002, the Office of Juvenile Services, in consultation with county representatives, shall recommend to the Governor and the Legislature a statewide structure for the delivery of juvenile services.

(6) The commission shall adopt and promulgate rules and regulations to implement this section.

Sec. 3. This act becomes operative on July 1, 2005.

Sec. 4. Original sections 43-2404.01 and 43-2404.02, Reissue Revised Statutes of Nebraska, are repealed.

Sec. 5. Since an emergency exists, this act takes effect when passed and approved according to law.