

AMENDMENTS TO LB14

Introduced by Judiciary.

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

3           Section 1. Section 28-470, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5           28-470 (1) A health professional who is authorized to prescribe or  
6 dispense naloxone, if acting with reasonable care, may prescribe,  
7 administer, or dispense naloxone to any of the following persons without  
8 being subject to administrative action or criminal prosecution:

9           (a) A person who is apparently experiencing or who is likely to  
10 experience an opioid-related overdose; or

11           (b) A family member, friend, or other person in a position to assist  
12 a person who is apparently experiencing or who is likely to experience an  
13 opioid-related overdose.

14           (2) A family member, friend, or other person, including school  
15 personnel, who is in a position to assist a person who is apparently  
16 experiencing or who is likely to experience an opioid-related overdose,  
17 other than an emergency responder or peace officer, is not subject to  
18 actions under the Uniform Credentialing Act, administrative action, or  
19 criminal prosecution if the person, acting in good faith, obtains  
20 naloxone from a health professional or a prescription for naloxone from a  
21 health professional and administers the naloxone obtained from the health  
22 professional or acquired pursuant to the prescription to a person who is  
23 apparently experiencing an opioid-related overdose.

24           (3) An emergency responder who, acting in good faith, obtains  
25 naloxone from the emergency responder's emergency medical service  
26 organization and administers the naloxone to a person who is apparently  
27 experiencing an opioid-related overdose shall not be:

1 (a) Subject to administrative action or criminal prosecution; or

2 (b) Personally liable in any civil action to respond in damages as a  
3 result of his or her acts of commission or omission arising out of and in  
4 the course of his or her rendering such care or services or arising out  
5 of his or her failure to act to provide or arrange for further medical  
6 treatment or care for the person who is apparently experiencing an  
7 opioid-related overdose, unless the emergency responder caused damage or  
8 injury by his or her willful, wanton, or grossly negligent act of  
9 commission or omission. This subdivision shall not affect the liability  
10 of such emergency medical service organization for the emergency  
11 responder's acts of commission or omission.

12 (4) A peace officer or law enforcement employee who, acting in good  
13 faith, obtains naloxone from the peace officer's or employee's law  
14 enforcement agency and administers the naloxone to a person who is  
15 apparently experiencing an opioid-related overdose shall not be:

16 (a) Subject to administrative action or criminal prosecution; or

17 (b) Personally liable in any civil action to respond in damages as a  
18 result of his or her acts of commission or omission arising out of and in  
19 the course of his or her rendering such care or services or arising out  
20 of his or her failure to act to provide or arrange for further medical  
21 treatment or care for the person who is apparently experiencing an  
22 opioid-related overdose, unless the peace officer or employee caused  
23 damage or injury by his or her willful, wanton, or grossly negligent act  
24 of commission or omission. This subdivision shall not affect the  
25 liability of such law enforcement agency for the peace officer's or  
26 employee's acts of commission or omission.

27 (5) For purposes of this section:

28 (a) Administer has the same meaning as in section 38-2806;

29 (b) Dispense has the same meaning as in section 38-2817;

30 (c) Emergency responder means an emergency medical responder, an  
31 emergency medical technician, an advanced emergency medical technician,

1 or a paramedic licensed under the Emergency Medical Services Practice Act  
2 or practicing pursuant to the EMS Personnel Licensure Interstate Compact;

3 (d) Health professional means a physician, physician assistant,  
4 nurse practitioner, or pharmacist licensed under the Uniform  
5 Credentialing Act;

6 (e) Law enforcement agency means a police department, a town  
7 marshal, the office of sheriff, or the Nebraska State Patrol;

8 (f) Law enforcement employee means an employee of a law enforcement  
9 agency, a contractor of a law enforcement agency, or an employee of such  
10 contractor who regularly, as part of his or her duties, handles,  
11 processes, or is likely to come into contact with any evidence or  
12 property which may include or contain opioids;

13 (g) Naloxone means naloxone hydrochloride; and

14 (h) Peace officer has the same meaning as in section 49-801.

15 Sec. 2. Section 29-2261, Revised Statutes Cumulative Supplement,  
16 2022, is amended to read:

17 29-2261 (1) Unless it is impractical to do so, when an offender has  
18 been convicted of a felony other than murder in the first degree, the  
19 court shall not impose sentence without first ordering a presentence  
20 investigation of the offender and according due consideration to a  
21 written report of such investigation. When an offender has been convicted  
22 of murder in the first degree and (a) a jury renders a verdict finding  
23 the existence of one or more aggravating circumstances as provided in  
24 section 29-2520 or (b)(i) the information contains a notice of  
25 aggravation as provided in section 29-1603 and (ii) the offender waives  
26 his or her right to a jury determination of the alleged aggravating  
27 circumstances, the court shall not commence the sentencing determination  
28 proceeding as provided in section 29-2521 without first ordering a  
29 presentence investigation of the offender and according due consideration  
30 to a written report of such investigation.

31 (2) A court may order a presentence investigation in any case,

1 except in cases in which an offender has been convicted of a Class IIIA  
2 misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic  
3 infraction, or any corresponding city or village ordinance.

4 (3) The presentence investigation and report shall include, when  
5 available, an analysis of the circumstances attending the commission of  
6 the crime, the offender's history of delinquency or criminality, physical  
7 and mental condition, family situation and background, economic status,  
8 education, occupation, and personal habits, and any other matters that  
9 the probation officer deems relevant or the court directs to be included.  
10 All local and state police agencies and Department of Correctional  
11 Services adult correctional facilities shall furnish to the probation  
12 officer copies of such criminal records, in any such case referred to the  
13 probation officer by the court of proper jurisdiction, as the probation  
14 officer shall require without cost to the court or the probation officer.

15 Such investigation shall also include:

16 (a) Any written statements submitted to the county attorney by a  
17 victim; and

18 (b) Any written statements submitted to the probation officer by a  
19 victim.

20 (4) If there are no written statements submitted to the probation  
21 officer, he or she shall certify to the court that:

22 (a) He or she has attempted to contact the victim; and

23 (b) If he or she has contacted the victim, such officer offered to  
24 accept the written statements of the victim or to reduce such victim's  
25 oral statements to writing.

26 For purposes of subsections (3) and (4) of this section, the term  
27 victim shall be as defined in section 29-119.

28 (5) Before imposing sentence, the court may order the offender to  
29 submit to psychiatric observation and examination for a period of not  
30 exceeding sixty days or such longer period as the court determines to be  
31 necessary for that purpose. The offender may be remanded for this purpose

1 to any available clinic or mental hospital, or the court may appoint a  
2 qualified psychiatrist to make the examination. The report of the  
3 examination shall be submitted to the court.

4 (6)(a) Any presentence report, substance abuse evaluation, or  
5 psychiatric examination shall be privileged and shall not be disclosed  
6 directly or indirectly to anyone other than a judge; probation officers  
7 to whom an offender's file is duly transferred; the probation  
8 administrator or his or her designee; alcohol and drug counselors, mental  
9 health practitioners, psychiatrists, and psychologists licensed or  
10 certified under the Uniform Credentialing Act to conduct substance abuse  
11 evaluations and treatment; or others entitled by law to receive such  
12 information, including personnel and mental health professionals for the  
13 Nebraska State Patrol specifically assigned to sex offender registration  
14 and community notification for the sole purpose of using such report,  
15 evaluation, or examination for assessing risk and for community  
16 notification of registered sex offenders.

17 (b) For purposes of this subsection, mental health professional  
18 means (i) a practicing physician licensed to practice medicine in this  
19 state under the Medicine and Surgery Practice Act, (ii) a practicing  
20 psychologist licensed to engage in the practice of psychology in this  
21 state as provided in section 38-3111 or as provided under similar  
22 provisions of the Psychology Interjurisdictional Compact, (iii) a  
23 practicing mental health professional licensed or certified in this state  
24 as provided in the Mental Health Practice Act, or (iv) a practicing  
25 professional counselor holding a privilege to practice in Nebraska under  
26 the Licensed Professional Counselors Interstate Compact.

27 (7) The court shall permit inspection of the presentence report,  
28 substance abuse evaluation, or psychiatric examination or parts of the  
29 report, evaluation, or examination, as determined by the court, by the  
30 prosecuting attorney and defense counsel. ~~Such Beginning July 1, 2016,~~  
31 ~~such~~ inspection shall be by electronic access only unless the court

1 determines such access is not available to the prosecuting attorney or  
2 defense counsel. The State Court Administrator shall determine and  
3 develop the means of electronic access to such presentence reports,  
4 evaluations, and examinations. Upon application by the prosecuting  
5 attorney or defense counsel, the court may order that addresses,  
6 telephone numbers, and other contact information for victims or witnesses  
7 named in the report, evaluation, or examination be redacted upon a  
8 showing by a preponderance of the evidence that such redaction is  
9 warranted in the interests of public safety. The court may permit  
10 inspection of the presentence report, substance abuse evaluation, or  
11 psychiatric examination or examination of parts of the report,  
12 evaluation, or examination by any other person having a proper interest  
13 therein whenever the court finds it is in the best interest of a  
14 particular offender. The court may allow fair opportunity for an offender  
15 to provide additional information for the court's consideration.

16 (8) If an offender is sentenced to imprisonment, a copy of the  
17 report of any presentence investigation, substance abuse evaluation, or  
18 psychiatric examination shall be transmitted immediately to the  
19 Department of Correctional Services. Upon request, the department shall  
20 provide a copy of the report to the Board of Parole, or the Division of  
21 Parole Supervision, and the Board of Pardons may receive a copy of the  
22 report from the department.

23 (9) Notwithstanding subsections (6) and (7) of this section, the  
24 Supreme Court or an agent of the Supreme Court acting under the direction  
25 and supervision of the Chief Justice shall have access to psychiatric  
26 examinations, substance abuse evaluations, and presentence investigations  
27 and reports for research purposes. The Supreme Court and its agent shall  
28 treat such information as confidential, and nothing identifying any  
29 individual shall be released.

30 Sec. 3. Section 43-1311.03, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

1           43-1311.03 (1) When a child placed in foster care turns fourteen  
2 years of age or enters foster care and is at least fourteen years of age,  
3 a written independent living transition proposal shall be developed by  
4 the Department of Health and Human Services at the direction and  
5 involvement of the child to prepare for the transition from foster care  
6 to successful adulthood. Any revision or addition to such proposal shall  
7 also be made in consultation with the child. The transition proposal  
8 shall be personalized based on the child's needs and shall describe the  
9 services needed for the child to transition to a successful adulthood as  
10 provided in the Nebraska Strengthening Families Act. The transition  
11 proposal shall include, but not be limited to, the following needs and  
12 the services needed for the child to transition to a successful adulthood  
13 as provided in the Nebraska Strengthening Families Act:

14           (a) Education;

15           (b) Employment services and other workforce support;

16           (c) Health and health care coverage, including the child's potential  
17 eligibility for medicaid coverage under the federal Patient Protection  
18 and Affordable Care Act, 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act  
19 and section existed on January 1, 2013;

20           (d) Behavioral health treatment and support needs and access to such  
21 treatment and support;

22           (e) Financial assistance, including education on credit card  
23 financing, banking, and other services;

24           (f) Housing;

25           (g) Relationship development and permanent connections;

26           (h) Adult services, if the needs assessment indicates that the child  
27 is reasonably likely to need or be eligible for services or other support  
28 from the adult services system; and

29           (i) Information, planning, and assistance to obtain a driver's  
30 license as allowed under state law and consistent with subdivision (9)(b)

31 (iv) of this section, including, but not limited to, providing the child

1 with a copy of a driver's manual, identifying driver safety courses and  
2 resources to access a driver safety course, and identifying potential  
3 means by which to access a motor vehicle for such purposes.

4 (2) The transition proposal shall be developed and frequently  
5 reviewed by the department in collaboration with the child's transition  
6 team. The transition team shall be comprised of the child, the child's  
7 caseworker, the child's guardian ad litem, individuals selected by the  
8 child, and individuals who have knowledge of services available to the  
9 child. As provided in the Nebraska Strengthening Families Act, one of the  
10 individuals selected by the child may be designated as the child's  
11 advisor and, as necessary, advocate for the child with respect to the  
12 application of the reasonable and prudent parent standard and for the  
13 child on normalcy activities. The department may reject an individual  
14 selected by the child to be a member of the team if the department has  
15 good cause to believe the individual would not act in the best interests  
16 of the child.

17 (3) The transition proposal shall be considered a working document  
18 and shall be, at the least, updated for and reviewed at every permanency  
19 or review hearing by the court. The court shall determine whether the  
20 transition proposal includes the services needed to assist the child to  
21 make the transition from foster care to a successful adulthood.

22 (4) The transition proposal shall document what efforts were made to  
23 involve and engage the child in the development of the transition  
24 proposal and any revisions or additions to the transition proposal. As  
25 provided in the Nebraska Strengthening Families Act, the court shall ask  
26 the child, in an age or developmentally appropriate manner, about his or  
27 her involvement in the development of the transition proposal and any  
28 revisions or additions to such proposal. As provided in the Nebraska  
29 Strengthening Families Act, the court shall make a finding as to the  
30 child's involvement in the development of the transition proposal and any  
31 revisions or additions to such proposal.



1 (5) The final transition proposal prior to the child's leaving  
2 foster care shall specifically identify how the need for housing will be  
3 addressed.

4 (6) If the child is interested in pursuing higher education, the  
5 transition proposal shall provide for the process in applying for any  
6 applicable state, federal, or private aid.

7 (7) The department shall provide without cost a copy of any consumer  
8 report as defined in 15 U.S.C. 1681a(d), as such section existed on  
9 January 1, 2016, pertaining to the child each year until the child is  
10 discharged from care and assistance, including when feasible, from the  
11 child's guardian ad litem, in interpreting and resolving any inaccuracies  
12 in the report as provided in the Nebraska Strengthening Families Act.

13 (8)(a) Any child who is adjudicated to be a juvenile described in  
14 (i) subdivision (3)(a) of section 43-247 and who is in an out-of-home  
15 placement or (ii) subdivision (8) of section 43-247 and whose  
16 guardianship or state-funded adoption assistance agreement was disrupted  
17 or terminated after the child had attained the age of sixteen years,  
18 shall receive information regarding the Young Adult Bridge to  
19 Independence Act and the bridge to independence program available under  
20 the act.

21 (b) The department shall create a clear and developmentally  
22 appropriate written notice discussing the rights of eligible young adults  
23 to participate in the program. The notice shall include information about  
24 eligibility and requirements to participate in the program, the extended  
25 services and support that young adults are eligible to receive under the  
26 program, and how young adults can be a part of the program. The notice  
27 shall also include information about the young adult's right to request a  
28 client-directed attorney to represent the young adult pursuant to section  
29 43-4510 and the benefits and role of an attorney.

30 (c) The department shall disseminate this information to any child  
31 who was adjudicated to be a juvenile described in subdivision (3)(a) of

1 section 43-247 and who is in an out-of-home placement at sixteen years of  
2 age and any child who was adjudicated to be a juvenile under subdivision  
3 (8) of section 43-247 and whose guardianship or state-funded adoption  
4 assistance agreement was disrupted or terminated after the child had  
5 attained the age of sixteen years. The department shall disseminate this  
6 information to any such child yearly thereafter until such child attains  
7 the age of nineteen years and not later than ninety days prior to the  
8 child's last court review before attaining nineteen years of age or being  
9 discharged from foster care to independent living. In addition to  
10 providing the written notice, not later than ninety days prior to the  
11 child's last court review before attaining nineteen years of age or being  
12 discharged from foster care to independent living, a representative of  
13 the department shall explain the information contained in the notice to  
14 the child in person and the timeline necessary to avoid a lapse in  
15 services and support.

16 (d)(i) On and after October 1, 2023, a child adjudicated to be a  
17 juvenile as described in subdivision (1), (2), or (3)(b) of section  
18 43-247 and who is in a court-ordered out-of-home placement in the six  
19 months prior to attaining nineteen years of age shall receive information  
20 regarding the Young Adult Bridge to Independence Act and the bridge to  
21 independence program available under the act. The Office of Probation  
22 Administration shall identify any such juvenile and provide the juvenile  
23 with information regarding the Young Adult Bridge to Independence Act and  
24 the bridge to independence program available under the act.

25 (ii) Any party to such juvenile's court case, or the court upon its  
26 own motion, may request a hearing in the six months prior to the juvenile  
27 attaining nineteen years of age for the court to consider whether it is  
28 necessary for the juvenile to remain in the court-ordered out-of-home  
29 placement if the requesting party or the court believes it would be  
30 contrary to the juvenile's welfare to return to the family home. The  
31 following factors may guide the court in finding whether or not return to

1 the family home would be contrary to the juvenile's welfare:

2 (A) Whether the juvenile is disconnected from family support that  
3 would assist the juvenile in transitioning to adulthood;

4 (B) Whether the juvenile faces the risk of homelessness upon closure  
5 of the juvenile court case; or

6 (C) Whether the Office of Probation Administration has made  
7 reasonable efforts to return the juvenile to the family home prior to the  
8 juvenile's nineteenth birthday.

9 (iii) The court shall set forth its finding in a written order. If  
10 the court finds that return to the family home would be contrary to the  
11 juvenile's welfare, the Office of Probation Administration shall notify  
12 the Department of Health and Human Services within ten days after such  
13 finding is made. As soon as practicable thereafter and prior to the  
14 child's nineteenth birthday, a representative of the department shall  
15 explain the information contained in the written notice described in this  
16 subsection to the juvenile in person and the timeline necessary to avoid  
17 a lapse in services and support. If the juvenile remains in a court-  
18 ordered out-of-home placement upon attaining nineteen years of age  
19 pursuant to a court order as described in section 43-4504, the department  
20 shall proceed pursuant to sections 43-4506 and 43-4508.

21 (iv) A juvenile with a current pending motion to revoke probation  
22 before the court at the time of the hearing shall not be eligible for the  
23 Young Adult Bridge to Independence Act.

24 (9)(a) The department shall provide the child with the documents,  
25 information, records, and other materials described in subdivision (9)(b)  
26 of this section, (i) if the child is leaving foster care, on or before  
27 the date the child reaches eighteen or nineteen years of age or twenty-  
28 one years of age if the child participates in the bridge to independence  
29 program, and (ii) at the age or as otherwise prescribed in subdivision  
30 (9)(b) of this section.

31 (b) The department shall provide the child with:

1 (i) A certified copy of the child's birth certificate and facilitate  
2 securing a federal social security card when the child is eligible for  
3 such card;

4 (ii) Health insurance information and all documentation required for  
5 enrollment in medicaid coverage for former foster care children as  
6 available under the federal Patient Protection and Affordable Care Act,  
7 42 U.S.C. 1396a(a)(10)(A)(i)(IX), as such act and section existed on  
8 January 1, 2013;

9 (iii) A copy of the child's medical records;

10 (iv) A driver's license or identification card issued by a state in  
11 accordance with the requirements of section 202 of the REAL ID Act of  
12 2005, as such section existed on January 1, 2016, and when requested by a  
13 child fourteen years of age or older, all documents necessary to obtain  
14 such license or card;

15 (v) A copy of the child's educational records;

16 (vi) A credit report check;

17 (vii) Contact information, with permission, for family members,  
18 including siblings, with whom the child can maintain a safe and  
19 appropriate relationship, and other supportive adults;

20 (viii) A list of local community resources, including, but not  
21 limited to, support groups, health clinics, mental and behavioral health  
22 and substance abuse treatment services and support, pregnancy and  
23 parenting resources, and employment and housing agencies;

24 (ix) Written information, including, but not limited to, contact  
25 information, for disability resources or benefits that may assist the  
26 child as an adult, specifically including information regarding state  
27 programs established pursuant to 42 U.S.C. 677, as such section existed  
28 on January 1, 2016, and disability benefits, including supplemental  
29 security income pursuant to 42 U.S.C. 1382 et seq., as such sections  
30 existed on January 1, 2016, or social security disability insurance  
31 pursuant to 42 U.S.C. 423, as such section existed on January 1, 2016, if

1 the child may be eligible as an adult;

2 (x) An application for public assistance and information on how to  
3 access the system to determine public assistance eligibility;

4 (xi) A letter prepared by the department that verifies the child's  
5 name and date of birth, dates the child was in foster care, and whether  
6 the child was in foster care on his or her eighteenth, nineteenth, or  
7 twenty-first birthday and enrolled in medicaid while in foster care;

8 (xii) Written information about the child's Indian heritage or  
9 tribal connection, if any; and

10 (xiii) Written information on how to access personal documents in  
11 the future.

12 (c) All fees associated with securing the certified copy of the  
13 child's birth certificate or obtaining a driver's license or a state  
14 identification card shall be waived by the state.

15 (d) The transition proposal shall document that the child was  
16 provided all of the documents listed in this subsection. The court shall  
17 make a finding as to whether the child has received the documents as part  
18 of the independence hearing as provided in subdivision (2)(d) of section  
19 43-285.

20 Sec. 4. Section 43-4502, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22 43-4502 The purpose of the Young Adult Bridge to Independence Act is  
23 to provide support for former state or tribal wards, and for other youth  
24 who are exiting state care, who are disconnected from family support, and  
25 who are at risk of homelessness, as they transition in transitioning to  
26 adulthood, become becoming self-sufficient, and create creating permanent  
27 relationships. The bridge to independence program shall at all times  
28 recognize and respect the autonomy of the young adult. Nothing in the  
29 Young Adult Bridge to Independence Act shall be construed to abrogate any  
30 other rights that a person who has attained eighteen or nineteen years of  
31 age may have as an adult under state or tribal law.

1           Sec. 5. Section 43-4504, Revised Statutes Cumulative Supplement,  
2 2022, is amended to read:

3           43-4504 The bridge to independence program is available, on a  
4 voluntary basis, to a young adult:

5           (1) Who has attained the age of eligibility;

6           (2) Who was adjudicated to be a juvenile described in:

7           (a) Subdivision ~~subdivision~~ (3)(a) of section 43-247 or the  
8 equivalent under tribal law;

9           (b) Subdivision ~~or who was adjudicated to be a juvenile described in~~  
10 ~~subdivision~~ (8) of section 43-247 or the equivalent under tribal law if  
11 the young adult's guardianship or state-funded adoption assistance  
12 agreement was disrupted or terminated after he or she had attained the  
13 age of sixteen years and (i) (a) ~~(a)~~ who, upon attaining the age of  
14 eligibility, was in an out-of-home placement or had been discharged to  
15 independent living or (ii) (b) ~~(b)~~ with respect to whom a kinship  
16 guardianship assistance agreement or an adoption assistance agreement was  
17 in effect pursuant to 42 U.S.C. 673 if the young adult had attained  
18 sixteen years of age before the agreement became effective or with  
19 respect to whom a state-funded guardianship assistance agreement or a  
20 state-funded adoption assistance agreement was in effect if the young  
21 adult had attained sixteen years of age before the agreement became  
22 effective; or

23           (c) Subdivision (1), (2), or (3)(b) of section 43-247 and (i) after  
24 October 1, 2023, upon one day prior to attaining nineteen years of age or  
25 the age of majority under relevant tribal law, was in a court-ordered  
26 out-of-home placement and (ii) such placement had been authorized or  
27 reauthorized in the six months prior to the juvenile attaining nineteen  
28 years of age in a court order finding that it would be contrary to the  
29 welfare of the juvenile to remain in or return to the juvenile's family  
30 home;

31           (3) Who is:

1 (a) Completing secondary education or an educational program leading  
2 to an equivalent credential;

3 (b) Enrolled in an institution which provides postsecondary or  
4 vocational education;

5 (c) Employed for at least eighty hours per month;

6 (d) Participating in a program or activity designed to promote  
7 employment or remove barriers to employment; or

8 (e) Incapable of doing any of the activities described in  
9 subdivisions (3)(a) through (d) of this section due to a medical  
10 condition, which incapacity is supported by regularly updated information  
11 in the case plan of the young adult;

12 (4) Who is a Nebraska resident, except that this requirement shall  
13 not disqualify a young adult who was a Nebraska resident but was placed  
14 outside Nebraska pursuant to the Interstate Compact for the Placement of  
15 Children; and

16 (5) Who does not meet the level of care for a nursing facility as  
17 defined in section 71-424, for a skilled nursing facility as defined in  
18 section 71-429, or for an intermediate care facility for persons with  
19 developmental disabilities as defined in section 71-421.

20 ~~The changes made to subdivision (2)(b) of this section by Laws 2015,~~  
21 ~~LB243, become operative on July 1, 2015.~~

22 Sec. 6. Section 43-4505, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 43-4505 Extended services and support provided under the bridge to  
25 independence program include, but are not limited to:

26 (1) Medical care under the medical assistance program for young  
27 adults who meet the eligibility requirements of section 43-4504 and have  
28 signed a voluntary services and support agreement as provided in section  
29 43-4506;

30 (2) Medical care under the medical assistance program for young  
31 adults who meet the eligibility requirements of subdivision (2)(c) of

1 section 43-4504, are eligible for a category of medical assistance  
2 pursuant to section 68-915 or other medical assistance category under  
3 federal law, and have signed a voluntary services and support agreement  
4 as provided in section 43-4506;

5       (3) ~~(2)~~ Housing, placement, and support in the form of foster care  
6 maintenance payments which shall remain at least at the rate set  
7 immediately prior to the young adult's exit from foster care. As decided  
8 by and with the young adult, young adults may reside in a foster family  
9 home, a supervised independent living setting, an institution, or a  
10 foster care facility. Placement in an institution or a foster care  
11 facility should occur only if necessary due to a young adult's  
12 developmental level or medical condition. A young adult who is residing  
13 in a foster care facility upon leaving foster care may choose to  
14 temporarily stay until he or she is able to transition to a more age-  
15 appropriate setting. For young adults residing in a supervised  
16 independent living setting:

17       (a) The department may send all or part of the foster care  
18 maintenance payments directly to the young adult. This should be decided  
19 on a case-by-case basis by and with the young adult in a manner that  
20 respects the independence of the young adult; and

21       (b) Rules and restrictions regarding housing options should be  
22 respectful of the young adult's autonomy and developmental maturity.  
23 Specifically, safety assessments of the living arrangements shall be age-  
24 appropriate and consistent with federal guidance on a supervised setting  
25 in which the individual lives independently. A clean background check  
26 shall not be required for an individual residing in the same residence as  
27 the young adult; and

28       (4) ~~(3)~~ Case management services that are young-adult driven. Case  
29 management shall be a continuation of the independent living transition  
30 proposal in section 43-1311.03, including a written description of  
31 additional resources that will help the young adult in creating permanent



1 relationships and preparing for the transition to adulthood and  
2 independent living. Case management shall include the development of a  
3 case plan, developed jointly by the department and the young adult, that  
4 includes a description of the identified housing situation or living  
5 arrangement, the resources to assist the young adult in the transition  
6 from the bridge to independence program to adulthood, and the needs  
7 listed in subsection (1) of section 43-1311.03. The case plan shall  
8 incorporate the independent living transition proposal in section  
9 43-1311.03. A new plan shall be developed for young adults who have no  
10 previous independent living transition proposal. Case management shall  
11 also include, but not be limited to, documentation that assistance has  
12 been offered and provided that would help the young adult meet his or her  
13 personal individual goals, if such assistance is appropriate and if the  
14 young adult is eligible and consents to receive such assistance. This  
15 shall include, but not be limited to, assisting the young adult to:

- 16 (a) Obtain employment or other financial support;
- 17 (b) Obtain a government-issued identification card;
- 18 (c) Open and maintain a bank account;
- 19 (d) Obtain appropriate community resources, including health, mental  
20 health, developmental disability, and other disability services and  
21 support;
- 22 (e) When appropriate, satisfy any juvenile justice system  
23 requirements and assist with sealing the young adult's juvenile court  
24 record if the young adult is eligible under section 43-2,108.01;
- 25 (f) Complete secondary education;
- 26 (g) Apply for admission and aid for postsecondary education or  
27 vocational courses;
- 28 (h) Obtain the necessary state court findings and then apply for  
29 special immigrant juvenile status as defined in 8 U.S.C. 1101(a)(27)(J)  
30 or apply for other immigration relief that the young adult may be  
31 eligible for;

1 (i) Create a health care power of attorney, health care proxy, or  
2 other similar document recognized under state law, at the young adult's  
3 option, pursuant to the federal Patient Protection and Affordable Care  
4 Act, Public Law 111-148;

5 (j) Obtain a copy of health and education records of the young  
6 adult;

7 (k) Apply for any public benefits or benefits that the young adult  
8 ~~he or she~~ may be eligible for or may be due through his or her parents or  
9 relatives, including, but not limited to, aid to dependent children,  
10 supplemental security income, social security disability insurance,  
11 social security survivors benefits, the Special Supplemental Nutrition  
12 Program for Women, Infants, and Children, the Supplemental Nutrition  
13 Assistance Program, and low-income home energy assistance programs;

14 (l) Maintain relationships with individuals who are important to the  
15 young adult, including searching for individuals with whom the young  
16 adult has lost contact;

17 (m) Access information about maternal and paternal relatives,  
18 including any siblings;

19 (n) Access young adult empowerment opportunities, such as Project  
20 Everlast and peer support groups; and

21 (o) Access pregnancy and parenting resources and services.

22 Sec. 7. Section 43-4508, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 43-4508 (1) Within fifteen days after the voluntary services and  
25 support agreement is signed, the department shall file a petition with  
26 the juvenile court describing the young adult's current situation,  
27 including the young adult's name, date of birth, and current address and  
28 the reasons why it is in the young adult's best interests to participate  
29 in the bridge to independence program. The department shall also provide  
30 the juvenile court with a copy of the signed voluntary services and  
31 support agreement, a copy of the case plan, and any other information the

1 department or the young adult wants the court to consider.

2 (2) The department shall ensure continuity of care and eligibility  
3 by working with a child who wants to participate in the bridge to  
4 independence program and, pursuant to section 43-4504, is likely to be  
5 eligible to participate in such program immediately following the  
6 termination of the juvenile court's jurisdiction pursuant to subdivision  
7 (1), (2), (3)(a), or (3)(b) of section 43-247 or subdivision (8) of  
8 section 43-247 if the young adult's guardianship or state-funded adoption  
9 assistance agreement was disrupted or terminated after he or she had  
10 attained the age of sixteen years. The voluntary services and support  
11 agreement shall be signed and the petition filed with the court upon the  
12 child's nineteenth birthday or within ten days thereafter. There shall be  
13 no interruption in the foster care maintenance payment and medical  
14 assistance coverage for a child who is eligible and chooses to  
15 participate in the bridge to independence program immediately following  
16 the termination of the juvenile court's jurisdiction pursuant to  
17 subdivision (1), (2), (3)(a), or (3)(b) of section 43-247.

18 (3) The court has the jurisdiction to review the voluntary services  
19 and support agreement signed by the department and the young adult under  
20 section 43-4506 and to conduct permanency reviews as described in this  
21 section. Upon the filing of a petition under subsection (1) of this  
22 section, the court shall open a bridge to independence program file for  
23 the young adult for the purpose of determining whether continuing in such  
24 program is in the young adult's best interests and for the purpose of  
25 conducting permanency reviews.

26 (4) The court shall make the best interests determination as  
27 described in subsection (3) of this section not later than one hundred  
28 eighty days after the young adult and the department enter into the  
29 voluntary services and support agreement.

30 (5) The court shall conduct a hearing for permanency review  
31 consistent with 42 U.S.C. 675(5)(C) as described in subsection (6) of

1 this section regarding the voluntary services and support agreement at  
2 least once per year and may conduct such hearing at additional times, but  
3 not more times than is reasonably practicable, at the request of the  
4 young adult, the department, or any other party to the proceeding. The  
5 court shall make a reasonable effort finding required by subdivision (6)  
6 (c) of this section within twelve months after the court makes its best  
7 interests determination under subsection (4) of this section. Upon the  
8 filing of the petition as provided in subsection (1) of this section or  
9 anytime thereafter, the young adult may request, in the voluntary  
10 services and support agreement or by other appropriate means, a timeframe  
11 in which the young adult prefers to have the permanency review hearing  
12 scheduled and the court shall seek to accommodate the request as  
13 practicable and consistent with 42 U.S.C. 675(5)(C). The juvenile court  
14 may request the appointment of a hearing officer pursuant to section  
15 24-230 to conduct permanency review hearings. The department is not  
16 required to have legal counsel present at such hearings. The juvenile  
17 court shall conduct the permanency reviews in an expedited manner and  
18 shall issue findings and orders, if any, as speedily as possible.

19 (6)(a) The primary purpose of the permanency review is to ensure  
20 that the bridge to independence program is providing the young adult with  
21 the needed services and support to help the young adult move toward  
22 permanency and self-sufficiency. This shall include that, in all  
23 permanency reviews or hearings regarding the transition of the young  
24 adult from foster care to independent living, the court shall consult, in  
25 an age-appropriate manner, with the young adult regarding the proposed  
26 permanency or transition plan for the young adult. The young adult shall  
27 have a clear self-advocacy role in the permanency review in accordance  
28 with section 43-4510, and the hearing shall support the active engagement  
29 of the young adult in key decisions. Permanency reviews shall be  
30 conducted on the record and in an informal manner and, whenever possible,  
31 outside of the courtroom.

1 (b) The department shall prepare and present to the juvenile court a  
2 report, at the direction of the young adult, addressing progress made in  
3 meeting the goals in the case plan, including the independent living  
4 transition proposal, and shall propose modifications as necessary to  
5 further those goals.

6 (c) The court shall determine whether the bridge to independence  
7 program is providing the appropriate services and support as provided in  
8 the voluntary services and support agreement to carry out the case plan.  
9 The court shall also determine whether reasonable efforts have been made  
10 to achieve the permanency goal as set forth in the case plan and the  
11 department's report provided under subdivision (6)(b) of this section.  
12 The court shall issue specific written findings regarding such reasonable  
13 efforts. The court has the authority to determine whether the young adult  
14 is receiving the services and support he or she is entitled to receive  
15 under the Young Adult Bridge to Independence Act and the department's  
16 policies or state or federal law to help the young adult move toward  
17 permanency and self-sufficiency. If the court believes that the young  
18 adult requires additional services and support to achieve the goals  
19 documented in the case plan or under the Young Adult Bridge to  
20 Independence Act and the department's policies or state or federal law,  
21 the court may make appropriate findings or order the department to take  
22 action to ensure that the young adult receives the identified services  
23 and support.

24 (7) All pleadings, filings, documents, and reports filed pursuant to  
25 this section and subdivision (11) of section 43-247 shall be  
26 confidential. The proceedings pursuant to this section and subdivision  
27 (11) of section 43-247 shall be confidential unless a young adult  
28 provides a written waiver or a verbal waiver in court. Such waiver may be  
29 made by the young adult in order to permit the proceedings to be held  
30 outside of the courtroom or for any other reason. The Foster Care Review  
31 Office shall have access to any and all pleadings, filings, documents,

1 reports, and proceedings necessary to complete its case review process.  
2 This section shall not prevent the juvenile court from issuing an order  
3 identifying individuals and agencies who shall be allowed to receive  
4 otherwise confidential information for legitimate and official purposes  
5 as authorized by section 43-3001.

6 Sec. 8. Section 43-4510, Revised Statutes Cumulative Supplement,  
7 2022, is amended to read:

8 43-4510 (1) If desired by the young adult, the young adult shall be  
9 provided a court-appointed attorney who has received training appropriate  
10 to the role. The attorney's representation of the young adult shall be  
11 client-directed. The attorney shall protect the young adult's legal  
12 rights and vigorously advocate for the young adult's wishes and goals,  
13 including assisting the young adult as necessary to ensure that the  
14 bridge to independence program is providing the young adult with the  
15 services and support required under the Young Adult Bridge to  
16 Independence Act. For young adults who were appointed a guardian ad litem  
17 or defense counsel before the young adult attained the age of  
18 eligibility, the guardian ad litem's or defense counsel's appointment may  
19 be continued, with consent from the young adult, but under a client-  
20 directed model of representation. Before entering into a voluntary  
21 services and support agreement and at least sixty days prior to each  
22 permanency and case review, the independence coordinator shall notify the  
23 young adult of his or her right to request a client-directed attorney if  
24 the young adult would like an attorney to be appointed and shall provide  
25 the young adult with a clear and developmentally appropriate written  
26 notice regarding the young adult's right to request a client-directed  
27 attorney, the benefits and role of such attorney, and the specific steps  
28 to take to request that an attorney be appointed if the young adult would  
29 like an attorney appointed.

30 (2) The court has discretion to appoint a court appointed special  
31 advocate volunteer or continue the appointment of a previously appointed

1 court appointed special advocate volunteer with the consent of the young  
2 adult.

3 Sec. 9. Section 43-4511.01, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

5 43-4511.01 (1)(a) Young adults who are eligible to participate under  
6 both extended guardianship assistance as provided in section 43-4511 and  
7 the bridge to independence program as provided in subdivision (2)(b)(ii)  
8 ~~(2)(b)~~ of section 43-4504 may choose to participate in either program.

9 (b) Young adults who are eligible to participate under both extended  
10 adoption assistance as provided in section 43-4512 and the bridge to  
11 independence program as provided in subdivision (2)(b)(ii) ~~(2)(b)~~ of  
12 section 43-4504 may choose to participate in either program.

13 (2) The department shall create a clear and developmentally  
14 appropriate written notice discussing the rights of young adults who are  
15 eligible under both extended guardianship assistance and the bridge to  
16 independence program and a notice for young adults who are eligible under  
17 both extended adoption assistance and the bridge to independence program.  
18 The notice shall explain the benefits and responsibilities and the  
19 process to apply. The department shall provide the written notice and  
20 make efforts to provide a verbal explanation to a young adult with  
21 respect to whom a kinship guardianship assistance agreement or an  
22 adoption assistance agreement was in effect pursuant to 42 U.S.C. 673 if  
23 the young adult had attained sixteen years of age before the agreement  
24 became effective or with respect to whom a state-funded guardianship  
25 assistance agreement or state-funded adoption assistance agreement was in  
26 effect if the young adult had attained sixteen years of age before the  
27 agreement became effective. The department shall provide the notice  
28 yearly thereafter until such young adult reaches nineteen years of age  
29 and not later than ninety days prior to the young adult attaining  
30 nineteen years of age.

31 Sec. 10. Section 43-4514, Revised Statutes Cumulative Supplement,

1 2022, is amended to read:

2 43-4514 (1) The department shall submit an amended state plan  
3 amendment by October 1, 2023 ~~15, 2019~~, to seek federal Title IV-E funding  
4 under 42 U.S.C. 672 for any newly eligible young adult who was  
5 adjudicated to be a juvenile described in subdivision ~~(1), (2), or (3)(b)~~  
6 ~~(8)~~ of section 43-247 and who meets the requirements under ~~if such young~~  
7 ~~adult's guardianship or state-funded adoption assistance agreement was~~  
8 ~~disrupted or terminated after the young adult had attained the age of~~  
9 ~~sixteen years and for any newly eligible young adult with respect to whom~~  
10 ~~an adoption assistance agreement was in effect pursuant to 42 U.S.C. 673~~  
11 ~~if the child had attained sixteen years of age before the agreement~~  
12 ~~became effective or with respect to whom a state-funded adoption~~  
13 ~~assistance agreement was in effect if the child had attained sixteen~~  
14 ~~years of age before the agreement became effective pursuant to~~  
15 ~~subdivision (2)(c) (2)(b) of section 43-4504.~~

16 (2) The department shall implement the bridge to independence  
17 program, extended guardianship assistance described in section 43-4511,  
18 and extended adoption assistance described in section 43-4512 in  
19 accordance with the federal Fostering Connections to Success and  
20 Increasing Adoptions Act of 2008, 42 U.S.C. 673 and 42 U.S.C. 675(8)(B)  
21 and in accordance with requirements necessary to obtain federal Title IV-  
22 E funding under 42 U.S.C. 672 and 42 U.S.C. 673.

23 (3) The department shall adopt and promulgate rules and regulations  
24 as needed to carry out this section by October 1, 2023 ~~15, 2015~~.

25 (4) All references to the United States Code in the Young Adult  
26 Bridge to Independence Act refer to sections of the code as such sections  
27 existed on January 1, 2015.

28 Sec. 11. Section 71-1902, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 71-1902 (1) The department shall adopt and promulgate rules and  
31 regulations on requirements for licenses, waivers, variances, and



1 approval of foster family homes taking into consideration the health,  
2 safety, well-being, and best interests of the child. An initial  
3 assessment of a foster family home shall be completed and shall focus on  
4 the safety, protection, and immediate health, educational, developmental,  
5 and emotional needs of the child and the willingness and ability of the  
6 foster home, relative home, or kinship home to provide a safe, stable,  
7 and nurturing environment for a child for whom the department or child-  
8 placing agency has assumed responsibility.

9 (2)(a) Except as otherwise provided in this section, no person shall  
10 furnish or offer to furnish foster care for one or more children without  
11 having in full force and effect a written license issued by the  
12 department upon such terms and conditions as may be prescribed by general  
13 rules and regulations adopted and promulgated by the department. The  
14 terms and conditions for licensure may allow foster family homes to meet  
15 licensing standards through variances equivalent to the established  
16 standards.

17 (b) The department may issue a time-limited, nonrenewable  
18 provisional license to an applicant who is unable to comply with all  
19 licensure requirements and standards, is making a good faith effort to  
20 comply, and is capable of compliance within the time period stated in the  
21 license. The department may issue a time-limited, nonrenewable  
22 probationary license to a licensee who agrees to establish compliance  
23 with rules and regulations that, when violated, do not present an  
24 unreasonable risk to the health, safety, or well-being of the foster  
25 children in the care of the applicant.

26 (3) Kinship homes and relative homes are exempt from licensure,  
27 however, such homes should make efforts to be licensed if such license  
28 will facilitate the permanency plan of the child. The department and  
29 child-placing agencies shall, when requested or as part of the child's  
30 permanency plan, provide resources for and assistance with licensure,  
31 including, but not limited to, information on licensure, waivers for

1 relative homes, kinship-specific and relative-specific foster care  
2 training, referral to local service providers and support groups, and  
3 funding and resources available to address home safety or other barriers  
4 to licensure.

5 (4) Prior to placement in a nonlicensed relative home or kinship  
6 home, approval shall be obtained from the department. Requirements for  
7 initial approval shall include, but not be limited to, the initial  
8 assessment provided for in subsection (1) of this section, a home visit  
9 to assure adequate and safe housing, and a criminal background check of  
10 all adult residents. Final approval shall include, but not be limited to,  
11 requirements as appropriate under section 71-1903. The department or  
12 child-placing agency shall provide assistance to an approved relative  
13 home or kinship home to support the care, protection, and nurturing of  
14 the child. Support may include, but not be limited to, information on  
15 licensure, waivers, and variances, kinship-specific and relative-specific  
16 foster care training, mental and physical health care, options for  
17 funding for needs of the child, and service providers and support groups  
18 to address the needs of relative and kinship parents, families, and  
19 children.

20 (5) All nonprovisional and nonprobationary licenses issued under  
21 sections 71-1901 to 71-1906.01 shall expire two years from the date of  
22 issuance and shall be subject to renewal under the same terms and  
23 conditions as the original license, except that if a licensee submits a  
24 completed renewal application thirty days or more before the license's  
25 expiration date, the license shall remain in effect until the department  
26 either renews the license or denies the renewal application. No license  
27 issued pursuant to this section shall be renewed unless the licensee has  
28 completed the required hours of training in foster care in the preceding  
29 twelve months as prescribed by the department. A license may be revoked  
30 for cause, after notice and hearing, in accordance with rules and  
31 regulations adopted and promulgated by the department.

1 (6) A young adult continuing to reside in a foster family home as  
2 provided in subdivision (3) ~~(2)~~ of section 43-4505 does not constitute an  
3 unrelated adult for the purpose of determining eligibility of the family  
4 to be licensed as a foster family home.

5 Sec. 12. Section 81-1850, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 81-1850 (1) For purposes of this section:

8 (a) Covered offense means:

9 (i) Murder in the first degree pursuant to section 28-303;

10 (ii) Murder in the second degree pursuant to section 28-304;

11 (iii) Kidnapping pursuant to section 28-313;

12 (iv) Assault in the first degree pursuant to section 28-308;

13 (v) Assault in the second degree pursuant to section 28-309;

14 (vi) Sexual assault in the first degree pursuant to section 28-319;

15 (vii) Sexual assault in the second degree pursuant to section  
16 28-320;

17 (viii) Sexual assault of a child in the first degree pursuant to  
18 section 28-319.01;

19 (ix) Sexual assault of a child in the second or third degree  
20 pursuant to section 28-320.01;

21 (x) Stalking pursuant to section 28-311.03; or

22 (xi) An attempt, solicitation, or conspiracy to commit an offense  
23 listed in this subdivision (a); and

24 (b) Victim has the same meaning as in section 29-119.

25 (2)(a) Except as provided in subdivision (2)(b) of this section,  
26 when a person is convicted of a felony, the county attorney (1) Upon  
27 request of the victim and at the time of conviction of the offender, the  
28 county attorney of the jurisdiction in which a person is convicted of a  
29 felony shall forward the name and address of any victim of such convicted  
30 person to the Board of Parole, the Department of Correctional Services,  
31 the county corrections agency,—or the Department of Health and Human

1 Services, and the Board of Pardons, as applicable ~~the name and address of~~  
2 any victim, as defined in section 29-119, of the convicted person.

3 (b) A victim may waive the right to notification under this section  
4 by notifying the county attorney, in which case the county attorney is  
5 not required to comply with subdivision (2)(a) of this section.

6 (c) The Board of Parole board, the Department of Correctional  
7 Services, the county corrections agency, ~~or~~ the Department of Health and  
8 Human Services, and the Board of Pardons shall include the victim's name  
9 in the file of the convicted person, but the name shall not be part of  
10 the public record of any parole or pardons hearings of the convicted  
11 person.

12 (d) Any victim, including a victim who has waived his or her right  
13 to notification ~~at the time of conviction~~, may request the notification  
14 prescribed in this section, as applicable, by sending a written request  
15 to the Board of Parole board, the Department of Correctional Services,  
16 the county corrections agency, ~~or~~ the Department of Health and Human  
17 Services, or the Board of Pardons any time after the convicted person is  
18 incarcerated and until the convicted person is no longer under the  
19 jurisdiction of the Board of Parole board, the county corrections agency,  
20 ~~or~~ the Department of Correctional Services, or the Board of Pardons or,  
21 if the convicted person is under the jurisdiction of the Department of  
22 Health and Human Services, within the three-year period after the  
23 convicted person is no longer under the jurisdiction of the Board of  
24 Parole board, the county corrections agency, ~~or~~ the Department of  
25 Correctional Services, or the Board of Pardons.

26 (3) ~~(2)~~ A victim whose name appears in the file of the convicted  
27 person shall be notified by the Board of Parole:

28 (a) Within ninety days after conviction of an offender, of the  
29 tentative date of release and the earliest parole eligibility date of  
30 such offender;

31 (b) Of any parole hearings or proceedings;

1 (c) Of any decision of the Board of Parole;

2 (d) When a convicted person who is on parole is returned to custody  
3 because of parole violations; and

4 (e) If the convicted person has been adjudged a mentally disordered  
5 sex offender or is a convicted sex offender, when such convicted person  
6 is released from custody or treatment.

7 Such notification shall be given in person, by telecommunication, or  
8 by mail.

9 (4) ~~(3)~~ A victim whose name appears in the file of the convicted  
10 person shall be notified by the Department of Correctional Services or a  
11 county corrections agency:

12 (a) When a convicted person is granted a furlough or release from  
13 incarceration for twenty-four hours or longer or any transfer of the  
14 convicted person to community status;

15 (b) When a convicted person is released into community-based  
16 programs, including educational release and work release programs. Such  
17 notification shall occur at the beginning and termination of any such  
18 program;

19 (c) When a convicted person escapes or does not return from a  
20 granted furlough or release and again when the convicted person is  
21 returned into custody;

22 (d) When a convicted person is discharged from custody upon  
23 completion of his or her sentence. Such notice shall be given at least  
24 thirty days before discharge, when practicable;

25 (e) Of the (i) department's calculation of the earliest parole  
26 eligibility date of the prisoner with all potential good time or  
27 disciplinary credits considered if the sentence exceeds ninety days or  
28 (ii) county corrections agency's calculation of the earliest release date  
29 of the prisoner. The victim may request one notice of the calculation  
30 described in this subdivision. Such information shall be mailed not later  
31 than thirty days after receipt of the request;

1 (f) Of any reduction in the prisoner's minimum sentence; and

2 (g) Of the victim's right to submit a statement as provided in  
3 section 81-1848.

4 ~~(5)~~ ~~(4)~~ A victim whose name appears in the file of a convicted  
5 person shall be notified by the Department of Health and Human Services:

6 (a) When a person described ~~convicted of an offense listed in~~  
7 subsection ~~(6)~~ ~~(5)~~ of this section becomes the subject of a petition  
8 pursuant to the Nebraska Mental Health Commitment Act or the Sex Offender  
9 Commitment Act prior to his or her discharge from custody upon the  
10 completion of his or her sentence or within thirty days after such  
11 discharge. The county attorney who filed the petition shall notify the  
12 Department of Correctional Services of such petition. The Department of  
13 Correctional Services shall forward the names and addresses of victims  
14 appearing in the file of the convicted person to the Department of Health  
15 and Human Services; and

16 (b) When a person under a mental health board commitment pursuant to  
17 subdivision (a) of this subsection:

18 (i) Escapes ~~escapes~~ from an inpatient facility providing board-  
19 ordered treatment and again when the person is returned to an inpatient  
20 facility;

21 (ii) Is ~~(c) When a person under a mental health board commitment~~  
22 ~~pursuant to subdivision (a) of this subsection is~~ discharged or has a  
23 change in disposition from inpatient board-ordered treatment;

24 (iii) Is ~~(d) When a person under a mental health board commitment~~  
25 ~~pursuant to subdivision (a) of this subsection is~~ granted a furlough or  
26 release for twenty-four hours or longer; and

27 (iv) Is ~~(e) When a person under a mental health board commitment~~  
28 ~~pursuant to subdivision (a) of this subsection is~~ released into  
29 educational release programs or work release programs. Such notification  
30 shall occur at the beginning and termination of any such program.

31 ~~(6)~~ ~~(5)~~ Subsection ~~(5)~~ ~~(4)~~ of this section applies to a person

1 persons convicted of a covered offense ~~at least one of the following~~  
2 offenses which is also alleged to be the recent act or threat underlying  
3 the commitment of such person ~~persons~~ as mentally ill and dangerous or as  
4 a dangerous sex offender ~~offenders~~ as defined in section 83-174.01. ÷

- 5 ~~(a) Murder in the first degree pursuant to section 28-303;~~
- 6 ~~(b) Murder in the second degree pursuant to section 28-304;~~
- 7 ~~(c) Kidnapping pursuant to section 28-313;~~
- 8 ~~(d) Assault in the first degree pursuant to section 28-308;~~
- 9 ~~(e) Assault in the second degree pursuant to section 28-309;~~
- 10 ~~(f) Sexual assault in the first degree pursuant to section 28-319;~~
- 11 ~~(g) Sexual assault in the second degree pursuant to section 28-320;~~
- 12 ~~(h) Sexual assault of a child in the first degree pursuant to~~  
13 ~~section 28-319.01;~~
- 14 ~~(i) Sexual assault of a child in the second or third degree pursuant~~  
15 ~~to section 28-320.01;~~
- 16 ~~(j) Stalking pursuant to section 28-311.03; or~~
- 17 ~~(k) An attempt, solicitation, or conspiracy to commit an offense~~  
18 ~~listed in subdivisions (a) through (j) of this subsection.~~

19 ~~(7)~~ (6) A victim whose name appears in the file of a convicted  
20 person convicted of a covered offense shall be notified, via certified  
21 mail, by the Board of Pardons:

- 22 (a) Of any pardon or commutation proceedings at least thirty  
23 calendar days prior to the proceedings; and
- 24 (b) If a pardon or commutation has been granted, within ten days  
25 after such granting.

26 ~~(8)~~ (7) The Board of Parole, the Department of Correctional  
27 Services, the Department of Health and Human Services, and the Board of  
28 Pardons shall adopt and promulgate rules and regulations as needed to  
29 carry out this section.

30 ~~(9)~~ (8) The victim's address and telephone number maintained by the  
31 Department of Correctional Services, the Department of Health and Human

1 Services, the county corrections agency, ~~or~~ the Board of Parole, and the  
2 Board of Pardons pursuant to subsection (2) ~~(1)~~ of this section shall be  
3 exempt from disclosure under public records laws and federal freedom of  
4 information laws, as such laws existed on January 1, 2004.

5 Sec. 13. Section 83-109, Revised Statutes Cumulative Supplement,  
6 2022, is amended to read:

7 83-109 (1) The Department of Health and Human Services shall have  
8 general control over the admission of patients and residents to all  
9 institutions over which it has jurisdiction. Each individual shall be  
10 assigned to the institution best adapted to care for him or her.

11 (2) A record of every patient or resident of every institution shall  
12 be kept complete from the date of his or her entrance to the date of his  
13 or her discharge or death. Such records shall be accessible only (a) to  
14 the department, a legislative committee, the Governor, any federal agency  
15 requiring medical records to adjudicate claims for federal benefits, and  
16 any public or private agency under contract to provide facilities,  
17 programs, and patient services, (b) upon order of a judge, court, or  
18 mental health board, (c) in accordance with sections 20-161 to 20-166,  
19 (d) to the Nebraska State Patrol pursuant to section 69-2409.01, (e) to  
20 those portions of the record required to be released to a victim as  
21 defined in section 29-119 in order to comply with the victim notification  
22 requirements pursuant to subsections ~~(4)~~ and (5) and (6) of section  
23 81-1850, (f) to law enforcement and county attorneys when a crime occurs  
24 on the premises of an institution, (g) upon request when a patient or  
25 resident has been deceased for fifty years or more, (h) to current  
26 treatment providers, or (i) to treatment providers for coordination of  
27 care related to transfer or discharge. In addition, a patient or resident  
28 or his or her legally authorized representative may authorize the  
29 specific release of his or her records, or portions thereof, by filing  
30 with the department a signed written consent.

31 (3) Transfers of patients or residents from one institution to



1 another shall be within the exclusive jurisdiction of the department and  
2 shall be recorded in the office of the department, with the reasons for  
3 such transfers.

4 (4) When the department is unable to assign a patient to a regional  
5 center or commit him or her to any other institution at the time of  
6 application, a record thereof shall be kept and the patient accepted at  
7 the earliest practicable date.

8 (5) The superintendents of the regional centers and Beatrice State  
9 Developmental Center shall notify the department immediately whenever  
10 there is any question regarding the propriety of the commitment,  
11 detention, transfer, or placement of any person admitted to a state  
12 institution. The department shall then investigate the matter and take  
13 such action as shall be proper. Any interested party who is not satisfied  
14 with such action may appeal such action, and the appeal shall be in  
15 accordance with the Administrative Procedure Act.

16 (6) The department shall have full authority on its own suggestion  
17 or upon the application of any interested person to investigate the  
18 physical and mental status of any patient or resident of any regional  
19 center or the Beatrice State Developmental Center. If upon such  
20 investigation the department considers such patient or resident fit to be  
21 released from the regional center or Beatrice State Developmental Center,  
22 it shall cause such patient or resident to be discharged or released on  
23 convalescent leave.

24 Sec. 14. Section 83-173, Revised Statutes Cumulative Supplement,  
25 2022, is amended to read:

26 83-173 The Director of Correctional Services shall:

27 (1) Supervise and be responsible for the administration of the  
28 Department of Correctional Services;

29 (2) Establish, consolidate, or abolish any administrative  
30 subdivision within the department and appoint and remove for cause the  
31 heads thereof and delegate appropriate powers and duties to them;

1 (3) Establish and administer policies and programs for the operation  
2 of the facilities in the department and for the custody, control, safety,  
3 correction, and rehabilitation of persons committed to the department;

4 (4) Appoint and remove the chief executive officer of each facility  
5 and delegate appropriate powers and duties to him or her;

6 (5) Appoint and remove employees of the department and delegate  
7 appropriate powers and duties to them;

8 (6) Adopt and promulgate rules and regulations for the management,  
9 correctional treatment, and rehabilitation of persons committed to the  
10 department, the administration of facilities, and the conduct of officers  
11 and employees under his or her jurisdiction;

12 (7) Designate the place of confinement of persons committed to the  
13 department subject to section 83-176;

14 (8) Establish and administer policies that ensure that complete and  
15 up-to-date electronic records are maintained for each person committed to  
16 the department and which also ensure privacy protections. Electronic  
17 records shall include programming recommendations, program completions,  
18 time spent in housing other than general population, and medical records,  
19 including mental and behavioral health records;

20 (9) Collect, develop, and maintain statistical information  
21 concerning persons committed to the department, sentencing practices, and  
22 correctional treatment as may be useful in penological research or in the  
23 development of treatment programs;

24 (10) Provide training programs designed to equip employees for duty  
25 in the facilities and related services of the department and to raise and  
26 maintain the educational standards, ~~and the level of performance,~~ and  
27 safety of such employees;

28 (11) Notify law enforcement agencies of upcoming furloughs as  
29 required by section 83-173.01;

30 (12) Issue or authorize the issuance of a warrant for the arrest of  
31 any person committed to the department who has escaped from the custody

1 of the department; and

2 (13) Exercise all powers and perform all duties necessary and proper  
3 in carrying out his or her responsibilities.

4 Sec. 15. The Department of Correctional Services shall provide each  
5 correctional officer, as part of the standard uniform, with a protective  
6 vest designed to protect against edged weapons and stabbings. Each such  
7 vest shall be fitted to the officer.

8 Sec. 16. Section 83-1,127, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 83-1,127 The Board of Pardons shall:

11 (1) Exercise the pardon authority as defined in section 83-170 for  
12 all criminal offenses except treason and cases of impeachment;

13 (2) Adopt and promulgate Make rules and regulations for its own  
14 administration and operation;

15 (3) Appoint and remove its employees as prescribed by the State  
16 Personnel System and delegate appropriate powers and duties to them;

17 (4) Consult with the Board of Parole concerning applications for the  
18 exercise of pardon authority;

19 (5) Consult with the Department of Motor Vehicles concerning  
20 applications received from the department pursuant to section 60-6,209  
21 for the exercise of pardon authority; and

22 (6) Exercise all powers and perform all duties necessary and proper  
23 in carrying out its responsibilities under the provisions of the Nebraska  
24 Treatment and Corrections Act.

25 Sec. 17. Original sections 43-4505, 71-1902, 81-1850, and 83-1,127,  
26 Reissue Revised Statutes of Nebraska, and sections 28-470, 29-2261,  
27 43-1311.03, 43-4502, 43-4504, 43-4508, 43-4510, 43-4511.01, 43-4514,  
28 83-109, and 83-173, Revised Statutes Cumulative Supplement, 2022, are  
29 repealed.