

## LEGISLATIVE BILL 390

Approved by the Governor May 26, 2011

Introduced by Ashford, 20; at the request of the Governor.

FOR AN ACT relating to state agencies; to amend sections 29-2252, 29-2255, 29-2261, 29-2521.02, 47-621, 47-622, 47-624, 47-624.01, 47-627, 47-628, 47-629, 47-632, 47-634, 81-8,239.01, 81-1403, 81-1404, 81-1423, 81-1425, 83-1,102, 83-1,107.02, 83-4,126, 83-4,131, and 84-1410, Reissue Revised Statutes of Nebraska; sections 29-2262.07, 81-1447, 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010; sections 19, 20, 22, 23, and 240, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011; and section 7, Legislative Bill 376, One Hundred Second Legislature, First Session, 2011; to eliminate the Community Corrections Council, the Probation and Parole Services Study Act, and sentencing guidelines; to create and provide duties for the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice; to change provisions relating to the Probation Program Cash Fund; to change powers, duties, and provisions relating to the Nebraska Commission on Law Enforcement and Criminal Justice, the Office of Violence Prevention, the Jail Standards Board, and the Nebraska Law Enforcement Training Center; to change and eliminate provisions relating to the Nebraska Crime Victim's Reparations Act and the Community Trust; to change provisions relating to closed sessions of public bodies; to eliminate obsolete provisions; to harmonize provisions; to appropriate funds to aid in carrying out the provisions of Legislative Bill 390, One Hundred Second Legislature, First Session, 2011; to change appropriations; to provide operative dates; to repeal the original sections; to outright repeal sections 47-623, 47-625, 47-630, 47-631, 47-635, 47-636, 47-637, 47-638, and 47-639, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Section 1. Section 29-2252, Reissue Revised Statutes of Nebraska, is amended to read:

29-2252 The administrator shall:

- (1) Supervise and administer the office;
- (2) Establish and maintain policies, standards, and procedures for the system, with the concurrence of the Supreme Court;
- (3) Prescribe and furnish such forms for records and reports for the system as shall be deemed necessary for uniformity, efficiency, and statistical accuracy;
- (4) Establish minimum qualifications for employment as a probation officer in this state and establish and maintain such additional qualifications as he or she deems appropriate for appointment to the system. Qualifications for probation officers shall be established in accordance with subsection (4) of section 29-2253. An ex-offender released from a penal complex or a county jail may be appointed to a position of deputy probation or parole officer. Such ex-offender shall maintain a record free of arrests, except for minor traffic violations, for one year immediately preceding his or her appointment;
- (5) Establish and maintain advanced periodic inservice training requirements for the system;
- (6) Cooperate with all agencies, public or private, which are concerned with treatment or welfare of persons on probation;
- (7) Organize and conduct training programs for probation officers;
- (8) Collect, develop, and maintain statistical information concerning probationers, probation practices, and the operation of the system;
- (9) Interpret the probation program to the public with a view toward developing a broad base of public support;
- (10) Conduct research for the purpose of evaluating and improving the effectiveness of the system;
- (11) Adopt and promulgate such rules and regulations as may be necessary or proper for the operation of the office or system;
- (12) Transmit a report during each even-numbered year to the Supreme Court on the operation of the office for the preceding two calendar years which shall include a historical analysis of probation officer workload, including participation in non-probation-based programs and services. The report shall be transmitted by the Supreme Court to the Governor and the Clerk

of the Legislature;

(13) Administer the payment by the state of all salaries, travel, and actual and necessary expenses incident to the conduct and maintenance of the office;

(14) ~~In consultation with the Community Corrections Council, use~~ Use the funds provided under section 29-2262.07 to augment operational or personnel costs associated with the development, implementation, and evaluation of enhanced probation-based programs and non-probation-based programs and services in which probation personnel or probation resources are utilized pursuant to an interlocal agreement authorized by subdivision (16) of this section and to purchase services to provide such programs aimed at enhancing adult probationer or non-probation-based program participant supervision in the community and treatment needs of probationers and non-probation-based program participants. Enhanced probation-based programs include, but are not limited to, specialized units of supervision, related equipment purchases and training, and programs ~~developed by or through the council~~ that address a probationer's vocational, educational, mental health, behavioral, or substance abuse treatment needs;

(15) Ensure that any risk or needs assessment instrument utilized by the system be periodically validated;

(16) Have the authority to enter into interlocal agreements in which probation resources or probation personnel may be utilized in conjunction with or as part of non-probation-based programs and services. Any such interlocal agreement shall comply with section 29-2255; and

(17) Collaborate with the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice and the Office of Parole Administration to develop rules governing the participation of parolees in community corrections programs operated by the Office of Probation Administration; and

~~(17)~~ (18) Exercise all powers and perform all duties necessary and proper to carry out his or her responsibilities.

Each member of the Legislature shall receive a copy of the report required by subdivision (12) of this section by making a request for it to the administrator.

Sec. 2. Section 29-2255, Reissue Revised Statutes of Nebraska, is amended to read:

29-2255 Any interlocal agreement authorized by subdivision (16) of section 29-2252 shall require the political subdivision party to the agreement to provide sufficient resources to cover all costs associated with the participation of probation personnel or use of probation resources other than costs covered by funds provided pursuant to section 29-2262.07 or substance abuse treatment costs covered by funds appropriated to the ~~Community Corrections Council~~ for such purpose.

Sec. 3. Section 29-2261, Reissue Revised Statutes of Nebraska, is amended to read:

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

(2) A court may order a presentence investigation in any case, except in cases in which an offender has been convicted of a Class IIIA misdemeanor, a Class IV misdemeanor, a Class V misdemeanor, a traffic infraction, or any corresponding city or village ordinance.

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

cost to the court or the probation officer.

Such investigation shall also include:

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

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

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

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

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

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

(5) Before imposing sentence, the court may order the offender to submit to psychiatric observation and examination for a period of not exceeding sixty days or such longer period as the court determines to be necessary for that purpose. The offender may be remanded for this purpose to any available clinic or mental hospital, or the court may appoint a qualified psychiatrist to make the examination. The report of the examination shall be submitted to the court.

(6) Any presentence report or psychiatric examination shall be privileged and shall not be disclosed directly or indirectly to anyone other than a judge, probation officers to whom an offender's file is duly transferred, the probation administrator or his or her designee, or others entitled by law to receive such information, including personnel and mental health professionals for the Nebraska State Patrol specifically assigned to sex offender registration and community notification for the sole purpose of using such report or examination for assessing risk and for community notification of registered sex offenders. For purposes of this subsection, mental health professional means (a) a practicing physician licensed to practice medicine in this state under the Medicine and Surgery Practice Act, (b) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 38-3111, or (c) a practicing mental health professional licensed or certified in this state as provided in the Mental Health Practice Act. The court may permit inspection of the report or examination of parts thereof by the offender or his or her attorney, or other person having a proper interest therein, whenever the court finds it is in the best interest of a particular offender. The court may allow fair opportunity for an offender to provide additional information for the court's consideration.

(7) If an offender is sentenced to imprisonment, a copy of the report of any presentence investigation or psychiatric examination shall be transmitted immediately to the Department of Correctional Services. Upon request, the Board of Parole or the Office of Parole Administration may receive a copy of the report from the department.

~~(8) Notwithstanding subsection (6) of this section, the Nebraska Commission on Law Enforcement and Criminal Justice under the direction and supervision of the Chief Justice of the Supreme Court shall have access to presentence investigations and reports for the sole purpose of carrying out the study required under subdivision (7) of section 81-1425. The commission shall treat such information as confidential, and nothing identifying any individual shall be released by the commission.~~

~~(9) (8) Notwithstanding subsection (6) of this section, the Supreme Court or an agent of the Supreme Court acting under the direction and supervision of the Chief Justice shall have access to psychiatric examinations and presentence investigations and reports for research purposes. The Supreme Court and its agent shall treat such information as confidential, and nothing identifying any individual shall be released.~~

Sec. 4. Section 29-2262.07, Revised Statutes Cumulative Supplement, 2010, is amended to read:

29-2262.07 The Probation Program Cash Fund is created. All funds collected pursuant to section 29-2262.06 shall be remitted to the State Treasurer for credit to the fund. Except as otherwise directed by the Supreme Court during the period from November 21, 2009, until June 30, 2011, the fund shall be utilized by the administrator, ~~in consultation with the Community Corrections Council,~~ for the purposes stated in subdivision (14) subdivisions (14) and (17) of section 29-2252, except that the State Treasurer shall, on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, transfer the amount set forth in Laws 2009, LB1, One Hundred First Legislature, First Special Session. Any money in the fund available for investment shall be

invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

On July 15, 2010, the State Treasurer shall transfer three hundred fifty thousand dollars from the Probation Program Cash Fund to the Violence Prevention Cash Fund. The Office of Violence Prevention shall distribute such funds as soon as practicable after July 15, 2010, to organizations or governmental entities that have submitted violence prevention plans and that best meet the intent of reducing street and gang violence and reducing homicides and injuries caused by firearms.

Sec. 5. Section 29-2521.02, Reissue Revised Statutes of Nebraska, is amended to read:

29-2521.02 ~~(1)~~ The Supreme Court shall within a reasonable time after July 22, 1978, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. Such review and analysis shall examine ~~(a)~~ (1) the facts including mitigating and aggravating circumstances, ~~(b)~~ (2) the charges filed, ~~(c)~~ (3) the crime for which defendant was convicted, and ~~(d)~~ (4) the sentence imposed. Such review shall be updated as new criminal homicide cases occur.

~~(2) Following the transmittal of a report of the Nebraska Commission on Law Enforcement and Criminal Justice pursuant to subdivision (7) of section 81-1425 and subsequent reports updating such report, the Supreme Court may take judicial notice of such reports in undertaking the determinations required by sections 29-2521.01 to 29-2521.04.~~

Sec. 6. Section 47-621, Reissue Revised Statutes of Nebraska, is amended to read:

47-621 For purposes of the Community Corrections Act:

(1) Community correctional facility or program means a community-based or community-oriented facility or program which (a) is operated either by the state or by a contractor which may be a unit of local government or a nongovernmental agency, (b) may be designed to provide residential accommodations for adult offenders, (c) provides programs and services to aid adult offenders in obtaining and holding regular employment, enrolling in and maintaining participation in academic courses, participating in vocational training programs, utilizing the resources of the community to meet their personal and family needs, obtaining mental health, alcohol, and drug treatment, and participating in specialized programs that exist within the community, and (d) offers community supervision options, including, but not limited to, drug treatment, mental health programs, and day reporting centers;

~~(2) Council means the Community Corrections Council;~~

~~(3) (2) Director means the executive director of the Community Corrections Council; Nebraska Commission on Law Enforcement and Criminal Justice;~~

(3) Division means the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice;

(4) Nongovernmental agency means any person, private nonprofit agency, corporation, association, labor organization, or entity other than the state or a political subdivision of the state; and

(5) Unit of local government means a county, city, village, or entity established pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act.

Sec. 7. Section 47-622, Reissue Revised Statutes of Nebraska, is amended to read:

47-622 The Legislature declares that the policy of the State of Nebraska is that there shall be a coordinated effort to (1) establish community correctional programs across the state in order to divert adult felony offenders from the prison system and (2) provide necessary supervision and services to adult felony offenders with the goal of reducing the probability of criminal behavior while maintaining public safety. To further such policy, the Community Corrections Council Division is created. For administrative support and budgetary purposes only, the council shall be within the Nebraska Commission on Law Enforcement and Criminal Justice. The director shall appoint and remove employees of the division and delegate appropriate powers and duties to such employees.

Sec. 8. Section 47-624, Reissue Revised Statutes of Nebraska, is amended to read:

47-624 The ~~council~~ division shall:

(1) Develop standards for eligible community correctional facilities and programs in which offenders can participate, taking into consideration the following factors:

- (a) Qualifications of staff;
- (b) Suitability of programs;

- (c) Offender needs;
- (d) Probation population;
- (e) Parole population; and
- (f) Other applicable criminal justice data;
- (2) Develop and implement a plan to establish statewide operation and use of a continuum of community correctional facilities and programs;
- (3) Develop, in consultation with the probation administrator and the Parole Administrator, standards for the use of community correctional facilities and programs by the Nebraska Probation System and the parole system;
- (4) Collaborate with the Office of Probation Administration, the Office of Parole Administration, and the Department of Correctional Services on the development of additional reporting centers as set forth in section 47-624.01;
- (5) Analyze and mandate the consistent use of offender risk assessment tools;
- (6) Educate the courts, the Board of Parole, criminal justice system stakeholders, and the general public about the availability and use of community correctional facilities and programs;
- (7) Enter into contracts, if necessary, for carrying out the purposes of the Community Corrections Act;
- (8) In order to ensure adequate funding for substance abuse treatment programs for probationers, consult with the probation administrator as provided in section 29-2262.07 and develop or assist with the development of programs as provided in subdivision (14) of section 29-2252;
- (9) In order to ensure adequate funding for substance abuse treatment programs for parolees, consult with the Office of Parole Administration as provided in section 83-1,107.02 and develop or assist with the development of programs as provided in subdivision (8) of section 83-1,102;
- ~~(10) If necessary to perform the duties of the council, hire, contract for, or otherwise obtain the services of consultants, researchers, aides, and other necessary support staff;~~
- ~~(11) (10) Study substance abuse and mental health treatment services in and related to the criminal justice system, recommend improvements, and evaluate the implementation of improvements;~~
- ~~(12) (11) Research and evaluate existing community corrections facilities and programs, within the limits of available funding;~~
- ~~(13) (12) Develop standardized definitions of outcome measures for community corrections facilities and programs, including, but not limited to, recidivism, employment, and substance abuse;~~
- ~~(14) (13) Report annually to the Legislature and the Governor on the development and performance of community corrections facilities and programs. The report shall include the following:~~
  - (a) A description of community corrections facilities and programs, endorsed by the ~~council~~, division, currently serving offenders in Nebraska, which includes the following information:
    - (i) The target population and geographic area served by each facility or program, eligibility requirements, and the total number of offenders utilizing the facility or program over the past year;
    - (ii) Services provided to offenders at the facility or in the program;
    - (iii) The costs of operating the facility or program and the cost per offender; and
    - (iv) The funding sources for the facility or program;
  - (b) The progress made in expanding community corrections facilities and programs statewide and an analysis of the need for additional community corrections services;
  - (c) An analysis of the impact community corrections facilities and programs have on the number of offenders incarcerated within the Department of Correctional Services; and
  - (d) The recidivism rates and outcome data for probationers, parolees, and problem-solving-court clients participating in community corrections programs;
- ~~(15) (14) Grant funds to entities including local governmental agencies, nonprofit organizations, and behavioral health services which will support the intent of the act; and~~
- (15) Administer contracts entered into by the division with community correctional facilities or programs;
- (16) Establish and administer grants, projects, and programs for the operation of the division; and
- ~~(16) (17) Perform such other duties as may be necessary to carry out~~

the policy of the state established in the act.

Sec. 9. Section 47-624.01, Reissue Revised Statutes of Nebraska, is amended to read:

47-624.01 (1)~~(a)~~ The ~~council~~ division shall collaborate with the Office of Probation Administration, the Office of Parole Administration, and the Department of Correctional Services in developing a plan for the implementation and funding of reporting centers in Nebraska.

~~(b)~~ (2) The plan shall include recommended locations for at least one reporting center in each district court judicial district that currently lacks such a center and shall prioritize the recommendations for additional reporting centers based upon need.

~~(c)~~ (3) The plan shall also identify and prioritize the need for expansion of reporting centers in those district court judicial districts which currently have a reporting center but have an unmet need for additional reporting center services due to capacity, distance, or demographic factors.

~~(2) The council shall submit the reporting center expansion plan to the chairperson of the Sentencing and Recidivism Task Force, as created in Legislative Resolution 171, One Hundred First Legislature, First Session, 2009, by December 1, 2010. The plan shall be implemented as state funding allows until each district court judicial district has at least one reporting center.~~

Sec. 10. Section 47-627, Reissue Revised Statutes of Nebraska, is amended to read:

47-627 The ~~executive director of the Nebraska Commission on Law Enforcement and Criminal Justice~~ director shall develop and maintain a uniform crime data analysis system in Nebraska which shall include, but need not be limited to, the number of offenses, arrests, charges, probation admissions, probation violations, probation discharges, admissions to and discharges from the Department of Correctional Services, parole reviews, parole hearings, releases on parole, parole violations, and parole discharges. The data shall be categorized by statutory crime. The data shall be collected from the Board of Parole, the State Court Administrator, the Department of Correctional Services, the Office of Parole Administration, the Office of Probation Administration, the Nebraska State Patrol, counties, local law enforcement, and any other entity associated with criminal justice. The ~~council, the director, division~~ and the Supreme Court shall have access to such data to implement the Community Corrections Act, ~~and to develop guidelines pursuant to section 47-630.~~

Sec. 11. Section 47-628, Reissue Revised Statutes of Nebraska, is amended to read:

47-628 (1) A sentencing judge may sentence an offender to probation conditioned upon community correctional programming, ~~pursuant to section 47-630 and the guidelines developed by the Supreme Court.~~

(2) A sentence to a community correctional program or facility shall be imposed as a condition of probation pursuant to the Nebraska Probation Administration Act. The court may modify the sentence of an offender serving a sentence in a community correctional program in the same manner as if the offender had been placed on probation.

(3) The Office of Probation Administration shall utilize community correctional facilities and programs as appropriate.

Sec. 12. Section 47-629, Reissue Revised Statutes of Nebraska, is amended to read:

47-629 (1) The Board of Parole may parole an offender to a community correctional facility or program pursuant to guidelines developed by the ~~council, division.~~

(2) The Department of Correctional Services and the Office of Parole Administration shall utilize community correctional facilities and programs as appropriate.

Sec. 13. Section 47-632, Reissue Revised Statutes of Nebraska, is amended to read:

47-632 (1) The Community Corrections Uniform Data Analysis Cash Fund is created. Except as provided in subsection (2) of this section, the fund shall be ~~established for administrative purposes only~~ within the Nebraska Commission on Law Enforcement and Criminal Justice, shall be administered by the ~~executive director of the Community Corrections Council, division,~~ and shall only be used to support operations costs and analysis relating to the implementation and coordination of the uniform analysis of crime data pursuant to the Community Corrections Act, including associated information technology projects, ~~as specifically approved by the executive director of the Community Corrections Council.~~ The fund shall consist of money collected pursuant to section 47-633.

(2) Transfers may be made from the fund to the General Fund at the

direction of the Legislature.

(3) Any money in the Community Corrections Uniform Data Analysis Cash Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 14. Section 47-634, Reissue Revised Statutes of Nebraska, is amended to read:

47-634 For a local entity to receive funds under the Community Corrections Act, the ~~council~~ division shall ensure there is a local advisory committee made up of a broad base of community members concerned with the justice system. Submission of a detailed plan including a budget, program standards, and policies as developed by the local advisory committee ~~will~~ shall be required as set forth by the ~~council~~ division. Such funds shall be used for the implementation of the recommendations of the ~~council~~ division, the expansion of sentencing options, the education of the public, the provision of supplemental community-based corrections programs, and the promotion of coordination between state and county community-based corrections programs.

Sec. 15. Section 81-8,239.01, Reissue Revised Statutes of Nebraska, is amended to read:

81-8,239.01 (1) For purposes of sections 81-8,239.01 to 81-8,239.08 and 81-8,239.11, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a division within the Department of Administrative Services to be known as the risk management and state claims division. The division shall be headed by the Risk Manager who shall be appointed by the Director of Administrative Services. The division shall be responsible for the Risk Management Program, which program is hereby created. The program shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201 to 11-203, 13-911, 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.08, 81-8,239.11, ~~and 81-8,300, and 81-1801.02~~ and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, 81-8,239.11, and 84-1601 to 84-1615;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of the Risk Management Program and make appropriation requests for the administration of the program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Sec. 16. Section 81-1403, Reissue Revised Statutes of Nebraska, is amended to read:

81-1403 Subject to review and approval by the commission, the council shall:

(1) Adopt and promulgate rules and regulations for law enforcement pre-certification, certification, continuing education, and training requirements. Such rules and regulations may include the authority to impose a fine on any individual, political subdivision, or agency who or which violates such rules and regulations. The fine for each separate violation of any rule or regulation shall not exceed either (a) a one-time maximum fine of five hundred dollars or (b) a maximum fine of one hundred dollars per day until the individual, political subdivision, or agency complies with such rules or regulations. All fines collected pursuant to this subdivision shall be remitted to the State Treasurer for ~~credit to the permanent school fund~~ distribution in accordance with Article VII, section 5, of the Constitution of Nebraska;

(2) Adopt and promulgate rules and regulations for the operation of the training center;

(3) Recommend to the executive director of the commission the names of persons to be appointed to the position of director of the training center; ~~delegate appropriate powers and duties to and provide direct supervision of the director, and when warranted recommend to the commission that the director be removed for cause;~~

(4) Establish requirements for satisfactory completion of pre-certification programs, certification programs, and advanced training programs;

(5) Issue certificates or diplomas attesting satisfactory completion of pre-certification programs, certification programs, and advanced training programs;

(6) Revoke or suspend such certificates or diplomas according to rules and regulations established by the council for reasons which shall include, but not be limited to, (a) incompetence, (b) neglect of duty, (c) physical, mental, or emotional incapacity, and (d) final conviction of or pleading guilty or nolo contendere to a felony. The rules and regulations shall provide for revocation of a certificate holder's certificate without a hearing upon his or her final conviction of or pleading guilty or nolo contendere to a felony. For purposes of this subdivision, felony means a crime punishable by imprisonment for a term of more than one year or a crime committed outside of Nebraska which would be punishable by imprisonment for a term of more than one year if committed in Nebraska. The rules and regulations shall include a procedure for hearing appeals of any person who feels that the revocation or suspension of his or her certificate or diploma was in error;

(7) Set the tuition and fees for the training center and all officers of other training academies not employed by that training academy's agency. The tuition and fees set for the training center pursuant to this subdivision shall be adjusted annually pursuant to the training center budget approved by the Legislature. All other tuition and fees shall be set in order to cover the costs of administering sections 81-1401 to 81-1414. All tuition and fees shall be remitted to the State Treasurer for credit to the Nebraska Law Enforcement Training Center Cash Fund;

(8) Annually certify any training academies providing a basic course of law enforcement training which complies with the qualifications and standards promulgated by the council and offering training that meets or exceeds training that is offered by the training center. The council shall set the maximum and minimum applicant enrollment figures for training academies training non-agency officers;

(9) Extend the programs of the training center throughout the state on a regional basis;

(10) Establish the qualifications and standards and provide the training required by section 81-1439; and

(11) Do all things necessary to carry out the purpose of the training center, except that functional authority for budget and personnel matters shall remain with the commission.

Any administrative fine imposed under this section shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action by the office of the Attorney General in the name of the State of Nebraska in the district court of the county where the final agency action was taken. All fines imposed by the



council shall be remitted to the State Treasurer for ~~credit to the permanent school fund.~~ distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Sec. 17. Section 81-1404, Reissue Revised Statutes of Nebraska, is amended to read:

81-1404 The director of the Nebraska Law Enforcement Training Center shall devote full time to the duties of the office and shall not engage in any other business or profession or hold any other state public office. The director shall be responsible to the executive director of the commission through the council for the operation of the training center and the conducting of training programs. The director of the training center shall:

(1) Appoint and remove for cause such employees as may be necessary for the operation of the training center and delegate appropriate powers and duties to them;

(2) Conduct research for the purpose of evaluating and improving the effectiveness of law enforcement training programs;

(3) Consult with the council on all matters pertaining to training schools and training academies;

(4) Supervise the administration of the pre-certification competency test;

(5) Ensure that all council rules and regulations with respect to law enforcement pre-certification, certification, continuing education, and training requirements are implemented and followed, and in that capacity, act as the director of standards for the council;

(6) Advise the council concerning the operation of the training center, the requirements, as set by the council, for all training schools and training academies, and the formulation of training policies and regulations; and

(7) Issue diplomas to students who successfully complete the prescribed basic course of study.

Sec. 18. Section 81-1423, Reissue Revised Statutes of Nebraska, is amended to read:

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 Governor's 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 other sources, public and private, for carrying out any of its functions, except that no communications equipment shall be acquired and no approval for acquisition of communications equipment shall be granted without receiving the written approval of the Director of Communications of the office of Chief Information Officer;

(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 commission 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 Committee and the Jail Standards Board; and

~~(16) Appoint and remove for cause the director of the Nebraska Law Enforcement Training Center;~~

~~(17) Provide budgetary and administrative support to the Community Corrections Council; and~~

~~(18) (16) Do all things necessary to carry out sections 81-1843 to 81-1851.~~

Sec. 19. Section 81-1425, Reissue Revised Statutes of Nebraska, is amended to read:

81-1425 The executive director of the commission shall:

(1) Supervise and be responsible for the administration of the policies established by the commission;

(2) Establish a Jail Standards subdivision and a Community Corrections Division within the commission and establish, consolidate, or abolish any ~~other~~ administrative subdivision within the commission and appoint and remove for cause the heads thereof, and delegate appropriate powers and duties to them;

(3) Establish and administer projects and programs for the operation of the commission;

(4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;

(5) Make rules and regulations for the management and the administration of policies of the commission and the conduct of employees under his or her jurisdiction;

(6) Collect, develop, maintain, and analyze statistical information, records, and reports as the commission may determine relevant to its functions, including, but not limited to, the statistical information set forth in section 47-627;

~~(7) Prior to August 1, 2001, review and analyze all cases involving criminal homicide committed on or after April 20, 1973. The review and analysis shall examine (a) the facts, including mitigating and aggravating circumstances, (b) to the extent such can be ascertained, the race, gender, religious preference, and economic status of the defendant and of the victim, (c) the charges filed, (d) the result of the judicial proceeding in each case, and (e) the sentence imposed. Upon the completion of such review, the report of such shall be transmitted to the Governor, the Clerk of the Legislature, and the Chief Justice of the Supreme Court. The review and analysis shall be updated as new cases of criminal homicide occur. The commission shall update such report annually to the parties named in this subdivision;~~

~~(8) (7) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;~~

~~(9) (8) Execute and carry out the provisions of all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons;~~

~~(10) (9) Perform such additional duties as may be assigned to him or her by the commission, by the chairperson of the commission, or by law; and~~

(10) Appoint and remove for cause the director of the Nebraska Law Enforcement Training Center;

(11) Appoint and remove for cause the director of the Office of Violence Prevention; and

~~(11) (12) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.~~

Sec. 20. Section 81-1447, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1447 (1) There is established within the Nebraska Commission on Law Enforcement and Criminal Justice the Office of Violence Prevention. The office shall consist of a director, appointed by the Governor, executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, and other necessary support staff. There also is established an advisory council to the Office of Violence Prevention. The members of the advisory council shall be appointed by the Governor and serve at his or her discretion. The advisory council shall consist of six members and, of those members, each congressional district, as such districts existed on May 28, 2009, shall have at least one member on the council. The Governor shall consider appointing members representing the following areas, if practicable:

Two members representing local government; two members representing law enforcement; one member representing community advocacy; and one member representing education with some expertise in law enforcement and juvenile crime.

(2) Members of the advisory council shall serve for terms of four years. A member may be reappointed at the expiration of his or her term. Any vacancy occurring other than by expiration of a term shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 21. Section 81-1801, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1801 For purposes of the Nebraska Crime Victim's Reparations Act, unless the context otherwise requires:

(1) Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice;

(2) Committee shall mean the Crime Victim's Reparations Committee;

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

(4) Executive director shall mean the executive director of the commission;

(5) Personal injury shall mean actual bodily harm;

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

(7) Victim shall mean a person who is injured or killed as a result of conduct specified in section 81-1818, ~~or as a result of a natural disaster.~~

Sec. 22. Section 81-1801.02, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1801.02 (1) A nonprofit organization, to be known as the Community Trust, may be created. After a tragedy, the Community Trust shall accept contributions from the public, manage such funds, and make distributions to help individuals, families, and communities in Nebraska ~~who~~ that have suffered from a tragedy of violence or natural disaster. The committee shall oversee the Community Trust. The committee shall require at least annual reports from the Community Trust.

(2) The Community Trust shall be a qualified organization under section 501(c)(3) of the Internal Revenue Code thereby enabling contributions to the Community Trust to be tax deductible for the donor if the donor itemizes deductions for income tax purposes and distributions to be tax-free to the extent allowed under applicable sections of the Internal Revenue Code.

(3) The Community Trust shall be governed by a board of directors. A director may be represented by the Attorney General in the same manner as a state officer or employee under sections 81-8,239.05 and 81-8,239.06 in any civil action that arises as a result of any alleged act or omission occurring in the course and scope of the director's duties. A director shall also be indemnified for liability in the same manner as a state officer or employee under section 81-8,239.05.

(4) The Community Trust shall create a separate fund for each tragedy and shall begin accepting contributions immediately after a tragedy. A report of distributions shall be made within two weeks after the distribution, and contributions shall be acknowledged within two weeks. The Community Trust shall report the distributions made for each tragedy to the committee, and the Community Trust shall acknowledge all contributions as soon as reasonably possible after receipt.

(5) The Community Trust may use up to ten percent of the contributions received for administrative costs of the Community Trust.

~~(3) (6) The procedures for applications, hearings, and compensation orders for victims shall follow the procedures in the Nebraska Crime Victim's Reparations Act, as applicable, unless the board of directors of the Community Trust creates an alternative procedure. In any alternative procedure, the Community Trust shall establish procedures for receiving contributions and making distributions from the Community Trust. The board of directors shall establish a distribution committee for the tragedy within one week after the tragedy, establish eligible recipient criteria and eligible uses of the fund, begin initial distribution of the fund within three weeks after the tragedy, make subsequent distributions within three months after the tragedy, and complete all distributions within six months as soon as reasonably possible after the tragedy.~~

(7) In the event that the Community Trust receives contributions for a tragedy and the volume and size of claims, along with the amount of contributions, make it impractical for the Community Trust to follow its

normal procedures for the distribution of the funds, the board of directors, at its sole discretion, may elect to forward such funds, in their entirety, to another nonprofit organization that is also serving individuals who are affected by the tragedy. In such case, the Community Trust shall designate such contributions to be for the specific individuals who are affected by the tragedy.

Sec. 23. Section 81-1818, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1818 The committee or hearing officer may order: ~~(1) The the~~ the payment of compensation from the Victim's Compensation Fund ~~or a distribution from the Community Trust~~ for personal injury or death which resulted from:

~~(a) (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~~

~~(b) (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.~~ ~~or~~

~~(2) A distribution from the Community Trust for loss resulting from a natural disaster.~~

Sec. 24. Section 81-1822, Revised Statutes Cumulative Supplement, 2010, is amended to read:

81-1822 No compensation shall be awarded from the Victim's Compensation Fund:

(1) If the victim aided or abetted the offender in the commission of the unlawful act;

(2) If the offender will receive economic benefit or unjust enrichment from the compensation;

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

(4) If the victim is injured as a result of the operation of a motor vehicle, boat, or airplane (a) unless the vehicle was used in a deliberate attempt to injure or kill the victim, (b) unless the operator is charged with a violation of section 60-6,196 or 60-6,197 or a city or village ordinance enacted in conformance with either of such sections, or (c) unless any chemical test of the operator's breath or blood indicates an alcohol concentration equal to or in excess of the limits prescribed in section 60-6,196; or

(5) If the victim incurs an economic loss which does not exceed ten percent of his or her net financial resources. For purposes of this subdivision, a victim's net financial resources shall not include the present value of future earnings and shall be determined by the 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. ~~Subdivision (5) of this section shall not apply to distributions from the Community Trust.~~

Sec. 25. Section 83-1,102, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,102 The Parole Administrator shall:

(1) Supervise and administer the Office of Parole Administration;

(2) Establish and maintain policies, standards, and procedures for the field parole service and the community supervision of sex offenders pursuant to section 83-174.03;

(3) Divide the state into parole districts and appoint district parole officers, deputy parole officers, if required, and such other employees as may be required to carry out adequate parole supervision of all parolees, adequate probation supervision of probationers as ordered by district judges, prescribe their powers and duties, and obtain office quarters for staff in each district as may be necessary;

(4) Cooperate with the Board of Parole, the courts, the Community Corrections Council, Division of the Nebraska Commission on Law Enforcement and Criminal Justice, and all other agencies, public and private, which are concerned with the treatment or welfare of persons on parole;

(5) Provide the Board of Parole and district judges with any record of a parolee or probationer which it may require;

(6) Make recommendations to the Board of Parole or district judge in cases of violation of the conditions of parole or probation, issue warrants for the arrest of parole or probation violators when so instructed by the board or district judge, notify the Director of Correctional Services of determinations made by the board, and upon instruction of the board, issue certificates of parole and of parole revocation to the facilities and certificates of discharge from parole to parolees;

(7) Organize and conduct training programs for the district parole officers and other employees;

(8) ~~In consultation with the Community Corrections Council,~~ use the funds provided under section 83-1,107.02 to augment operational or personnel costs associated with the development, implementation, and evaluation of enhanced parole-based programs and purchase services to provide such programs aimed at enhancing adult parolee supervision in the community and treatment needs of parolees. Such enhanced parole-based programs include, but are not limited to, specialized units of supervision, related equipment purchases and training, and programs ~~developed by or through the council~~ that address a parolee's vocational, educational, mental health, behavioral, or substance abuse treatment needs;

(9) Ensure that any risk or needs assessment instrument utilized by the system be periodically validated; and

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

Sec. 26. Section 83-1,107.02, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,107.02 The Parole Program Cash Fund is created. All funds collected pursuant to section 83-1,107.01 shall be remitted to the State Treasurer for credit to the fund. The fund shall be utilized by the Office of Parole Administration, ~~in consultation with the Community Corrections Council,~~ for the purposes stated in subdivision (8) of section 83-1,102. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 27. Section 83-4,126, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,126 The (1) Except as provided in subsection (2) of this section, the Jail Standards Board shall have the authority and responsibility:

~~(1)~~ (a) To develop minimum standards for the construction, maintenance, and operation of criminal detention facilities;

~~(2)~~ (b) To perform such other duties as may be necessary to carry out the policy of the state regarding such criminal detention facilities and juvenile detention facilities as stated in sections 83-4,124 to 83-4,134; and

~~(3)~~ (c) Consistent with the purposes and objectives of the Juvenile Services Act, to develop standards for juvenile detention facilities, including, but not limited to, standards for physical facilities, care, programs, and disciplinary procedures, and to develop guidelines pertaining to the operation of such facilities.

(2) The Jail Standards Board shall not have authority over or responsibility for correctional facilities that are accredited by a nationally recognized correctional association. A correctional facility that is accredited by a nationally recognized correctional association shall show proof of accreditation annually to the Jail Standards Board. For purposes of this subsection, nationally recognized correctional association includes, but is not limited to, the American Correctional Association or its successor.

Sec. 28. Section 83-4,131, Reissue Revised Statutes of Nebraska, is amended to read:

83-4,131 Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall visit and inspect each criminal detention facility and juvenile detention facility in the state, except correctional facilities accredited by a nationally recognized correctional association pursuant to subsection (2) of section 83-4,126, for the purpose of determining the conditions of confinement, the treatment of persons confined in the facilities, and whether such facilities comply with the minimum standards established by the Jail Standards Board. A written report of each inspection shall be made within thirty days following such inspection to the appropriate governing body responsible for the criminal detention facility or juvenile detention facility involved. The report shall specify those areas in which the facility does not comply with the required minimum standards.

Sec. 29. Section 84-1410, Reissue Revised Statutes of Nebraska, is amended to read:

84-1410 (1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session

is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct; ~~or~~

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting; ~~or-~~

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Sec. 30. Section 19, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011, is amended to read:

Sec. 19. AGENCY NO. 5 - SUPREME COURT  
Program No. 52 - Operations

	FY2011-12	FY2012-13
GENERAL FUND	26,990,554	27,400,012
CASH FUND est.	2,340,144	2,347,925
FEDERAL FUND est.	766,455	769,107
PROGRAM TOTAL	30,097,153	30,517,044

SALARY LIMIT 19,140,180 19,522,984

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 34 - Court Administration
- No. 40 - State Law Library
- No. 396 - County Court System
- No. 399 - District Court Reporters
- No. 405 - Court of Appeals

The unexpended General Fund appropriation balance existing on June 30, 2011, is hereby reappropriated.

The budget division of the Department of Administrative Services shall administratively transfer General Fund appropriations among Programs 52~~7~~ and 67~~7~~ and 435 within Agency 5, upon written certification by the State Court Administrator that the Supreme Court has determined that such transfer is necessary for the efficient functioning of statewide court operations and the proper administration of justice. The Salary Limit for Agency 5, Programs 52~~7~~ and 67~~7~~ and 435, may be administratively increased for any transfers made to Programs 52~~7~~ and 67~~7~~ and 435 pursuant to this section.

There is included in the appropriation to this program for FY2011-12 \$270,000 Cash Funds for dispute resolution state aid, which shall only be used for such purpose except as otherwise directed by the Supreme Court. There is included in the appropriation to this program for FY2012-13 \$270,000 Cash Funds for dispute resolution state aid, which shall only be used for such purpose except as otherwise directed by the Supreme Court.

There is included in the appropriation to this program for FY2011-12 \$450,000 Cash Funds for parenting plan mediation for indigent and lower-income persons involved in Parenting Act cases, as state aid, which shall only be used for such purpose except as otherwise directed by the Supreme Court. There is included in the appropriation to this program for FY2012-13 \$450,000 Cash Funds for parenting plan mediation for indigent and lower-income persons involved in Parenting Act cases, as state aid, which shall only be used for such purpose except as otherwise directed by the Supreme Court.

Cash Fund expenditures for this program shall not be limited to the amounts shown.

Sec. 31. Section 20, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011, is amended to read:

- Sec. 20. AGENCY NO. 5 - SUPREME COURT
- Program No. 67 - Probation Services

	FY2011-12	FY2012-13
GENERAL FUND	20,438,228	20,755,789
CASH FUND est.	947,332	947,332
FEDERAL FUND est.	208,798	208,798
PROGRAM TOTAL	21,594,358	21,911,919
SALARY LIMIT	14,696,308	14,990,235

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 397 - Statewide Probation
- No. 398 - Intensive Supervision Probation

The unexpended General Fund appropriation balance existing on June 30, 2011, is hereby reappropriated.

The budget division of the Department of Administrative Services shall administratively transfer General Fund appropriations among Programs 52~~7~~ and 67~~7~~ and 435 within Agency 5, upon written certification by the State Court Administrator that the Supreme Court has determined that such transfer is necessary for the efficient functioning of statewide court operations and the proper administration of justice. The Salary Limit for Agency 5, Programs 52~~7~~ and 67~~7~~ and 435, may be administratively increased for any transfers made to Programs 52~~7~~ and 67~~7~~ and 435 pursuant to this section.

Cash Fund expenditures for this program shall not be limited to the amounts shown.

Sec. 32. Section 22, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011, is amended to read:

- Sec. 22. AGENCY NO. 5 - SUPREME COURT

Program No. 420 - State Specialized Court Operations

	FY2011-12	FY2012-13
<u>GENERAL FUND</u>	<u>2,060,526</u>	<u>2,060,521</u>
<u>CASH FUND est.</u>	<u>168,965</u>	<u>190,215</u>
<del>CASH FUND est.</del>	<del>2,229,491</del>	<del>2,250,736</del>
PROGRAM TOTAL	2,229,491	2,250,736
SALARY LIMIT	1,027,472	1,048,022

The supervision and management of the State Specialized Courts shall be under the direct jurisdiction of the Supreme Court and the State Court Administrator. Any contractual funds received from the Community Corrections program, under the Nebraska Commission on Law Enforcement and Criminal Justice, to support the cost of operating the State Specialized Courts shall only be credited and expended directly from the Probation Program Cash Fund.

Cash Fund expenditures for this program shall not be limited to the amounts shown.

Sec. 33. Section 23, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011, is amended to read:

Sec. 23. AGENCY NO. 5 - SUPREME COURT  
 Program No. 435 - Probation Community Corrections

	FY2011-12	FY2012-13
<del>GENERAL FUND</del>	<del>959,073</del>	<del>973,559</del>
<del>CASH FUND est.</del>	<del>8,333,836</del>	<del>8,353,812</del>
<u>GENERAL FUND</u>	<u>4,071,208</u>	<u>4,085,694</u>
<u>CASH FUND est.</u>	<u>5,221,701</u>	<u>5,241,677</u>
PROGRAM TOTAL	9,292,909	9,327,371
SALARY LIMIT	1,673,312	1,706,778

The unexpended General Fund appropriation balance existing on June 30, 2011, is hereby reappropriated.

Cash Fund expenditures for this program shall not be limited to the amounts shown.

Sec. 34. Section 240, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011, is amended to read:

Sec. 240. AGENCY NO. 78 - NEBRASKA COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE  
 Program No. 220 - Community Corrections Council Office

	FY2011-12	FY2012-13
<del>GENERAL FUND</del>	<del>5,484,959</del>	<del>5,488,959</del>
<u>GENERAL FUND</u>	<u>281,298</u>	<u>285,298</u>
CASH FUND	405,917	406,951
<del>PROGRAM TOTAL</del>	<del>5,890,876</del>	<del>5,895,910</del>
<u>PROGRAM TOTAL</u>	<u>687,215</u>	<u>692,249</u>
SALARY LIMIT	218,643	223,016

The unexpended General Fund appropriation balance existing on June 30, 2011, is hereby reappropriated.

Sec. 35. Section 7, Legislative Bill 376, One Hundred Second Legislature, First Session, 2011, is amended to read:

Sec. 7. AGENCY NO. 5 - SUPREME COURT  
 Program No. 5 - Retired Judges' Salaries

FY2011-12	FY2012-13
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GENERAL FUND	47,436	47,436
PROGRAM TOTAL	47,436	47,436
SALARY LIMIT	44,832	44,832

The unexpended General Fund appropriation balance existing on June 30, 2011, is hereby reappropriated.

The unexpended General Fund appropriation balance existing on June 30, 2012, is hereby reappropriated.

The budget division of the Department of Administrative Services shall administratively transfer General Fund appropriations among Programs 3, 4, 5, 6, 7, 52, and 67 ~~and 435~~ within Agency 5, upon written certification by the State Court Administrator that the Nebraska Supreme Court has determined that such transfer is necessary for the efficient functioning of statewide court operations and the proper administration of justice. The Salary Limit for Agency 5, Programs 5, 52, and 67 ~~and 435~~ may be administratively increased for any transfers made to Programs 5, 52, and 67 ~~and 435~~ pursuant to this section.

Sec. 36. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 38, and 39 of this act become operative on July 1, 2011. The other sections of this act becomes operative on their effective date.

Sec. 37. Original sections 81-8,239.01 and 84-1410, Reissue Revised Statutes of Nebraska, and sections 81-1801, 81-1801.02, 81-1818, and 81-1822, Revised Statutes Cumulative Supplement, 2010, are repealed.

Sec. 38. Original sections 29-2252, 29-2255, 29-2261, 29-2521.02, 47-621, 47-622, 47-624, 47-624.01, 47-627, 47-628, 47-629, 47-632, 47-634, 81-1403, 81-1404, 81-1423, 81-1425, 83-1,102, 83-1,107.02, 83-4,126, and 83-4,131, Reissue Revised Statutes of Nebraska; sections 29-2262.07 and 81-1447, Revised Statutes Cumulative Supplement, 2010; sections 19, 20, 22, 23, and 240, Legislative Bill 374, One Hundred Second Legislature, First Session, 2011; and section 7, Legislative Bill 376, One Hundred Second Legislature, First Session, 2011, are repealed.

Sec. 39. The following sections are outright repealed: Sections 47-623, 47-625, 47-630, 47-631, 47-635, 47-636, 47-637, 47-638, and 47-639, Reissue Revised Statutes of Nebraska.

Sec. 40. Since an emergency exists, this act takes effect when passed and approved according to law.