

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 561

Introduced by Ashford, 20; Campbell, 25; Krist, 10; McGill, 26.

Read first time January 23, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the juvenile justice system; to amend sections
2 58-210.02 and 58-239.04, Reissue Revised Statutes of
3 Nebraska, and section 77-1108, Revised Statutes
4 Cumulative Supplement, 2012; to state findings and intent
5 for changes to the system and for an appropriation; to
6 provide a financing mechanism for juvenile programs,
7 services, and assistance as prescribed; and to repeal the
8 original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. The Legislature finds that the services
2 available for the treatment and rehabilitation of juveniles in the
3 juvenile justice system and the delivery of such services are
4 insufficient to meet the needs of such juveniles and are inadequate
5 to prevent further penetration of such juveniles into the juvenile
6 justice system and eventually into the adult criminal system. The
7 Legislature finds that creation of the Office of Juvenile Assistance
8 as provided in section 2 of this act will change the juvenile justice
9 system and address these issues.

10 Sec. 2. It is the intent of the Legislature that:

11 (1) The Office of Juvenile Services will be dissolved and
12 the youth rehabilitation and treatment centers will be permanently
13 closed by January 1, 2015. A transition plan will be developed
14 collaboratively by the Administrator of the Office of Juvenile
15 Services, the administrator of the newly created Office of Juvenile
16 Assistance, and the committee created pursuant to subdivision (2)(b)
17 of section 43-4203. The transition plan shall be presented to the
18 Judiciary Committee of the Legislature by January 1, 2014;

19 (2) The Office of Juvenile Assistance will be created
20 within the judicial branch of government and directly responsible to
21 the Supreme Court and shall be responsible for and include:

22 (a) Juvenile probation;

23 (b) The newly created Office of Juvenile Diversion
24 Programs and Detention Alternatives;

25 (c) The Community-Based Juvenile Services Aid Program,

1 formerly the County Juvenile Services Aid Program, and other related
2 grants now administered by the Nebraska Commission on Law Enforcement
3 and Criminal Justice;

4 (d) The Office of Violence Prevention; and

5 (e) Collaboration with the Juvenile Justice Institute of
6 University of Nebraska at Omaha, the Center for Health Policy of the
7 University of Nebraska Medical Center, and national experts in the
8 delivery of evidence-based services to determine the extent to which
9 evidence-based and research-based practices are currently available
10 and in use in the areas of children's mental health and juvenile
11 justice, the cost of such practices, and the most effective
12 strategies and timeframes for expecting broader use of such
13 practices;

14 (3) The Nebraska Juvenile Service Delivery Project will
15 be expanded statewide by transferring the budget of the Office of
16 Juvenile Services to the Office of Juvenile Assistance to use to pay
17 for service to juveniles under its supervision. The Office of
18 Juvenile Assistance will:

19 (a) Collaborate with the courts, juvenile justice
20 entities, and providers to transform the juvenile justice system into
21 a system that identifies the needs of juveniles and seeks to treat
22 and rehabilitate rather than detain such juveniles;

23 (b) Supervise all juveniles in the juvenile justice
24 system;

25 (c) Utilize services that provide a continuum of care for

1 juveniles who come in contact with the juvenile justice system;

2 (d) Establish standardized guidelines for referrals and
3 treatment based on the needs of the juvenile not on the availability
4 of services;

5 (e) Utilize community-based services while keeping
6 juveniles in their homes, schools, and communities whenever possible;

7 (f) Work with counties to ensure that the detention
8 centers adopt an evidence-based treatment model for secure
9 confinement of juveniles who need to be detained;

10 (g) Utilize a standardized instrument to screen for
11 mental health, trauma, education, treatment history, family
12 resources, and risk factors at the juvenile's initial contact with
13 the juvenile justice system and throughout the juvenile's treatment
14 and rehabilitation;

15 (h) Collaborate with the Department of Health and Human
16 Services to address the needs of cross-over juveniles who are wards
17 of the state for dependency as well as under the supervision of the
18 Office of Juvenile Assistance for delinquency or a status offense;

19 (i) Collaborate with the Division of Children and Family
20 Services of the Department of Health and Human Services and the State
21 Department of Education to develop an electronic system to collect
22 and track information relevant to the treatment, rehabilitation, and
23 supervision of juveniles in the juvenile justice system or the child
24 welfare system that allows for appropriate access to such information
25 by those working directly with the juvenile;

1 (j) Promote the use of telehealth services for behavioral
2 health to ensure that there is timely access to clinically
3 appropriate behavioral health services for juveniles in detention
4 centers, in out-of-home residential placements, or receiving in-home
5 services;

6 (k) Utilize transition treatment programing for juveniles
7 and their families to assist with reintegration into home, school,
8 and the community following any out-of-home placement of a juvenile;

9 (l) Work with counties to develop plans to access
10 Community-Based Juvenile Services Aid formerly the County Juvenile
11 Services Aid Program;

12 (m) Work with providers to assist them with incorporating
13 evidence-based practices into their programming; and

14 (n) Work with the Department of Health and Human Services
15 to maximize access to medicaid and other federal funding for
16 providers in the juvenile justice system.

17 Sec. 3. It is the intent of the Legislature to
18 appropriate ten million dollars to the Community-Based Juvenile
19 Services Aid Program.

20 Sec. 4. Section 58-210.02, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 58-210.02 (1) Economic-impact project means any of the
23 following, whether or not in existence, financed in whole or in part
24 through the use of the federal new markets tax credit described in
25 section 45D of the Internal Revenue Code or through the use of the

1 tax credit authorized by section 77-1101 of the New Markets Job
2 Growth Investment Act, and located in a low-income community
3 designated pursuant to section 45D of the Internal Revenue Code or in
4 an area designated by the Department of Economic Development:

5 (a) Any land, building, or other improvement, including,
6 but not limited to, infrastructure;

7 (b) Any real or personal property;

8 (c) Any equipment or working capital; and

9 (d) Any undivided or other interest in any property
10 described in subdivision (a), (b), or (c) of this subsection.

11 ~~(2) Economic impact project does not include any~~
12 ~~operating capital.~~

13 (2) Social-impact project means any of the following,
14 whether or not in existence, to be used by one or more public or
15 private parties in connection with one or more programs authorized or
16 specified by the Office of Juvenile Assistance, to be created by the
17 One Hundred Third Legislature:

18 (a) Any land, building, or other improvement, including,
19 but not limited to, infrastructure;

20 (b) Any real or personal property;

21 (c) Any equipment or working capital; and

22 (d) Any undivided or other interest in any property
23 described in subdivision (a), (b), or (c) of this subsection.

24 Sec. 5. Section 58-239.04, Reissue Revised Statutes of
25 Nebraska, is amended to read:

1 58-239.04 ~~(1)~~—In addition to the powers granted under
2 section 58-239, the authority may:

3 ~~(a)~~—~~(1)~~ Borrow money and issue bonds and provide
4 technical assistance for the purpose of financing economic-impact
5 projects and social-impact projects;

6 ~~(b)~~—~~(2)~~ Enter into and perform interagency and
7 intergovernmental agreements with one or more public agencies in
8 connection with financing or providing resources for economic-impact
9 projects and social-impact projects;

10 ~~(c)~~—~~(3)~~ Create, operate, manage, invest in, and own
11 entities or other consortia created for the purpose of facilitating
12 economic-impact projects and social-impact projects; and

13 ~~(d)~~—~~(4)~~ Provide resources for economic-impact projects
14 and social-impact projects, in an amount not to exceed ~~ten~~ twenty
15 million dollars per project, including, but not limited to, making
16 loans or providing equity through investment therein or ownership
17 thereof or through other means or agreements.

18 ~~(2)~~ ~~The authority may exercise any of the powers~~
19 ~~authorized by this section only after a public hearing has been held~~
20 ~~detailing the economic impact project to be assisted and allowing for~~
21 ~~input from the public. Notice of the public hearing shall be given at~~
22 ~~least two weeks in advance of the hearing in a newspaper of general~~
23 ~~circulation within the county affected by the economic impact~~
24 ~~project, which notice shall give a general designation of the project~~
25 ~~and identify where more detailed plans may be reviewed prior to the~~

1 hearing.

2 Sec. 6. Section 77-1108, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 77-1108 (1) Qualified active low-income community
5 business has the meaning given such term in section 45D of the
6 Internal Revenue Code of 1986, as amended, and 26 C.F.R. 1.45D-1. A
7 business shall be considered a qualified active low-income community
8 business for the duration of the qualified community development
9 entity's investment in, or loan to, the business if the entity
10 reasonably expects, at the time it makes the investment or loan, that
11 the business will continue to satisfy the requirements for being a
12 qualified active low-income community business throughout the entire
13 period of the investment or loan. The term excludes any business that
14 derives or projects to derive fifteen percent or more of its annual
15 revenue from the rental or sale of real estate. This exclusion does
16 not apply to a business that is controlled by, or under common
17 control with, another business if the second business ~~(1)-(a)~~ does
18 not derive or project to derive fifteen percent or more of its annual
19 revenue from the rental or sale of real estate and ~~(2)-(b)~~ is the
20 primary tenant of the real estate leased from the first business.

21 (2) Notwithstanding any other provision of the New
22 Markets Job Growth Investment Act or section 45D of the Internal
23 Revenue Code, any entity providing programs, services, or assistance
24 in the state in connection with programs or initiatives of the Office
25 of Juvenile Assistance, to be created by the One Hundred Third

1 Legislature, may be designated, by such office, as a qualified active
2 low-income community business for purposes of the New Markets Job
3 Growth Investment Act.

4 Sec. 7. Original sections 58-210.02 and 58-239.04,
5 Reissue Revised Statutes of Nebraska, and section 77-1108, Revised
6 Statutes Cumulative Supplement, 2012, are repealed.