

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 651

Introduced by Wayne, 13.

Read first time January 23, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Community-based Juvenile Services Aid
- 2 Program; to amend section 43-2404.02, Revised Statutes Cumulative
- 3 Supplement, 2018; to change provisions relating to funding; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 43-2404.02, Revised Statutes Cumulative
2 Supplement, 2018, is amended to read:

3 43-2404.02 (1) There is created a separate and distinct budgetary
4 program within the commission to be known as the Community-based Juvenile
5 Services Aid Program. Funding acquired from participation in the federal
6 act, state General Funds, and funding acquired from other sources which
7 may be used for purposes consistent with the Juvenile Services Act and
8 the federal act shall be used to aid in the establishment and provision
9 of community-based services for juveniles who come in contact with the
10 juvenile justice system. Beginning on the effective date of this act,
11 funding under the program shall only be available for services provided
12 directly to juveniles or services provided to carry out express
13 statutorily authorized functions. Any government entity applying for
14 funds from the program shall develop policies governing the distribution
15 of the funds that are adopted by the governing board of the entity after
16 a public hearing.

17 (2)(a) Ten percent of the annual General Fund appropriation to the
18 Community-based Juvenile Services Aid Program, excluding administrative
19 budget funds, shall be set aside for the development of a common data set
20 and evaluation of the effectiveness of the Community-based Juvenile
21 Services Aid Program. The intent in creating this common data set is to
22 allow for evaluation of the use of the funds and the effectiveness of the
23 programs or outcomes in the Community-based Juvenile Services Aid
24 Program.

25 (b) The common data set shall be developed and maintained by the
26 commission and shall serve as a primary data collection site for any
27 intervention funded by the Community-based Juvenile Services Aid Program
28 designed to serve juveniles and deter involvement in the formal juvenile
29 justice system. The commission shall work with agencies and programs to
30 enhance existing data sets. To ensure that the data set permits
31 evaluation of recidivism and other measures, the commission shall work

1 with the Office of Probation Administration, juvenile diversion programs,
2 law enforcement, the courts, and others to compile data that demonstrates
3 whether a youth has moved deeper into the juvenile justice system. The
4 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist
5 with the development of common definitions, variables, and training
6 required for data collection and reporting into the common data set by
7 juvenile justice programs. The common data set maintained by the
8 commission shall be provided to the University of Nebraska at Omaha,
9 Juvenile Justice Institute, to assess the effectiveness of the Community-
10 based Juvenile Services Aid Program.

11 (c) Providing the commission access to records and information for,
12 as well as the commission granting access to records and information
13 from, the common data set is not a violation of confidentiality
14 provisions under any law, rule, or regulation if done in good faith for
15 purposes of evaluation. Records and documents, regardless of physical
16 form, that are obtained or produced or presented to the commission for
17 the common data set are not public records for purposes of sections
18 84-712 to 84-712.09.

19 (d) The ten percent of the annual General Fund appropriation to the
20 Community-based Juvenile Services Aid Program, excluding administrative
21 budget funds, shall be appropriated as follows: In fiscal year 2015-16,
22 seven percent shall go to the commission for development of the common
23 data set and three percent shall go to the University of Nebraska at
24 Omaha, Juvenile Justice Institute, for evaluation. In fiscal year
25 2016-17, six percent shall go to the commission for development and
26 maintenance of the common data set and four percent shall go to the
27 University of Nebraska at Omaha, Juvenile Justice Institute, for
28 evaluation. Every fiscal year thereafter, beginning in fiscal year
29 2017-18, five percent shall go to the commission for development and
30 maintenance of the common data set and five percent shall go to the
31 University of Nebraska at Omaha, Juvenile Justice Institute, for

1 evaluation.

2 (e) The remaining funds in the annual General Fund appropriation to
3 the Community-based Juvenile Services Aid Program shall be apportioned as
4 aid in accordance with a formula established in rules and regulations
5 adopted and promulgated by the commission. The formula shall be based on
6 the total number of residents per county and federally recognized or
7 state-recognized Indian tribe who are twelve years of age through
8 eighteen years of age and other relevant factors as determined by the
9 commission. The commission may require a local match of up to forty
10 percent from the county, multiple counties, federally recognized or
11 state-recognized Indian tribe or tribes, or any combination of the three
12 which is receiving aid under such program. Any local expenditures for
13 community-based programs for juveniles may be applied toward such match
14 requirement.

15 (3)(a) In distributing funds provided under the Community-based
16 Juvenile Services Aid Program, aid recipients shall prioritize programs
17 and services that will divert juveniles from the juvenile justice system,
18 reduce the population of juveniles in juvenile detention and secure
19 confinement, and assist in transitioning juveniles from out-of-home
20 placements.

21 (b) Funds received under the Community-based Juvenile Services Aid
22 Program shall be used exclusively to assist the aid recipient in the
23 implementation and operation of programs or the provision of services
24 identified in the aid recipient's comprehensive juvenile services plan,
25 including programs for local planning and service coordination;
26 screening, assessment, and evaluation; diversion; alternatives to
27 detention; family support services; treatment services; truancy
28 prevention and intervention programs; pilot projects approved by the
29 commission; payment of transportation costs to and from placements,
30 evaluations, or services; personnel when the personnel are aligned with
31 evidence-based treatment principles, programs, or practices; contracting

1 with other state agencies or private organizations that provide evidence-
2 based treatment or programs; preexisting programs that are aligned with
3 evidence-based practices or best practices; and other services that will
4 positively impact juveniles and families in the juvenile justice system.

5 (c) Funds received under the Community-based Juvenile Services Aid
6 Program may be used one time by an aid recipient:

7 (i) To convert an existing juvenile detention facility or other
8 existing structure for use as an alternative to detention as defined in
9 section 43-245;

10 (ii) To invest in capital construction, including both new
11 construction and renovations, for a facility for use as an alternative to
12 detention; or

13 (iii) For the initial lease of a facility for use as an alternative
14 to detention.

15 (d) Funds received under the Community-based Juvenile Services Aid
16 Program shall not be used for the following:

17 (i) Construction of secure detention facilities, secure youth
18 treatment facilities, or secure youth confinement facilities;

19 (ii) Capital construction or the lease or acquisition of facilities
20 beyond the one-time use described in subdivision (3)(c) of this section;

21 (iii) Programs, services, treatments, evaluations, or other
22 preadjudication services that are not based on or grounded in evidence-
23 based practices, principles, and research, except that the commission may
24 approve pilot projects that authorize the use of such aid; or

25 (iv) Office equipment, office supplies, or office space.

26 (e) Any aid not distributed to counties under this subsection shall
27 be retained by the commission to be distributed on a competitive basis
28 under the Community-based Juvenile Services Aid Program for a county,
29 multiple counties, federally recognized or state-recognized Indian tribe
30 or tribes, or any combination of the three demonstrating additional need
31 in the funding areas identified in this subsection.

1 (f) If a county, multiple counties, or a federally recognized or
2 state-recognized Indian tribe or tribes is denied aid under this section
3 or receives no aid under this section, the entity may request an appeal
4 pursuant to the appeal process in rules and regulations adopted and
5 promulgated by the commission. The commission shall establish appeal and
6 hearing procedures by December 15, 2014. The commission shall make appeal
7 and hearing procedures available on its web site.

8 (4)(a) Any recipient of aid under the Community-based Juvenile
9 Services Aid Program shall electronically file an annual report as
10 required by rules and regulations adopted and promulgated by the
11 commission. Any program funded through the Community-based Juvenile
12 Services Aid Program that served juveniles shall report data on the
13 individual youth served. Any program that is not directly serving youth
14 shall include program-level data. In either case, data collected shall
15 include, but not be limited to, the following: The type of juvenile
16 service, how the service met the goals of the comprehensive juvenile
17 services plan, demographic information on the juveniles served, program
18 outcomes, the total number of juveniles served, and the number of
19 juveniles who completed the program or intervention.

20 (b) Any recipient of aid under the Community-based Juvenile Services
21 Aid Program shall be assisted by the University of Nebraska at Omaha,
22 Juvenile Justice Institute, in reporting in the common data set, as set
23 forth in the rules and regulations adopted and promulgated by the
24 commission. Community-based aid utilization and evaluation data shall be
25 stored and maintained by the commission.

26 (c) Evaluation of the use of funds and the evidence of the
27 effectiveness of the programs shall be completed by the University of
28 Nebraska at Omaha, Juvenile Justice Institute, specifically:

29 (i) The varying rates of recidivism, as defined by rules and
30 regulations adopted and promulgated by the commission, and other measures
31 for juveniles participating in community-based programs; and

1 (ii) Whether juveniles are sent to staff secure or secure juvenile
2 detention after participating in a program funded by the Community-based
3 Juvenile Services Aid Program.

4 (5) The commission shall report annually to the Governor and the
5 Legislature on the distribution and use of funds for aid appropriated
6 under the Community-based Juvenile Services Aid Program. The report shall
7 include, but not be limited to, an aggregate report of the use of the
8 Community-based Juvenile Services Aid Program funds, including the types
9 of juvenile services and programs that were funded, whether any
10 recipients used the funds for a purpose described in subdivision (3)(c)
11 of this section, demographic information on the total number of juveniles
12 served, program success rates, the total number of juveniles sent to
13 secure juvenile detention or residential treatment and secure
14 confinement, and a listing of the expenditures of all counties and
15 federally recognized or state-recognized Indian tribes for detention,
16 residential treatment, and secure confinement. The report submitted to
17 the Legislature shall be submitted electronically.

18 (6) The commission shall adopt and promulgate rules and regulations
19 for the Community-based Juvenile Services Aid Program in consultation
20 with the Director of the Community-based Juvenile Services Aid Program,
21 the Director of Juvenile Diversion Programs, the Office of Probation
22 Administration, the Nebraska Association of County Officials, and the
23 University of Nebraska at Omaha, Juvenile Justice Institute. The rules
24 and regulations shall include, but not be limited to:

25 (a) The required elements of a comprehensive juvenile services plan
26 and planning process;

27 (b) The Community-based Juvenile Services Aid Program formula,
28 review process, match requirements, and fund distribution. The
29 distribution process shall ensure a conflict of interest policy;

30 (c) A distribution process for funds retained under subsection (3)
31 of this section;

1 (d) A plan for evaluating the effectiveness of plans and programs
2 receiving funding;

3 (e) A reporting process for aid recipients;

4 (f) A reporting process for the commission to the Governor and
5 Legislature. The report shall be made electronically to the Governor and
6 the Legislature; and

7 (g) Requirements regarding the use of the common data set.

8 Sec. 2. Original section 43-2404.02, Revised Statutes Cumulative
9 Supplement, 2018, is repealed.