

AMENDMENTS TO LB150

(Amendments to E and R amendments, ER90)

Introduced by Bosn, 25.

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

3 **Section 1.** Sections 1 to 5 of this act shall be known and may be
4 cited as the Regional Mental Health Expansion Pilot Program Act.

5 **Sec. 2.** The Legislature finds and declares that:

6 (1) The State of Nebraska is facing serious issues in its current
7 mental health system, including a shortage of mental health care
8 professionals and long travel distances to receive care. These issues
9 have had a negative impact on those suffering from mental health issues
10 and their communities, particularly in rural parts of the state;

11 (2) As a consequence, when an individual experiences a mental health
12 crisis in public, law enforcement officers are frequently required to
13 respond and take the individual into emergency protective custody until
14 the individual can be transported to an available mental health treatment
15 facility. This places a significant burden on law enforcement agencies,
16 particularly in rural parts of the state, which is compounded by the
17 shortage of mental health bed space and long travel distances to
18 facilities;

19 (3) Addressing these issues is vitally important to the state, and
20 the state would benefit from innovative solutions aimed at reducing the
21 negative impact of mental health issues on individuals and law
22 enforcement agencies;

23 (4) There is a history of cooperation between rural agencies and
24 communities that have successfully worked together to meet regional needs
25 efficiently and cost-effectively; and

26 (5) There is an opportunity to adapt the existing method of

1 cooperation and apply it in a way that helps reduce the impact on those
2 suffering from mental health issues and the law enforcement agencies that
3 interact with them.

4 **Sec. 3.** (1) The Nebraska Commission on Law Enforcement and Criminal
5 Justice shall create a regional mental health expansion pilot program to
6 provide funding to a county law enforcement agency to expand mental
7 health beds and encourage cooperation between law enforcement agencies to
8 service the region.

9 (2) The Legislature intends that the pilot program will demonstrate
10 a method of regional cooperation among law enforcement agencies to
11 address the impact of shortages and the long travel distances on those
12 suffering from mental health issues and law enforcement agencies and that
13 can be replicated statewide.

14 (3) The commission shall select one county law enforcement agency
15 for the pilot program. The selected agency shall:

16 (a) Have the capacity to add mental health beds, either at an
17 existing jail facility or elsewhere;

18 (b) Have a history of cooperation with other law enforcement
19 agencies;

20 (c) Provide an assessment of the anticipated regional impact of the
21 additional mental health beds on individuals with mental health issues
22 and law enforcement agencies; and

23 (d) Cooperate with other counties or law enforcement agencies
24 through a memorandum of understanding to ensure the mental health beds
25 provide a regional benefit.

26 (4) The Legislature does not intend the Regional Mental Health
27 Expansion Pilot Program Act to criminalize mental health issues or result
28 in the incarceration of individuals for mental health issues, and nothing
29 in the act should be so construed. The purpose of this pilot program is
30 to expand mental health services provided by law enforcement agencies to
31 individuals temporarily in custody for mental health issues.

1 **Sec. 4.** (1) The Nebraska Commission on Law Enforcement and Criminal
2 Justice shall administer the pilot program and, in addition to the
3 requirements set out in section 3 of this act, develop grant eligibility,
4 application, and audit requirements.

5 (2) The commission may adopt and promulgate rules and regulations to
6 carry out the Regional Mental Health Expansion Pilot Program Act.

7 (3) The commission shall identify grant funding to carry out the
8 Regional Mental Health Expansion Pilot Program Act.

9 **Sec. 5.** The Nebraska Commission on Law Enforcement and Criminal
10 Justice shall coordinate with the Attorney General to carry out the
11 Regional Mental Health Expansion Pilot Program Act.

12 **Sec. 6.** The Nebraska Commission on Law Enforcement and Criminal
13 Justice shall create a pilot program to seek federal funding for
14 collaborative efforts in emergency response by law enforcement agencies
15 and mental health professionals.

16 **Sec. 7.** Section 18-1724, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 18-1724 Notwithstanding any other provision of law, all cities and
19 villages in this state shall have the power by ordinance to define,
20 regulate, suppress, and prevent discrimination on the basis of race,
21 color, creed, religion, ancestry, sex, marital status, national origin,
22 familial status as defined in section 20-311, disability as defined in
23 section 20-308.01, ~~or~~ age, or military or veteran status in employment,
24 public accommodation, and housing and may provide for the enforcement of
25 such ordinances by providing appropriate penalties for the violation
26 thereof. It shall not be an unlawful employment practice to refuse
27 employment based on a policy of not employing both spouses if such policy
28 is equally applied to both sexes.

29 **Sec. 8.** Section 20-113, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 20-113 (1) Any incorporated city may enact ordinances and any county

1 may adopt resolutions which are substantially equivalent to the Age
2 Discrimination in Employment Act, the Nebraska Fair Employment Practice
3 Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and
4 48-1219 to 48-1227 or which are more comprehensive than such acts and
5 sections in the protection of civil rights. No such ordinance or
6 resolution shall place a duty or liability on any person, other than an
7 employer, employment agency, or labor organization, for acts similar to
8 those prohibited by section 48-1115. Such ordinance or resolution may
9 include authority for a local agency to seek an award of damages or other
10 equitable relief on behalf of the complainant by the filing of a petition
11 in the district court in the county with appropriate jurisdiction. The
12 local agency shall have within its authority jurisdiction substantially
13 equivalent to or more comprehensive than the Equal Opportunity Commission
14 or other enforcement agencies provided under such acts and sections and
15 shall have authority to order backpay and other equitable relief or to
16 enforce such orders or relief in the district court with appropriate
17 jurisdiction. Certified copies of such ordinances or resolutions shall be
18 transmitted to the commission. When the commission determines that any
19 such city or county has enacted an ordinance or adopted a resolution that
20 is substantially equivalent to such acts and sections or is more
21 comprehensive than such acts and sections in the protection of civil
22 rights and has established a local agency to administer such ordinance or
23 resolution, the commission may thereafter refer all complaints arising in
24 such city or county to the appropriate local agency. All complaints
25 arising within a city shall be referred to the appropriate agency in such
26 city when both the city and the county in which the city is located have
27 established agencies pursuant to this section. When the commission refers
28 a complaint to a local agency, it shall take no further action on such
29 complaint if the local agency proceeds promptly to handle such complaint
30 pursuant to the local ordinance or resolution. If the commission
31 determines that a local agency is not handling a complaint with

1 reasonable promptness or that the protection of the rights of the parties
2 or the interests of justice require such action, the commission may
3 regain jurisdiction of the complaint and proceed to handle it in the same
4 manner as other complaints which are not referred to local agencies. In
5 cases of conflict between this section and section 20-332, for complaints
6 subject to the Nebraska Fair Housing Act, section 20-332 shall control.

7 (2)(a) Any club which has been issued a license by the Nebraska
8 Liquor Control Commission to sell, serve, or dispense alcoholic liquor
9 shall have that license revoked if the club discriminates because of
10 race, color, religion, sex, familial status as defined in section 20-311,
11 disability as defined in section 20-308.01, or national origin, or
12 military or veteran status in the sale, serving, or dispensing of
13 alcoholic liquor to any person who is a guest of a member of such club.

14 (b) The procedure for revocation shall be as prescribed in sections
15 53-134.04, 53-1,115, and 53-1,116.

16 (c) This subsection does not prohibit a club from, on an otherwise
17 nondiscriminatory basis, limiting admission or service to veterans or
18 servicemembers or their family members or providing discounts or other
19 benefits to veterans or servicemembers or their family members.

20 **Sec. 9.** Section 20-132, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 20-132 All persons within this state shall be entitled to a full and
23 equal enjoyment of any place of public accommodation, as defined in
24 sections 20-132 to 20-143, without discrimination or segregation on the
25 grounds of race, color, sex, religion, national origin, disability, or
26 ancestry, or military or veteran status.

27 **Sec. 10.** Section 20-134, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 20-134 (1) Any person who directly or indirectly refuses, withholds
30 from, denies, or attempts to refuse, withhold, or deny, to any other
31 person any of the accommodations, advantages, facilities, services, or

1 privileges, or who segregates any person in a place of public
2 accommodation on the basis of race, creed, color, sex, religion, national
3 origin, disability, ~~or~~ ancestry, or military or veteran status, shall be
4 guilty of discriminatory practice and shall be subject to the penalties
5 of sections 20-132 to 20-143.

6 (2) It is not a discriminatory practice under sections 20-132 to
7 20-143 for a person or a place of public accommodation to, on an
8 otherwise nondiscriminatory basis, limit admission or service to veterans
9 or servicemembers or their family members or provide discounts or other
10 benefits to veterans or servicemembers or their family members.

11 **Sec. 11.** Section 20-139, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124,
14 and 20-132 to 20-143 shall be administered by the Equal Opportunity
15 Commission, except that the State Fire Marshal shall administer the act
16 and sections as they relate to accessibility standards and specifications
17 set forth in sections 81-5,147 and 81-5,148. The county attorneys are
18 granted the authority to enforce such act and sections 20-123, 20-124,
19 and 20-132 to 20-143 and shall possess the same powers and duties with
20 respect thereto as the commission. If a complaint is filed with the
21 county attorney, the commission shall be notified. Powers granted to and
22 duties imposed upon the commission pursuant to such act and sections
23 shall be in addition to the provisions of the Nebraska Fair Employment
24 Practice Act and shall not be construed to amend or restrict those
25 provisions. In carrying out the Nebraska Fair Housing Act and sections
26 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power
27 to:

28 (1) Seek to eliminate and prevent discrimination in places of public
29 accommodation because of race, color, sex, religion, national origin,
30 familial status as defined in section 20-311, disability as defined in
31 section 20-308.01, ~~or~~ ancestry, or military or veteran status;

1 (2) Effectuate the purposes of sections 20-132 to 20-143 by
2 conference, conciliation, and persuasion so that persons may be
3 guaranteed their civil rights and goodwill may be fostered;

4 (3) Formulate policies to effectuate the purposes of sections 20-132
5 to 20-143 and make recommendations to agencies and officers of the state
6 or local subdivisions of government in aid of such policies and purposes;

7 (4) Adopt and promulgate rules and regulations to carry out the
8 powers granted by the Nebraska Fair Housing Act and sections 20-123,
9 20-124, and 20-132 to 20-143, subject to the provisions of the
10 Administrative Procedure Act. The commission shall, not later than one
11 hundred eighty days after September 6, 1991, issue draft rules and
12 regulations to implement subsection (3) of section 20-336, which
13 regulations may incorporate regulations of the United States Department
14 of Housing and Urban Development as applicable;

15 (5) Designate one or more members of the commission or a member of
16 the commission staff to conduct investigations of any complaint alleging
17 discrimination because of race, color, sex, religion, national origin,
18 familial status, disability, ~~or~~ ancestry, or military or veteran status,
19 attempt to resolve such complaint by conference, conciliation, and
20 persuasion, and conduct such conciliation meetings and conferences as are
21 deemed necessary to resolve a particular complaint, which meetings shall
22 be held in the county in which the complaint arose;

23 (6) Determine that probable cause exists for crediting the
24 allegations of a complaint;

25 (7) Determine that a complaint cannot be resolved by conference,
26 conciliation, or persuasion, such determination to be made only at a
27 meeting where a quorum is present;

28 (8) Dismiss a complaint when it is determined there is not probable
29 cause to credit the allegations;

30 (9) Hold hearings, subpoena witnesses and compel their attendance,
31 administer oaths, take the testimony of any person under oath, and in

1 connection therewith require for examination any books or papers relating
2 to any matter under investigation or in question before the commission;
3 and

4 (10) Issue publications and the results of studies and research
5 which will tend to promote goodwill and minimize or eliminate
6 discrimination because of race, color, sex, religion, national origin,
7 familial status, disability, ~~or~~ ancestry, or military or veteran status.

8 **Sec. 12.** Section 20-317, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 20-317 Restrictive covenant shall mean any specification limiting
11 the transfer, rental, or lease of any housing because of race, creed,
12 religion, color, national origin, sex, disability, familial status, ~~or~~
13 ancestry, or military or veteran status.

14 **Sec. 13.** Section 20-318, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 20-318 Except as exempted by section 20-322, it shall be unlawful
17 to:

18 (1) Refuse to sell or rent after the making of a bona fide offer,
19 refuse to negotiate for the sale or rental of or otherwise make
20 unavailable or deny, refuse to show, or refuse to receive and transmit an
21 offer for a dwelling to any person because of race, color, religion,
22 national origin, disability, familial status, ~~or~~ sex, or military or
23 veteran status;

24 (2) Discriminate against any person in the terms, conditions, or
25 privileges of sale or rental of a dwelling or in the provision of
26 services or facilities in connection therewith because of race, color,
27 religion, national origin, disability, familial status, ~~or~~ sex, or
28 military or veteran status;

29 (3) Make, print, publish, or cause to be made, printed, or published
30 any notice, statement, or advertisement with respect to the sale or
31 rental of a dwelling that indicates any preference, limitation, or

1 discrimination based on race, color, religion, national origin,
2 disability, familial status, ~~or sex,~~ or military or veteran status or an
3 intention to make any such preference, limitation, or discrimination;

4 (4) Represent to any person because of race, color, religion,
5 national origin, disability, familial status, ~~or sex,~~ or military or
6 veteran status that any dwelling is not available for inspection, sale,
7 or rental when such dwelling is in fact so available;

8 (5) Cause to be made any written or oral inquiry or record
9 concerning the race, color, religion, national origin, disability,
10 familial status, ~~or sex,~~ or military or veteran status of a person
11 seeking to purchase, rent, or lease any housing;

12 (6) Include in any transfer, sale, rental, or lease of housing any
13 restrictive covenants or honor or exercise or attempt to honor or
14 exercise any restrictive covenant pertaining to housing;

15 (7) Discharge or demote an employee or agent or discriminate in the
16 compensation of such employee or agent because of such employee's or
17 agent's compliance with the Nebraska Fair Housing Act; and

18 (8) Induce or attempt to induce, for profit, any person to sell or
19 rent any dwelling by representations regarding the entry or prospective
20 entry into the neighborhood of a person or persons of a particular race,
21 color, religion, national origin, disability, familial status, ~~or sex,~~ or
22 military or veteran status.

23 **Sec. 14.** Section 20-320, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 20-320 (1) Except as exempted by section 20-322, it ~~It~~ shall be
26 unlawful for any person or other entity whose business includes engaging
27 in transactions related to residential real estate to discriminate
28 against any person in making available such a transaction or in the terms
29 or conditions of such a transaction because of race, color, religion,
30 sex, disability, familial status, ~~or national origin,~~ or military or
31 veteran status.

1 (2) For purposes of this section, transaction related to residential
2 real estate shall mean any of the following:

3 (a) The making or purchasing of loans or providing other financial
4 assistance:

5 (i) For purchasing, constructing, improving, repairing, or
6 maintaining a dwelling; or

7 (ii) Secured by residential real estate; or

8 (b) The selling, brokering, or appraising of residential real
9 property.

10 (3) Nothing in this section shall prohibit a person engaged in the
11 business of furnishing appraisals of real property from taking into
12 consideration factors other than race, color, religion, national origin,
13 sex, disability, ~~or~~ familial status, or military or veteran status.

14 **Sec. 15.** Section 20-321, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 20-321 It shall be unlawful to deny any person access to or
17 membership or participation in any multiple listing service, real estate
18 brokers organization, or other service, organization, or facility
19 relating to the business of selling or renting dwellings or to
20 discriminate against any person in the terms or conditions of such
21 access, membership, or participation on account of race, color, religion,
22 national origin, disability, familial status, ~~or~~ sex, or military or
23 veteran status.

24 **Sec. 16.** Section 20-322, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 20-322 (1) Nothing in the Nebraska Fair Housing Act shall prohibit a
27 religious organization, association, or society or any nonprofit
28 institution or organization operated, supervised, or controlled by or in
29 conjunction with a religious organization, association, or society from
30 limiting the sale, rental, or occupancy of a dwelling which it owns or
31 operates for other than commercial purposes to persons of the same

1 religion or from giving preferences to such persons unless membership in
2 such religion is restricted on account of race, color, national origin,
3 disability, familial status, ~~or sex,~~ or military or veteran status.

4 (2) Nothing in the act shall prohibit a private club not in fact
5 open to the public, which as an incident to its primary purpose or
6 purposes provides lodgings which it owns or operates for other than
7 commercial purposes, from limiting the rental or occupancy of such
8 lodging to its members or from giving preference to its members.

9 (3) Nothing in the act shall prohibit or limit the right of any
10 person or his or her authorized representative to refuse to rent a room
11 or rooms in his or her own home for any reason or for no reason or to
12 change tenants in his or her own home as often as desired, except that
13 this exception shall not apply to any person who makes available for
14 rental or occupancy more than four sleeping rooms to a person or family
15 within his or her own home.

16 (4)(a) Nothing in the act shall limit the applicability of any
17 reasonable local restrictions regarding the maximum number of occupants
18 permitted to occupy a dwelling, and nothing in the act regarding familial
19 status shall apply with respect to housing for older persons.

20 (b) For purposes of this subsection, housing for older persons shall
21 mean housing:

22 (i) Provided under any state program that the commission determines
23 is specifically designed and operated to assist elderly persons as
24 defined in the program;

25 (ii) Intended for and solely occupied by persons sixty-two years of
26 age or older; or

27 (iii) Intended and operated for occupancy by at least one person
28 fifty-five years of age or older per unit. In determining whether housing
29 qualifies as housing for older persons under this subdivision, the
30 commission shall develop regulations which require at least the following
31 factors:

1 (A) The existence of significant facilities and services
2 specifically designed to meet the physical or social needs of older
3 persons or, if the provision of such facilities and services is not
4 practicable, that such housing is necessary to provide important housing
5 opportunities for older persons;

6 (B) That at least eighty percent of the units are occupied by at
7 least one person fifty-five years of age or older per unit; and

8 (C) The publication of and adherence to policies and procedures
9 which demonstrate an intent by the owner or manager to provide housing
10 for persons fifty-five years of age or older.

11 (c) Housing shall not fail to meet the requirements for housing for
12 older persons by reason of:

13 (i) Persons residing in the housing as of September 6, 1991, who do
14 not meet the age requirements of subdivision (b)(ii) or (iii) of this
15 subsection if succeeding occupants of the housing meet the age
16 requirements; or

17 (ii) Unoccupied units if the units are reserved for occupancy by
18 persons who meet the age requirements.

19 (5) Nothing in the act shall prohibit conduct against a person
20 because such person has been convicted by any court of competent
21 jurisdiction of the illegal manufacture or distribution of a controlled
22 substance as defined in section 28-401.

23 (6) Nothing in the act shall prohibit otherwise nondiscriminatory
24 conduct intended to benefit veterans or servicemembers or their family
25 members, such as providing housing limited to veterans or servicemembers
26 or their family members, providing favorable conditions of loans, leases,
27 mortgages, or contracts, or otherwise offering benefits that are limited
28 to veterans or servicemembers or their family members.

29 **Sec. 17.** Section 20-325, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 20-325 The commission shall:

1 (1) Make studies with respect to the nature and extent of
2 discriminatory housing practices in representative urban, suburban, and
3 rural communities throughout the state;

4 (2) Publish and disseminate reports, recommendations, and
5 information derived from such studies, including an annual report to the
6 Legislature to be submitted electronically:

7 (a) Specifying the nature and extent of progress made statewide in
8 eliminating discriminatory housing practices and furthering the purposes
9 of the Nebraska Fair Housing Act, obstacles remaining to achieving equal
10 housing opportunity, and recommendations for further legislative or
11 executive action; and

12 (b) Containing tabulations of the number of instances and the
13 reasons therefor in the preceding year in which:

14 (i) Investigations have not been completed as required by
15 subdivision (1)(b) of section 20-326;

16 (ii) Determinations have not been made within the time specified in
17 section 20-333; and

18 (iii) Hearings have not been commenced or findings and conclusions
19 have not been made as required by section 20-337;

20 (3) Cooperate with and render technical assistance to state, local,
21 and other public or private agencies, organizations, and institutions
22 which are formulating or carrying on programs to prevent or eliminate
23 discriminatory housing practices;

24 (4) Electronically submit an annual report to the Legislature and
25 make available to the public data on the age, race, color, religion,
26 national origin, disability, familial status, ~~and sex, and military or~~
27 veteran status of persons and households who are applicants for,
28 participants in, or beneficiaries or potential beneficiaries of programs
29 administered by the commission. In order to develop the data to be
30 included and made available to the public under this subdivision, the
31 commission shall, without regard to any other provision of law, collect

1 such information relating to those characteristics as the commission
2 determines to be necessary or appropriate;

3 (5) Adopt and promulgate rules and regulations, subject to the
4 approval of the members of the commission, regarding the investigative
5 and conciliation process that provide for testing standards, fundamental
6 due process, and notice to the parties of their rights and
7 responsibilities; and

8 (6) Have authority to enter into agreements with the United States
9 Department of Housing and Urban Development in cooperative agreements
10 under the Fair Housing Assistance Program. The commission shall further
11 have the authority to enter into agreements with testing organizations to
12 assist in investigative activities. The commission shall not enter into
13 any agreements under which compensation to the testing organization is
14 partially or wholly based on the number of conciliations, settlements,
15 and reasonable cause determinations.

16 **Sec. 18.** Section 23-2525, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 23-2525 The county personnel officer shall, with the assistance of
19 two advisory groups, one of classified employees and one of department
20 heads, prepare and submit to the personnel policy board proposed
21 personnel rules and regulations for the classified service. He or she
22 shall give reasonable notice thereof to the heads of all agencies,
23 departments, county employee associations, and institutions affected
24 thereby, and they shall be given an opportunity, upon request, to appear
25 before the board and present their views thereon. The personnel policy
26 board shall submit the rules and regulations for adoption or amendment
27 and adoption by resolution of the board of county commissioners.
28 Amendments thereto shall be made in the same manner. The rules and
29 regulations shall provide:

30 (1) For a single integrated classification plan covering all
31 positions in the county service except those expressly exempt from the

1 County Civil Service Act, which shall group all positions into defined
2 classes containing a descriptive class title and a code identifying each
3 class, and which shall be based on similarity of duties performed and
4 responsibilities assumed, so that the same qualifications may reasonably
5 be required and the same schedule of pay may be equitably applied to all
6 positions in the same class. After the classification plan has been
7 approved by the personnel policy board, the county personnel officer
8 shall be responsible for the administration and maintenance of the plan
9 and for the allocation of each classified position. Any employee affected
10 by the allocation of a position to a class shall, upon request, be given
11 a reasonable opportunity to be heard thereon by the personnel policy
12 board who shall issue an advisory opinion to the personnel officer;

13 (2) For a compensation plan for all employees in the classified
14 service, comprising salary schedules, hours of work, premium payments,
15 special allowances, and fringe benefits, considering the amount of money
16 available, the prevailing rates of pay in government and private
17 employment, the cost of living, the level of each class of position in
18 the classification plan, and other relevant factors. Initial,
19 intervening, and maximum rates of pay for each class shall be established
20 to provide for steps in salary advancement without change of duty in
21 recognition of demonstrated quality and length of service. The
22 compensation plan and amendments thereto shall be adopted in the manner
23 prescribed for rules and regulations and shall in no way limit the
24 authority of the board of county commissioners relative to appropriations
25 for salary and wage expenditures;

26 (3) For open competitive examinations to test the relative fitness
27 of applicants for the respective positions. Competitive examination shall
28 not be required for transferred employees transferring from positions in
29 the state or a political subdivision to positions in the county pursuant
30 to a merger of services or transferred employees transferring from
31 positions in the state or a political subdivision to positions in the

1 county due to the assumption of functions of the state or a political
2 subdivision by the county. The rules and regulations shall provide for
3 the public announcement of the holding of examinations and shall
4 authorize the personnel officer to prescribe examination procedures and
5 to place the names of successful candidates on eligible lists in
6 accordance with their respective ratings. Examinations may be assembled
7 or unassembled and may include various job-related examining techniques,
8 such as rating training and experience, written tests, oral interviews,
9 recognition of professional licensing, performance tests, investigations,
10 and any other measures of ability to perform the duties of the position.
11 Examinations shall be scored objectively and employment registers shall
12 be established in the order of final score. Certification of eligibility
13 for appointment to vacancies shall be in accordance with a formula which
14 limits selection by the hiring department from among the highest ranking
15 available and eligible candidates, but which also permits selective
16 certification under appropriate conditions as prescribed in the rules and
17 regulations;

18 (4) For promotions which shall give appropriate consideration to
19 examinations and to record of performance, seniority, and conduct.
20 Vacancies shall be filled by promotion whenever practicable and in the
21 best interest of the service, and preference may be given to employees
22 within the department in which the vacancy occurs;

23 (5) For the rejection of candidates who fail to comply with
24 reasonable requirements of the personnel officer in regard to such
25 factors as physical conditions, training, and experience or who have been
26 guilty of infamous or disgraceful conduct, who are addicted to alcohol or
27 narcotics, or who have attempted any deception or fraud in connection
28 with an examination;

29 (6) For prohibiting ~~Prohibiting~~ disqualification of any person from
30 taking an examination, from promotion, or from holding a position because
31 of:

1 (a) Race, national origin, physical disabilities, age, or political
2 or religious opinions or affiliations;

3 (b) Sex ~~race, sex,~~ unless it constitutes a bona fide occupational
4 qualification; ~~, or national origin, physical disabilities, age,~~
5 ~~political or religious opinions or affiliations~~

6 (c) Military or veteran status, subject to section 91 of this act; -
7 or

8 (d) Other ~~other~~ factors which have no bearing upon the individual's
9 fitness to hold the position;

10 (7) For a period of probation not to exceed one year before
11 appointment or promotion may be made complete, and during which period a
12 probationer may be separated from his or her position without the right
13 of appeal or hearing except as provided in section 23-2531. After a
14 probationer has been separated, he or she may again be placed on the
15 eligible list at the discretion of the personnel officer. The rules shall
16 provide that a probationer shall be dropped from the payroll at the
17 expiration of his or her probationary period if, within ten days prior
18 thereto, the appointing authority has notified the personnel officer in
19 writing that the services of the employee have been unsatisfactory;

20 (8) When an employee has been promoted but fails to satisfactorily
21 perform the duties of the new position during the probationary period, he
22 or she shall be returned to a position comparable to that held
23 immediately prior to promotion at the current salary of such position;

24 (9) For temporary or seasonal appointments of limited terms of not
25 to exceed one year;

26 (10) For part-time appointment where the employee accrues benefits
27 of full-time employment on a basis proportional to the time worked;

28 (11) For emergency employment for not more than thirty days with or
29 without examination, with the consent of the county personnel officer and
30 department head;

31 (12) For provisional employment without competitive examination when

1 there is no appropriate eligible list available. No such provisional
2 employment shall continue longer than six months, nor shall successive
3 provisional appointments be allowed;

4 (13) For transfer from a position in one department to a similar
5 position in another department involving similar qualifications, duties,
6 responsibilities, and salary ranges;

7 (14) For the transfer of employees of the state or a political
8 subdivision to the county pursuant to a merger of services or due to the
9 assumption of functions of the state or a political subdivision by the
10 county;

11 (15) For layoff by reason of lack of funds or work or abolition of
12 the position, or material change in duties or organization, for the
13 layoff of nontenured employees first, and for reemployment of permanent
14 employees so laid off, giving consideration in both layoff and
15 reemployment to performance record and seniority in service;

16 (16) For establishment of a plan for resolving employee grievances
17 and complaints;

18 (17) For hours of work, holidays, and attendance regulations in the
19 various classes of positions in the classified service, and for annual,
20 sick, and special leaves of absence, with or without pay, or at reduced
21 pay;

22 (18) For the development of employee morale, safety, and training
23 programs;

24 (19) For a procedure whereby an appointing authority may suspend,
25 reduce, demote, or dismiss an employee for misconduct, inefficiency,
26 incompetence, insubordination, malfeasance, or other unfitness to render
27 effective service and for the investigation and public hearing of appeals
28 of such suspended, reduced, demoted, or dismissed employee;

29 (20) For granting of leave without pay to a permanent employee to
30 accept a position in the unclassified service, and for his or her return
31 to a position comparable to that formerly held in the classified service

1 at the conclusion of such service;

2 (21) For regulation covering political activity of employees in the
3 classified service; and

4 (22) For other regulations not inconsistent with the County Civil
5 Service Act and which may be necessary for its effective implementation.

6 **Sec. 19.** Section 23-2531, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 23-2531 (1) Discrimination against any person in recruitment,
9 examination, appointment, training, promotion, retention, discipline, or
10 any other aspect of personnel administration because of political or
11 religious opinions or affiliations or because of race, national origin,
12 or other nonmerit factors shall be prohibited. Discrimination on the
13 basis of age or sex or physical disability shall be prohibited unless
14 specific age, sex, or physical requirements constitute a bona fide
15 occupational qualification necessary to proper and efficient
16 administration. Subject to section 91 of this act, discrimination on the
17 basis of military or veteran status shall be prohibited. The rules and
18 regulations shall provide for appeals in cases of alleged discrimination
19 to the personnel policy board whose determination shall be binding upon a
20 finding of discrimination.

21 (2) No person shall make any false statement, certificate, mark,
22 rating, or report with regard to any test, certification, or appointment
23 made under the County Civil Service Act or in any manner commit or
24 attempt to commit any fraud preventing the impartial execution of the act
25 and the rules and regulations promulgated pursuant to the act.

26 (3) No person shall, directly or indirectly, give, render, pay,
27 offer, solicit, or accept any money, service, or other valuable
28 consideration for or on account of any appointment, proposed appointment,
29 promotion, or proposed promotion to, or any advantage in, a position in
30 the classified service.

31 (4) No employee of the personnel office, examiner, or other person

1 shall defeat, deceive, or obstruct any person in his or her right to
2 examination, eligibility, certification, or appointment under the act, or
3 furnish to any person any special or secret information for the purpose
4 of affecting the rights or prospects of any persons with respect to
5 employment in the classified service.

6 **Sec. 20.** Section 23-2541, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 23-2541 The personnel policy board, if created, shall, with the
9 assistance of two advisory groups, one of classified employees and one of
10 department heads, adopt proposed personnel rules and regulations for the
11 classified service and provide reasonable notice of proposed rules and
12 regulations to the heads of all agencies, departments, county employee
13 associations, and institutions affected thereby. Any person affected by
14 such rules and regulations shall be given an opportunity, upon request,
15 to appear before the personnel policy board and present his or her views
16 on the rules and regulations. The personnel policy board shall submit
17 proposed rules and regulations or amendments for adoption by the county
18 board. The county board may consider and adopt only personnel rules and
19 regulations or amendments proposed by the personnel policy board and may
20 not repeal or revoke a rule or regulation except upon the recommendation
21 of the personnel policy board.

22 The rules and regulations or amendments may provide:

23 (1) For a single integrated classification plan covering all
24 positions in the county service except those expressly exempt from
25 sections 23-2534 to 23-2544, which shall (a) group all positions into
26 defined classes containing a descriptive class title and a code
27 identifying each class and (b) be based on similarity of duties performed
28 and responsibilities assumed, so that the same qualifications may
29 reasonably be required and the same schedule of pay may be equitably
30 applied to all positions in the same class. After the classification plan
31 has been approved by the personnel policy board, the county personnel

1 officer shall be responsible for the administration and maintenance of
2 the plan and for the allocation of each classified position. Any employee
3 affected by the allocation of a position to a class shall, upon request,
4 be given a reasonable opportunity to be heard on such allocation by the
5 personnel policy board which shall issue an advisory opinion to the
6 county personnel officer;

7 (2) For a compensation plan for all employees in the classified
8 service, comprising salary schedules, attendance regulations, premium
9 payments, special allowances, and fringe benefits, considering the amount
10 of money available, the prevailing rates of pay in government and private
11 employment, the cost of living, the level of each class of position in
12 the classification plan, and other relevant factors. The compensation
13 plan and amendments to such plan shall be adopted in the manner
14 prescribed for rules and regulations and shall in no way limit the
15 authority of the county board relative to appropriations for salary and
16 wage expenditures;

17 (3) For open competitive examinations to test the relative fitness
18 of applicants for the respective positions. The rules and regulations
19 shall provide for the public announcement of the holding of examinations
20 and shall authorize the county personnel officer to prescribe examination
21 procedures and to place the names of successful candidates on eligible
22 lists in accordance with their respective ratings. Examinations may be
23 assembled or unassembled and may include various job-related examining
24 techniques, such as rating training and experience, written tests, oral
25 interviews, recognition of professional licensing, performance tests,
26 investigations, and any other measures of ability to perform the duties
27 of the position. Examinations shall be scored objectively and employment
28 registers shall be established in the order of final score. Certification
29 of eligibility for appointment to vacancies shall be in accordance with a
30 formula which limits selection by the hiring department from among the
31 highest ranking available and eligible candidates, but which also permits

1 selective certification under appropriate conditions as prescribed in the
2 rules and regulations;

3 (4) For promotions which shall give appropriate consideration to
4 examinations and to record of performance, seniority, and conduct.
5 Vacancies shall be filled by promotion whenever practicable and in the
6 best interest of the service and preference may be given to employees
7 within the department in which the vacancy occurs;

8 (5) For the rejection of candidates who fail to comply with
9 reasonable requirements of the county personnel officer in regard to such
10 factors as physical conditions, training, and experience, who have been
11 guilty of infamous or disgraceful conduct, who are currently abusing
12 alcohol or narcotics, or who have attempted any deception or fraud in
13 connection with an examination;

14 (6) For prohibiting disqualification of any person from ~~(a)~~ taking
15 an examination, ~~(b)~~ promotion, or ~~(c)~~ holding a position, solely because
16 of:

17 (a) Race ~~race~~, sex, national origin, physical disabilities, age,
18 political or religious opinions or affiliations; ~~or~~

19 (b) Military or veteran status, subject to section 91 of this act;
20 or

21 (c) Other ~~other~~ factors which have no bearing upon the individual's
22 fitness to hold the position;

23 (7) For a period of probation, not to exceed one year, before
24 appointment or promotion may be made complete and during which period a
25 probationer may be separated from his or her position without the right
26 of appeal or hearing. After a probationer has been separated, he or she
27 may again be placed on the eligible list at the discretion of the county
28 personnel officer. The rules and regulations shall provide that a
29 probationer shall be dropped from the payroll at the expiration of his or
30 her probationary period if, within ten days prior thereto, the appointing
31 authority has notified the county personnel officer in writing that the

1 services of the employee have been unsatisfactory;

2 (8) For temporary or seasonal appointments of limited terms of not
3 to exceed one year;

4 (9) For part-time appointment in which the employee accrues benefits
5 of full-time employment on a basis proportional to the time worked;

6 (10) For emergency employment for not more than thirty days with or
7 without examination with the consent of the county personnel officer and
8 department head;

9 (11) For provisional employment without competitive examination when
10 there is no appropriate eligible list available. Provisional employment
11 shall not continue longer than six months and successive provisional
12 appointments shall not be allowed;

13 (12) For transfer from a position in one department to a similar
14 position in another department involving similar qualifications, duties,
15 responsibilities, and salary ranges;

16 (13) For layoff by reason of lack of funds or work, abolition of the
17 position, or material change in duties or organization, for the layoff of
18 nontenured employees first, and for reemployment of permanent employees
19 so laid off, giving consideration in both layoff and reemployment to
20 performance record and seniority in service;

21 (14) For establishment of a plan for resolving employee grievances
22 and complaints;

23 (15) For holidays, for attendance regulations in the various classes
24 of positions in the classified service, and for annual, sick, and special
25 leaves of absence, with or without pay or at reduced pay;

26 (16) For the development of employee morale, safety, and training
27 programs;

28 (17) For a procedure whereby an appointing authority may suspend,
29 reduce, demote, or dismiss an employee for misconduct, inefficiency,
30 incompetence, insubordination, malfeasance, or other unfitness to render
31 effective service and for the investigation and public hearing of appeals

1 of such suspended, reduced, demoted, or dismissed employee;

2 (18) For granting of leave without pay to a permanent employee to
3 accept a position in the unclassified service and for his or her return
4 to a position comparable to that formerly held in the classified service
5 at the conclusion of such service;

6 (19) For regulation covering political activity of employees in the
7 classified service; and

8 (20) For other rules and regulations not inconsistent with sections
9 23-2534 to 23-2544 and the implementation of personnel policy in the
10 county.

11 **Sec. 21.** Section 25-1030.01, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 25-1030.01 (1) Upon filing an application for determination of
14 liability of the garnishee, the plaintiff shall give the garnishee and
15 the defendant in the original action notice of the filing thereof and of
16 the time and place of trial thereon. Subject to subsections (2) and (3)
17 of this section, the ~~The~~ notice shall be given within such time and in
18 such manner as the court shall direct.

19 (2) For purposes of this section:

20 (a) Corporate entity means any corporation, limited liability
21 company, limited liability partnership, or series limited liability
22 company or any other corporate entity that is required by the statutes of
23 Nebraska to have a registered agent for service of process in Nebraska;
24 and

25 (b) Corporate entity does not include any financial institution as
26 described in subsection (6) of section 25-1056.

27 (3)(a) If the garnishee is a corporate entity, notice under
28 subsection (1) of this section shall be served upon the location of the
29 corporate entity's registered agent for service of process in this state.

30 (b) If service is unable to be accomplished as provided in
31 subdivision (3)(a) of this section, such notice shall be served in

1 accordance with section 25-509.01.

2 (4) In a case involving a garnishment served upon a corporate entity
3 against wages due to a judgment debtor, the corporate entity shall not be
4 liable as a garnishee under this section unless the plaintiff shows:

5 (a) That service was made in accordance with subdivision (3)(a) of
6 this section; or

7 (b) That service was made in accordance with subdivision (3)(b) of
8 this section and:

9 (i) That a copy of the notice described in subsection (1) of this
10 section was sent to the location of the corporate entity's registered
11 agent;

12 (ii) That the garnishee requested no such copy be sent to such
13 location; or

14 (iii) That the corporate entity does not have a registered agent in
15 this state.

16 **Sec. 22.** Section 25-1056, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 25-1056 (1) In all cases when a judgment has been entered by any
19 court of record and the judgment creditor or his or her agent or attorney
20 has filed an affidavit setting forth the amount due on the judgment,
21 interest, and costs in the office of the clerk of the court where the
22 judgment has been entered and that he or she has good reason to and does
23 believe that any person, partnership, limited liability company, or
24 corporation, naming him, her, or it, has property of and is indebted to
25 the judgment debtor, the clerk shall issue a summons which shall set
26 forth the amount due on the judgment, interest, and costs as shown in the
27 affidavit and require such person, partnership, limited liability
28 company, or corporation, as garnishee, to answer written interrogatories
29 to be furnished by the plaintiff and to be attached to such summons
30 respecting the matters set forth in section 25-1026. The summons shall be
31 returnable within ten days from the date of its issuance and shall

1 require the garnishee to answer within ten days from the date of service
2 upon him or her. Except when wages are involved, the garnishee shall hold
3 the property of every description and the credits of the defendant in his
4 or her possession or under his or her control at the time of the service
5 of the summons and interrogatories until the further order of the court.
6 If the only property in the possession or under the control of the
7 garnishee at the time of the service of the summons and interrogatories
8 is credits of the defendant and the amount of such credits is not in
9 dispute by the garnishee, then such garnishee shall only hold the credits
10 of the defendant in his or her possession or under his or her control at
11 the time of the service of the summons and interrogatories to the extent
12 of the amount of the judgment, interest, and costs set forth in the
13 summons until further order of the court. When wages are involved, the
14 garnishee shall pay to the employee all disposable earnings exempted from
15 garnishment by statute, and any disposable earnings remaining after such
16 payment shall be retained by the garnishee until further order of the
17 court. Thereafter, the service of the summons and interrogatories and all
18 further proceedings shall be in all respects the same as is provided for
19 in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with
20 this section.

21 (2) If it appears from the answer of the garnishee that the judgment
22 debtor was an employee of the garnishee, that the garnishee otherwise
23 owed earnings to the judgment debtor when the garnishment order was
24 served, or that earnings would be owed within sixty days thereafter and
25 there is not a successful written objection to the order or the answer of
26 the garnishee filed, on application by the judgment creditor, the court
27 shall order that the nonexempt earnings, if any, withheld by the
28 garnishee after service of the order be transferred to the court for
29 delivery to the judgment creditor who is entitled to such earnings.
30 Except for garnishments in support of a person, the payments may be made
31 payable to the judgment creditor or assignee and shall be forwarded to

1 the issuing court to record the judgment payment prior to the court
2 delivering the payment to the judgment creditor or assignee. The court
3 shall, upon application of the judgment creditor, further order that the
4 garnishment is a continuing lien against the nonexempt earnings of the
5 judgment debtor. An order of continuing lien on nonexempt earnings
6 entered pursuant to this section shall require the garnishee to continue
7 to withhold the nonexempt earnings of the judgment debtor for as long as
8 the continuing lien remains in effect.

9 Beginning with the pay period during which the writ was served and
10 while the continuing lien remains in effect, the garnishee shall deliver
11 the nonexempt earnings to the court from which the garnishment was issued
12 for each pay period or on a monthly basis if the garnishee so desires and
13 shall deliver to the judgment debtor his or her exempt earnings for each
14 pay period.

15 (3) A continuing lien ordered pursuant to this section shall be
16 invalid and shall have no force and effect upon the occurrence of any of
17 the following:

18 (a) The underlying judgment is satisfied in full or vacated or
19 expires;

20 (b) The judgment debtor leaves the garnishee's employ for more than
21 sixty days;

22 (c) The judgment creditor releases the garnishment;

23 (d) The proceedings are stayed by a court of competent jurisdiction,
24 including the United States Bankruptcy Court;

25 (e) The judgment debtor has not earned any nonexempt earnings for at
26 least sixty days;

27 (f) The court orders that the garnishment be quashed; or

28 (g) Ninety days have expired since service of the writ. The judgment
29 creditor may extend the lien for a second ninety-day period by filing
30 with the court a notice of extension during the fifteen days immediately
31 prior to the expiration of the initial lien, and the continuing lien in

1 favor of the initial judgment creditor shall continue for a second
2 ninety-day period.

3 (4)(a) To determine priority, garnishments and liens shall rank
4 according to time of service.

5 (b) Garnishments, liens, and wage assignments which are not for the
6 support of a person shall be inferior to wage assignments for the support
7 of a person. Garnishments which are not for the support of a person and
8 liens shall be inferior to garnishments for the support of a person.

9 (5) Only one order of continuing lien against earnings due the
10 judgment debtor shall be in effect at one time. If an employee's wages
11 are already being garnished pursuant to a continuing lien at the time of
12 service of a garnishment upon an employer, the answer to garnishment
13 interrogatories shall include such information along with the date of
14 termination of such continuing lien and the title of the case from which
15 such garnishment is issued. Except as provided in subsection (4) of this
16 section, a continuing lien obtained pursuant to this section shall have
17 priority over any subsequent garnishment or wage assignment.

18 (6)(a) In any case involving service of a garnishment summons on a
19 financial institution where deposits are received within this state, the
20 financial institution shall (i) if its main chartered office is located
21 in this state, designate its main chartered office for the service of
22 summons or (ii) if its main chartered office is located in another state,
23 designate any one of its offices or branches or its agent for service of
24 process in this state for service of summons. The designation of a main
25 chartered office or an office or branch or the agent for service of
26 process under this subdivision shall be made by filing a notice of
27 designation with the Department of Banking and Finance, shall contain the
28 physical address of the main chartered office or the office or branch or
29 the agent for service of process designated, and shall be effective upon
30 placement on the department website. The department shall post the list
31 of such designated main chartered offices and offices or branches or

1 agents for service of process on its website for access by the public. A
2 financial institution may modify or revoke a designation made under this
3 subdivision by filing the modification or revocation with the department.
4 The modification or revocation shall be effective when the department's
5 website has been updated to reflect the modification or revocation,
6 except that the judgment creditor may rely upon the designation that was
7 modified or revoked during the thirty-day period following the effective
8 date of the modification or revocation if the summons is timely served
9 upon the financial institution. The department shall update its website
10 to reflect a filing by a financial institution pursuant to this
11 subdivision or a modification or revocation filed by a financial
12 institution pursuant to this subdivision within ten business days
13 following the filing by the financial institution. The department website
14 shall reflect the date its online records for each financial institution
15 have most recently been updated.

16 (b) If a financial institution where deposits are received has
17 designated its main chartered office or one of its offices or branches or
18 its agent for service of process for the service of summons, service made
19 on the main chartered office or the office or branch or the agent for
20 service of process so designated shall be valid and effective as to any
21 property or credits of the defendant in the possession or control of the
22 main chartered office of the financial institution in this state and any
23 of the financial institution offices or branches located within this
24 state. If service of summons is not made on the main chartered office or
25 the office or branch or the agent for service of process designated by
26 the financial institution, but instead is made at another office or
27 branch of the financial institution located in Nebraska, the financial
28 institution, in its discretion, and without violating any obligation to
29 its customer, may elect to treat the service of summons as valid and
30 effective as to any property or credits of the defendant in the
31 possession or control of the main chartered office of the financial

1 institution in this state and any of the financial institution offices or
2 branches located within this state. In the absence of such an election,
3 the financial institution shall file a statement with the interrogatories
4 that the summons was not served at the financial institution's designated
5 location for receiving service of summons and, therefore, was not
6 processed, and shall provide the address at which the financial
7 institution is to receive service of summons.

8 (c) For purposes of this subsection, financial institution means a
9 bank, savings bank, building and loan association, savings and loan
10 association, or credit union whether chartered by the United States, the
11 Department of Banking and Finance, or a foreign state agency.

12 (d) The notice of designation, modification, or revocation shall be
13 made by a financial institution on forms prescribed by the Department of
14 Banking and Finance ~~department~~.

15 (e) The Department of Banking and Finance, any employee of the
16 department, or any person acting on behalf of the department shall be
17 immune from civil and criminal liability for any acts or omissions which
18 occur as a result of the requirements of this subsection.

19 (7)(a) For purposes of this section:

20 (i) Corporate entity means any corporation, limited liability
21 company, limited liability partnership, or series limited liability
22 company or any other corporate entity that is required by the statutes of
23 Nebraska to have a registered agent for service of process in Nebraska;
24 and

25 (ii) Corporate entity does not include any financial institution
26 described in subsection (6) of this section.

27 (b) In any case involving service of a garnishment summons on a
28 corporate entity against wages due to a judgment debtor from the
29 corporate entity, service shall be made upon the corporate entity in
30 accordance with section 25-509.01 or in a manner mutually agreed upon by
31 the garnishee and judgment creditor.

1 (c) If service is not made upon the corporate entity's registered
2 agent for service of process in this state, the judgment creditor shall
3 send a copy of such summons to the location of the corporate entity's
4 registered agent for service of process in this state unless the
5 corporate entity has requested that no such copy be sent or no such
6 registered agent exists. Proof of compliance with this subdivision (7)(c)
7 is not required for a garnishment to continue.

8 **Sec. 23.** Section 25-1645, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 25-1645 The Legislature hereby declares that it is the intent and
11 purpose of the Jury Selection Act to create a jury system which will
12 ensure that:

13 (1) All persons selected for jury service are selected at random
14 from a fair cross section of the population of the area served by the
15 court;

16 (2) All qualified citizens have the opportunity to be considered for
17 jury service;

18 (3) All qualified citizens fulfill their obligation to serve as
19 jurors when summoned for that purpose; and

20 (4) No citizen is excluded from jury service in this state as a
21 result of discrimination based upon race, color, religion, sex, national
22 origin, ~~or~~ economic status, or military or veteran status.

23 **Sec. 24.** Section 27-413, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 27-413 For purposes of sections 27-414 and 27-415, offense of sexual
26 assault means sexual assault under section 28-319 or 28-320, sexual abuse
27 by a school worker ~~employee~~ under section 28-316.01, sexual assault of a
28 child under section 28-319.01 or 28-320.01, sexual assault by use of an
29 electronic communication device under section 28-320.02, sexual abuse of
30 an inmate or parolee under sections 28-322.01 to 28-322.03, sexual abuse
31 of a protected individual under section 28-322.04, sexual abuse of a

1 detainee under section 28-322.05, an attempt or conspiracy to commit any
2 of the crimes listed in this section, or the commission of or conviction
3 for a crime in another jurisdiction that is substantially similar to any
4 crime listed in this section.

5 **Sec. 25.** Section 28-105, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 28-105 (1) For purposes of the Nebraska Criminal Code and any
8 statute passed by the Legislature after the date of passage of the code,
9 felonies are divided into ten classes which are distinguished from one
10 another by the following penalties which are authorized upon conviction:

11	Class I felony	Death
12	Class IA felony	Life imprisonment
13	Class IB felony	Maximum-life imprisonment
14		Minimum-twenty years imprisonment
15	Class IC felony	Maximum-fifty years imprisonment
16		Mandatory minimum-five years imprisonment
17	Class ID felony	Maximum-fifty years imprisonment
18		Mandatory minimum-three years imprisonment
19	Class II felony	Maximum-fifty years imprisonment
20		Minimum-one year imprisonment
21	Class IIA felony	Maximum-twenty years imprisonment
22		Minimum-none
23	Class III felony	Maximum-four years imprisonment and two years
24		post-release supervision or
25		twenty-five thousand dollars fine, or both
26		<u>Minimum-none for imprisonment and none for</u>
27		<u>post-release supervision</u>
28		Minimum-none for imprisonment and nine months
29		post-release supervision if imprisonment is imposed
30	Class IIIA felony	Maximum-three years imprisonment

1 and eighteen months post-release supervision or
2 ten thousand dollars fine, or both
3 ~~Minimum—none for imprisonment and none for~~
4 ~~post-release supervision~~
5 ~~Minimum—none for imprisonment and nine months~~
6 ~~post-release supervision if imprisonment is imposed~~
7 Class IV felony Maximum—two years imprisonment and twelve
8 months post-release supervision or
9 ten thousand dollars fine, or both
10 ~~Minimum—none for imprisonment and none for~~
11 ~~post-release supervision~~

12 (2) All sentences for maximum terms of imprisonment for one year or
13 more for felonies shall be served in institutions under the jurisdiction
14 of the Department of Correctional Services. All sentences for maximum
15 terms of imprisonment of less than one year shall be served in the county
16 jail.

17 (3) Nothing in this section shall limit the authority granted in
18 sections 29-2221 and 29-2222 to increase sentences for habitual
19 criminals.

20 (4) A person convicted of a felony for which a mandatory minimum
21 sentence is prescribed shall not be eligible for probation.

22 (5) All sentences of post-release supervision shall be served under
23 the jurisdiction of the Office of Probation Administration and shall be
24 subject to conditions imposed pursuant to section 29-2262 and subject to
25 sanctions authorized pursuant to section 29-2266.02.

26 (6) Any person who is sentenced to imprisonment for a Class I, IA,
27 IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively
28 to imprisonment for a Class III, IIIA, or IV felony shall not be subject
29 to post-release supervision pursuant to subsection (1) of this section.

30 (7) Any person who is sentenced to imprisonment for a Class III,

1 IIIA, or IV felony committed prior to August 30, 2015, and sentenced
2 concurrently or consecutively to imprisonment for a Class III, IIIA, or
3 IV felony committed on or after August 30, 2015, shall not be subject to
4 post-release supervision pursuant to subsection (1) of this section.

5 (8) The changes made to the penalties for Class III, IIIA, and IV
6 felonies by Laws 2015, LB605, do not apply to any offense committed prior
7 to August 30, 2015, as provided in section 28-116.

8 **Sec. 26.** Section 28-316.01, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 28-316.01 (1) For purposes of this section:

11 (a) Sexual contact has the same meaning as in section 28-318;

12 (b) Sexual penetration has the same meaning as in section 28-318;

13 (c) School means a public, private, denominational, or parochial
14 school approved or accredited by the State Department of Education;

15 (d) School contract worker means a person nineteen years of age or
16 older who, as part of such person's employment, is assigned to work at a
17 school and works in proximity to students of such school, but who is not
18 employed by such school;

19 (e) ~~(c)~~ School employee means a person nineteen years of age or
20 older who is employed by a ~~public, private, denominational, or parochial~~
21 ~~school approved or accredited by the State Department of Education; and~~

22 (f) School worker means a school contract worker or a school
23 employee; and

24 (g) ~~(d)~~ Student means a person at least sixteen but not more than
25 nineteen years of age enrolled in or attending a ~~public, private,~~
26 ~~denominational, or parochial~~ school ~~approved or accredited by the State~~
27 ~~Department of Education,~~ or who was such a person enrolled in or who
28 attended ~~such a~~ school within ninety days of any violation of this
29 section.

30 (2) A person commits the offense of sexual abuse by a school worker
31 ~~employee~~ if a school worker ~~employee~~ subjects a student in the school to

1 which such worker ~~employee~~ is assigned for work to sexual penetration or
2 sexual contact, or engages in a pattern or scheme of conduct to subject a
3 student in the school to which such worker ~~employee~~ is assigned for work
4 to sexual penetration or sexual contact. It is not a defense to a charge
5 under this section that the student consented to such sexual penetration
6 or sexual contact.

7 (3) Any school worker ~~employee~~ who engages in sexual penetration
8 with a student is guilty of sexual abuse by a school worker ~~employee~~ in
9 the first degree. Sexual abuse by a school worker ~~employee~~ in the first
10 degree is a Class IIA felony.

11 (4) Any school worker ~~employee~~ who engages in sexual contact with a
12 student is guilty of sexual abuse by a school worker ~~employee~~ in the
13 second degree. Sexual abuse by a school worker ~~employee~~ in the second
14 degree is a Class IIIA felony.

15 (5) Any school worker ~~employee~~ who engages in a pattern or scheme of
16 conduct with the intent to subject a student to sexual penetration or
17 sexual contact is guilty of sexual abuse by a school worker ~~employee~~ in
18 the third degree. Sexual abuse by a school worker ~~employee~~ in the third
19 degree is a Class IV felony.

20 **Sec. 27.** Section 28-318, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 28-318 As used in sections 28-317 to 28-322.05, unless the context
23 otherwise requires:

24 (1) Actor means a person accused of sexual assault;

25 (2) Intimate parts means the genital area, groin, inner thighs,
26 buttocks, or breasts;

27 (3) Past sexual behavior means sexual behavior other than the sexual
28 behavior upon which the sexual assault is alleged;

29 (4) Serious personal injury means great bodily injury or
30 disfigurement, extreme mental anguish or mental trauma, pregnancy,
31 disease, or loss or impairment of a sexual or reproductive organ;

1 (5) Sexual contact means the intentional touching of the victim's
2 sexual or intimate parts or the intentional touching of the victim's
3 clothing covering the immediate area of the victim's sexual or intimate
4 parts. Sexual contact also means the touching by the victim of the
5 actor's sexual or intimate parts or the clothing covering the immediate
6 area of the actor's sexual or intimate parts when such touching is
7 intentionally caused by the actor. Sexual contact includes only such
8 conduct which can be reasonably construed as being for the purpose of
9 sexual arousal or gratification of either party. Sexual contact also
10 includes the touching of a child with the actor's sexual or intimate
11 parts on any part of the child's body for purposes of sexual abuse by a
12 school worker ~~employee~~ under section 28-316.01 or sexual assault of a
13 child under sections 28-319.01 and 28-320.01;

14 (6) Sexual penetration means sexual intercourse in its ordinary
15 meaning, cunnilingus, fellatio, anal intercourse, or any intrusion,
16 however slight, of any part of the actor's or victim's body or any object
17 manipulated by the actor into the genital or anal openings of the
18 victim's body which can be reasonably construed as being for nonmedical,
19 nonhealth, or nonlaw enforcement purposes. Sexual penetration shall not
20 require emission of semen;

21 (7) Victim means the person alleging to have been sexually
22 assaulted;

23 (8) Without consent means:

24 (a)(i) The victim was compelled to submit due to the use of force or
25 threat of force or coercion, or (ii) the victim expressed a lack of
26 consent through words, or (iii) the victim expressed a lack of consent
27 through conduct, or (iv) the consent, if any was actually given, was the
28 result of the actor's deception as to the identity of the actor or the
29 nature or purpose of the act on the part of the actor;

30 (b) The victim need only resist, either verbally or physically, so
31 as to make the victim's refusal to consent genuine and real and so as to

1 reasonably make known to the actor the victim's refusal to consent; and

2 (c) A victim need not resist verbally or physically where it would
3 be useless or futile to do so; and

4 (9) Force or threat of force means (a) the use of physical force
5 which overcomes the victim's resistance or (b) the threat of physical
6 force, express or implied, against the victim or a third person that
7 places the victim in fear of death or in fear of serious personal injury
8 to the victim or a third person where the victim reasonably believes that
9 the actor has the present or future ability to execute the threat.

10 **Sec. 28.** Section 28-322, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 28-322 For purposes of sections 28-322 to 28-322.03:

13 (1) Inmate or parolee means any individual confined in a facility
14 operated by the Department of Correctional Services or a city or county
15 correctional or jail facility or under parole supervision; and

16 (2) Person means (a) an individual employed by the Department of
17 Correctional Services ~~or by the Division of Parole Supervision~~, including
18 any individual working in central administration of the department, any
19 individual working under contract with the department, and any
20 individual, other than an inmate's spouse, to whom the department has
21 authorized or delegated control over an inmate or an inmate's activities,
22 (b) an individual employed by a city or county correctional or jail
23 facility, including any individual working in central administration of
24 the city or county correctional or jail facility, any individual working
25 under contract with the city or county correctional or jail facility, and
26 any individual, other than an inmate's spouse, to whom the city or county
27 correctional or jail facility has authorized or delegated control over an
28 inmate or an inmate's activities, and (c) an individual employed by the
29 Office of Probation Administration who performs official duties within
30 any facility operated by the Department of Correctional Services or a
31 city or county correctional or jail facility.

1 **Sec. 29.** Section 28-519, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 28-519 (1) For purposes of this section:

4 (a) Tamper means to interfere with, displace, remove, damage,
5 disable, destroy, set fire to, impair, or otherwise interfere with
6 something without lawful authority or express permission; and

7 (b) Rail infrastructure means any of the following that are located
8 on railroad property or that are owned, leased, possessed, operated, or
9 otherwise used for or in connection with railroad operations: A train,
10 locomotive, freight or passenger car, or any other on-track vehicle or
11 equipment; any railroad track or structure; any signaling or
12 communication system or component; or any station, terminal, depot, or
13 other facility.

14 (2) {1} A person commits criminal mischief if he or she:

15 (a) Damages property of another intentionally or recklessly; ~~or~~

16 (b) Intentionally tampers with property of another so as to endanger
17 person or property; or

18 (c) Intentionally or maliciously causes another to suffer pecuniary
19 loss by deception or threat.

20 (3) Criminal mischief is a Class III felony if the actor acts
21 intentionally or maliciously with the intent to cause a substantial
22 interruption or impairment of:

23 (a) Any rail infrastructure;

24 (b) Any telecommunication or broadband communication service; or

25 (c) The supply of water, gas, or power.

26 (4) {2} Criminal mischief is a Class IV felony if the actor
27 intentionally or maliciously causes pecuniary loss of five thousand
28 dollars or more, ~~or a substantial interruption or impairment of public~~
29 ~~communication, transportation, supply of water, gas, or power, or other~~
30 ~~public service.~~

31 (5) {3} Criminal mischief is a Class I misdemeanor if the actor

1 intentionally or maliciously causes pecuniary loss of one thousand five
2 hundred dollars or more but less than five thousand dollars.

3 (6) ~~(4)~~ Criminal mischief is a Class II misdemeanor if the actor
4 intentionally or maliciously causes pecuniary loss of five hundred
5 dollars or more but less than one thousand five hundred dollars.

6 (7) ~~(5)~~ Criminal mischief is a Class III misdemeanor if the actor
7 intentionally, maliciously, or recklessly causes pecuniary loss in an
8 amount of less than five hundred dollars, or if his or her action results
9 in no pecuniary loss.

10 **Sec. 30.** Section 29-401, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,
13 security guard, police officer, or peace officer as defined in
14 ~~subdivision (15) of~~ section 49-801 shall arrest and detain any person
15 found violating any law of this state or any legal ordinance of any city
16 or incorporated village until a legal warrant can be obtained, except
17 that (1) any such law enforcement officer taking a juvenile under the age
18 of eighteen years into his or her custody for any violation herein
19 defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250,
20 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is
21 to appear shall not accept a plea from the juvenile until finding that
22 the parents of the juvenile have been notified or that reasonable efforts
23 to notify such parents have been made as provided in section 43-250.

24 **Sec. 31.** Section 29-1912, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 29-1912 (1) When a defendant is charged with a felony or when a
27 defendant is charged with a misdemeanor or a violation of a city or
28 village ordinance for which imprisonment is a possible penalty, he or she
29 may request the court where the case is to be tried, at any time after
30 the filing of the indictment, information, or complaint, to order the
31 prosecuting attorney to permit the defendant to inspect and copy or

1 photograph:

2 (a) The defendant's statement, if any. For purposes of this
3 subdivision, statement includes any of the following which relate to the
4 investigation of the underlying charge or charges in the case and which
5 were developed or received by law enforcement agencies:

6 (i) Written or recorded statements;

7 (ii) Written summaries of oral statements; and

8 (iii) The substance of oral statements;

9 (b) The defendant's prior criminal record, if any;

10 (c) The defendant's recorded testimony before a grand jury;

11 (d) The names and addresses of witnesses on whose evidence the
12 charge is based;

13 (e) The results and reports, in any form, of physical or mental
14 examinations, and of scientific tests, or experiments made in connection
15 with the particular case, or copies thereof;

16 (f) Documents, papers, books, accounts, letters, photographs,
17 objects, or other tangible things of whatsoever kind or nature which
18 could be used as evidence by the prosecuting authority; and

19 (g) Reports developed or received by law enforcement agencies when
20 such reports directly relate to the investigation of the underlying
21 charge or charges in the case.

22 (2) The court may issue such an order pursuant to ~~the provisions of~~
23 this section. In the exercise of its judicial discretion, the court shall
24 consider, among other things, whether:

25 (a) The request is material to the preparation of the defense;

26 (b) The request is not made primarily for the purpose of harassing
27 the prosecution or its witnesses;

28 (c) The request, if granted, would not unreasonably delay the trial
29 of the offense and an earlier request by the defendant could not have
30 reasonably been made;

31 (d) There is no substantial likelihood that the request, if granted,

1 would preclude a just determination of the issues at the trial of the
2 offense; or

3 (e) The request, if granted, would not result in the possibility of
4 bodily harm to, or coercion of, witnesses.

5 (3) Whenever the court refuses to grant an order pursuant to the
6 provisions of this section, it shall render its findings in writing
7 together with the facts upon which the findings are based.

8 (4) Whenever the prosecuting attorney believes that the granting of
9 an order under the provisions of this section will result in the
10 possibility of bodily harm to witnesses or that witnesses will be
11 coerced, the court may permit him or her to make such a showing in the
12 form of a written statement to be inspected by the court alone. The
13 statement shall be sealed and preserved in the records of the court to be
14 made available to the appellate court in the event of an appeal by the
15 defendant.

16 (5) This section is subject to the continuing duty of disclosure
17 under section 29-1918.

18 (6) (5) This section does not apply to jailhouse informants as
19 defined in section 29-4701. Sections 29-4701 to 29-4706 govern jailhouse
20 informants.

21 **Sec. 32.** Section 29-1918, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 29-1918 A party who discovers additional evidence or material before
24 or during trial must promptly disclose its existence to the other party
25 or the court if:

26 (1) The evidence or material is subject to discovery or inspection
27 under sections 29-1912 to 29-1921; and

28 (2) The other party previously requested, or the court ordered, the
29 production of such evidence or material. If, subsequent to compliance
30 with an order for discovery under the provisions of sections 29-1912 to
31 29-1921, and prior to or during trial, a party discovers additional

~~1 material which the party would have been under a duty to disclose or
2 produce at the time of such previous compliance, the party shall promptly
3 notify the other party or the other party's attorney and the court of the
4 existence of the additional material. Such notice shall be given at the
5 time of the discovery of such additional material.~~

6 **Sec. 33.** Section 29-2221, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,
9 and committed to prison, in this or any other state or by the United
10 States or once in this state and once at least in any other state or by
11 the United States, for terms of not less than one year each shall, upon
12 conviction of a felony committed in this state, be deemed to be a
13 habitual criminal and shall be punished by imprisonment in a Department
14 of Correctional Services adult correctional facility for a mandatory
15 minimum term of ten years and a maximum term of not more than sixty
16 years, except that:

17 (a) If the felony committed is in violation of section 28-303,
18 28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,
19 and at least one of the habitual criminal's prior felony convictions was
20 for a violation of one of the sections listed in this subdivision or of a
21 similar statute in another state or of the United States, the mandatory
22 minimum term shall be twenty-five years and the maximum term not more
23 than sixty years;

24 (b) If the felony committed is in violation of subsection (3) of
25 section 28-306 and at least one of the prior convictions is in violation
26 of subsection (3) of section 28-306 and the other is in violation of one
27 of the sections set forth in subdivision (a) of this subsection or if the
28 felony committed is in violation of one of the sections set forth in
29 subdivision (a) of this subsection and both of the prior convictions are
30 in violation of subsection (3) of section 28-306, the mandatory minimum
31 term shall be twenty-five years and the maximum term not more than sixty

1 years;

2 (c) If the felony committed is in violation of subsection (3) of
3 section 28-416 or in violation of sections 28-509 to 28-518 and all of
4 the habitual criminal's prior felony convictions are also violations of
5 such subsection or sections or of a similar statute in another state or
6 of the United States and ~~at least one of the prior felony convictions do~~
7 ~~not involve sexual contact, sexual penetration, the threat to inflict~~
8 ~~serious bodily injury or death on another person, the infliction of~~
9 ~~serious bodily injury on another person, a deadly or dangerous weapon, or~~
10 ~~a firearm~~, the mandatory minimum term shall be three years and the
11 maximum term not more than ~~the maximum term for the felony committed or~~
12 ~~twenty years , whichever is greater. For this subdivision (1)(c) to~~
13 ~~apply, no prior felony conviction may be a violation described in~~
14 ~~subdivision (1)(a) of this section; and~~

15 (d) If a greater punishment is otherwise provided by statute, the
16 law creating the greater punishment shall govern.

17 (2) When punishment of an accused as a habitual criminal is sought,
18 the facts with reference thereto shall be charged in the indictment or
19 information which contains the charge of the felony upon which the
20 accused is prosecuted, but the fact that the accused is charged with
21 being a habitual criminal shall not be an issue upon the trial of the
22 felony charge and shall not in any manner be disclosed to the jury. If
23 the accused is convicted of a felony, before sentence is imposed a
24 hearing shall be had before the court alone as to whether such person has
25 been previously convicted of prior felonies. The court shall fix a time
26 for the hearing and notice thereof shall be given to the accused at least
27 three days prior thereto. At the hearing, if the court finds from the
28 evidence submitted that the accused has been convicted two or more times
29 of felonies and sentences imposed therefor by the courts of this or any
30 other state or by the United States, the court shall sentence such person
31 so convicted as a habitual criminal.

1 (3) If the person so convicted shows to the satisfaction of the
2 court before which the conviction was had that he or she was released
3 from imprisonment upon either of such sentences upon a pardon granted for
4 the reason that he or she was innocent, such conviction and sentence
5 shall not be considered as such under this section and section 29-2222.

6 **Sec. 34.** Section 29-2246, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 29-2246 For purposes of the Nebraska Probation Administration Act
9 ~~and sections 43-2,123.01 and 83-1,102 to 83-1,104~~, unless the context
10 otherwise requires:

11 (1) Association means the Nebraska District Court Judges
12 Association;

13 (2) Court means a district court, county court, or juvenile court as
14 defined in section 43-245;

15 (3) Office means the Office of Probation Administration;

16 (4) Probation means a sentence under which a person found guilty of
17 a crime upon verdict or plea or adjudicated delinquent or in need of
18 special supervision is released by a court subject to conditions imposed
19 by the court and subject to supervision. Probation includes post-release
20 supervision and supervision ordered by a court pursuant to a deferred
21 judgment under section 29-2292 or 29-4803;

22 (5) Probationer means a person sentenced to probation or post-
23 release supervision;

24 (6) Probation officer means an employee of the system who supervises
25 probationers and conducts presentence, predisposition, or other
26 investigations as may be required by law or directed by a court in which
27 he or she is serving or performs such other duties as authorized pursuant
28 to section 29-2258, except unpaid volunteers from the community;

29 (7) Juvenile probation officer means any probation officer who
30 supervises probationers of a separate juvenile court;

31 (8) Juvenile intake probation officer means an employee of the

1 system who is called upon by a law enforcement officer in accordance with
2 section 43-250 to make a decision regarding the furtherance of a
3 juvenile's detention;

4 (9) Chief probation officer means the probation officer in charge of
5 a probation district;

6 (10) System means the Nebraska Probation System;

7 (11) Administrator means the probation administrator;

8 (12) Non-probation-based program or service means a program or
9 service established within the district, county, or juvenile courts and
10 provided to individuals not sentenced to probation who have been charged
11 with or convicted of a crime for the purpose of diverting the individual
12 from incarceration or to provide treatment for issues related to the
13 individual's criminogenic needs. Non-probation-based programs or services
14 include, but are not limited to, problem solving courts established
15 pursuant to section 24-1302 and the treatment of problems relating to
16 substance abuse, mental health, sex offenses, or domestic violence;

17 (13) Post-release supervision means the portion of a split sentence
18 following a period of incarceration under which a person found guilty of
19 a crime upon verdict or plea is released by a court subject to conditions
20 imposed by the court and subject to supervision by the office; and

21 (14) Rules and regulations means policies and procedures written by
22 the office and approved by the Supreme Court.

23 **Sec. 35.** Section 29-2252, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 29-2252 The administrator shall:

26 (1) Supervise and administer the office;

27 (2) Establish and maintain policies, standards, and procedures for
28 the system, with the concurrence of the Supreme Court;

29 (3) Prescribe and furnish such forms for records and reports for the
30 system as shall be deemed necessary for uniformity, efficiency, and
31 statistical accuracy;

1 (4) Establish minimum qualifications for employment as a probation
2 officer in this state and establish and maintain such additional
3 qualifications as he or she deems appropriate for appointment to the
4 system. Qualifications for probation officers shall be established in
5 accordance with subsection (4) of section 29-2253. An ex-offender
6 released from a penal complex or a county jail may be appointed to a
7 position of deputy probation or parole officer. Such ex-offender shall
8 maintain a record free of arrests, except for minor traffic violations,
9 for one year immediately preceding his or her appointment;

10 (5) Establish and maintain advanced periodic inservice training
11 requirements for the system;

12 (6) Cooperate with all agencies, public or private, which are
13 concerned with treatment or welfare of persons on probation. All
14 information provided to the Nebraska Commission on Law Enforcement and
15 Criminal Justice for the purpose of providing access to such information
16 to law enforcement agencies through the state's criminal justice
17 information system shall be provided in a manner that allows such
18 information to be readily accessible through the main interface of the
19 system;

20 (7) Organize and conduct training programs for probation officers.
21 Training shall include the proper use of a risk and needs assessment,
22 risk-based supervision strategies, relationship skills, cognitive
23 behavioral interventions, community-based resources, criminal risk
24 factors, and targeting criminal risk factors to reduce recidivism and the
25 proper use of a matrix of administrative sanctions, custodial sanctions,
26 and rewards developed pursuant to subdivision (18) of this section. All
27 probation officers employed on or after August 30, 2015, shall complete
28 the training requirements set forth in this subdivision;

29 (8) Collect, develop, and maintain statistical information
30 concerning probationers, probation practices, and the operation of the
31 system and provide the Community Corrections Division of the Nebraska

1 Commission on Law Enforcement and Criminal Justice with the information
2 needed to compile the report required in section 47-624;

3 (9) Interpret the probation program to the public with a view toward
4 developing a broad base of public support;

5 (10) Conduct research for the purpose of evaluating and improving
6 the effectiveness of the system. Subject to the availability of funding,
7 the administrator shall contract with an independent contractor or
8 academic institution for evaluation of existing community corrections
9 facilities and programs operated by the office;

10 (11) Adopt and promulgate such rules and regulations as may be
11 necessary or proper for the operation of the office or system. The
12 administrator shall adopt and promulgate rules and regulations for
13 transitioning individuals on probation across levels of supervision and
14 discharging them from supervision consistent with evidence-based
15 practices. The rules and regulations shall ensure supervision resources
16 are prioritized for individuals who are high risk to reoffend, require
17 transitioning individuals down levels of supervision intensity based on
18 assessed risk and months of supervision without a reported major
19 violation, and establish incentives for earning discharge from
20 supervision based on compliance;

21 (12) Transmit a report during each even-numbered year to the Supreme
22 Court on the operation of the office for the preceding two calendar years
23 which shall include a historical analysis of probation officer workload,
24 including participation in non-probation-based programs and services. The
25 report shall be transmitted by the Supreme Court to the Governor and the
26 Clerk of the Legislature. The report submitted to the Clerk of the
27 Legislature shall be submitted electronically;

28 (13) Administer the payment by the state of all salaries, travel,
29 and expenses authorized under section 29-2259 incident to the conduct and
30 maintenance of the office;

31 (14) Use the funds provided under section 29-2262.07 to augment

1 operational or personnel costs associated with the development,
2 implementation, and evaluation of enhanced probation-based programs and
3 non-probation-based programs and services in which probation personnel or
4 probation resources are utilized pursuant to an interlocal agreement
5 authorized by subdivision (16) of this section and to purchase services
6 to provide such programs aimed at enhancing adult probationer or non-
7 probation-based program participant supervision in the community and
8 treatment needs of probationers and non-probation-based program
9 participants. Enhanced probation-based programs include, but are not
10 limited to, specialized units of supervision, related equipment purchases
11 and training, and programs that address a probationer's vocational,
12 educational, mental health, behavioral, or substance abuse treatment
13 needs;

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

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

20 (17) Collaborate with the Community Corrections Division of the
21 Nebraska Commission on Law Enforcement and Criminal Justice and the
22 Department of Correctional Services ~~Division of Parole Supervision~~ to
23 develop rules governing the participation of parolees in community
24 corrections programs operated by the Office of Probation Administration;

25 (18) Develop a matrix of rewards for compliance and positive
26 behaviors and graduated administrative sanctions and custodial sanctions
27 for use in responding to and deterring substance abuse violations and
28 technical violations. As applicable under sections 29-2266.02 and
29 29-2266.03, custodial sanctions of up to thirty days in jail shall be
30 designated as the most severe response to a violation in lieu of
31 revocation and custodial sanctions of up to three days in jail shall be

1 designated as the second most severe response;

2 (19) Adopt and promulgate rules and regulations for the creation of
3 individualized post-release supervision plans, collaboratively with the
4 Department of Correctional Services and county jails, for probationers
5 sentenced to post-release supervision; and

6 (20) Exercise all powers and perform all duties necessary and proper
7 to carry out his or her responsibilities.

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

11 **Sec. 36.** Section 29-2261, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 29-2261 (1) Unless it is impractical to do so, when an offender has
14 been convicted of a felony other than murder in the first degree, the
15 court shall not impose sentence without first ordering a presentence
16 investigation of the offender and according due consideration to a
17 written report of such investigation. When an offender has been convicted
18 of murder in the first degree and (a) a jury renders a verdict finding
19 the existence of one or more aggravating circumstances as provided in
20 section 29-2520 or (b)(i) the information contains a notice of
21 aggravation as provided in section 29-1603 and (ii) the offender waives
22 his or her right to a jury determination of the alleged aggravating
23 circumstances, the court shall not commence the sentencing determination
24 proceeding as provided in section 29-2521 without first ordering a
25 presentence investigation of the offender and according due consideration
26 to a written report of such investigation.

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

31 (3) The presentence investigation and report shall include, when

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

11 Such investigation shall also include:

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

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

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

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

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

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

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

31 (6)(a) Any presentence report, substance abuse evaluation, or

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

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

23 (7) The court shall permit inspection of the presentence report,
24 substance abuse evaluation, or psychiatric examination or parts of the
25 report, evaluation, or examination, as determined by the court, by the
26 prosecuting attorney and defense counsel. Such inspection shall be by
27 electronic access only unless the court determines such access is not
28 available to the prosecuting attorney or defense counsel. The State Court
29 Administrator shall determine and develop the means of electronic access
30 to such presentence reports, evaluations, and examinations. Upon
31 application by the prosecuting attorney or defense counsel, the court may

1 order that addresses, telephone numbers, and other contact information
2 for victims or witnesses named in the report, evaluation, or examination
3 be redacted upon a showing by a preponderance of the evidence that such
4 redaction is warranted in the interests of public safety. The court may
5 permit inspection of the presentence report, substance abuse evaluation,
6 or psychiatric examination or examination of parts of the report,
7 evaluation, or examination by any other person having a proper interest
8 therein whenever the court finds it is in the best interest of a
9 particular offender. The court may allow fair opportunity for an offender
10 to provide additional information for the court's consideration.

11 (8) If an offender is sentenced to imprisonment, a copy of the
12 report of any presentence investigation, substance abuse evaluation, or
13 psychiatric examination shall be transmitted immediately to the
14 Department of Correctional Services. Upon request, the department shall
15 provide a copy of the report to the Board of Parole ~~, the Division of~~
16 ~~Parole Supervision,~~ and the Board of Pardons.

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

24 **Sec. 37.** Section 29-2935, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 29-2935 For purposes of evaluating the treatment process, the
27 ~~Division of Parole Supervision,~~ the Department of Correctional Services,
28 the Board of Parole, and the designated aftercare treatment programs
29 shall allow appropriate access to data and information as requested by
30 the Department of Health and Human Services.

31 **Sec. 38.** Section 29-4003, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 29-4003 (1)(a) The Sex Offender Registration Act applies to any
3 person who on or after January 1, 1997:

4 (i) Has ever pled guilty to, pled nolo contendere to, or been found
5 guilty of any of the following:

6 (A) Kidnapping of a minor pursuant to section 28-313, except when
7 the person is the parent of the minor and was not convicted of any other
8 offense in this section;

9 (B) False imprisonment of a minor pursuant to section 28-314 or
10 28-315;

11 (C) Sexual assault pursuant to section 28-319 or 28-320;

12 (D) Sexual abuse by a school worker ~~employee~~ pursuant to section
13 28-316.01;

14 (E) Sexual assault of a child in the second or third degree pursuant
15 to section 28-320.01;

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

18 (G) Sexual abuse of a vulnerable adult or senior adult pursuant to
19 subdivision (1)(c) of section 28-386;

20 (H) Incest of a minor pursuant to section 28-703;

21 (I) Pandering of a minor pursuant to section 28-802;

22 (J) Visual depiction of sexually explicit conduct of a child
23 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section
24 28-1463.05;

25 (K) Knowingly possessing any visual depiction of sexually explicit
26 conduct which has a child as one of its participants or portrayed
27 observers pursuant to subsection (1) or (4) of section 28-813.01;

28 (L) Criminal child enticement pursuant to section 28-311;

29 (M) Child enticement by means of an electronic communication device
30 pursuant to section 28-320.02;

31 (N) Debauching a minor pursuant to section 28-805; or

1 (O) Attempt, solicitation, aiding or abetting, being an accessory,
2 or conspiracy to commit an offense listed in subdivisions (1)(a)(i)(A)
3 through (1)(a)(i)(N) of this section;

4 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
5 guilty of any offense that is substantially equivalent to a registrable
6 offense under subdivision (1)(a)(i) of this section by any village, town,
7 city, state, territory, commonwealth, or other jurisdiction of the United
8 States, by the United States Government, by court-martial or other
9 military tribunal, or by a foreign jurisdiction, notwithstanding a
10 procedure comparable in effect to that described under section 29-2264 or
11 any other procedure to nullify a conviction other than by pardon;

12 (iii) Is incarcerated in a jail, a penal or correctional facility,
13 or any other public or private institution or is under probation or
14 parole as a result of pleading guilty to or being found guilty of a
15 registrable offense under subdivision (1)(a)(i) or (ii) of this section
16 prior to January 1, 1997; or

17 (iv) Enters the state and is required to register as a sex offender
18 under the laws of another village, town, city, state, territory,
19 commonwealth, or other jurisdiction of the United States.

20 (b) In addition to the registrable offenses under subdivision (1)(a)
21 of this section, the Sex Offender Registration Act applies to any person
22 who on or after January 1, 2010:

23 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of this
24 section, has ever pled guilty to, pled nolo contendere to, or been found
25 guilty of any of the following:

26 (I) Murder in the first degree pursuant to section 28-303;

27 (II) Murder in the second degree pursuant to section 28-304;

28 (III) Manslaughter pursuant to section 28-305;

29 (IV) Assault in the first degree pursuant to section 28-308;

30 (V) Assault in the second degree pursuant to section 28-309;

31 (VI) Assault in the third degree pursuant to section 28-310;

1 (VII) Stalking pursuant to section 28-311.03;
2 (VIII) Violation of section 28-311.08 requiring registration under
3 the act pursuant to subsection (6) of section 28-311.08;
4 (IX) Kidnapping pursuant to section 28-313;
5 (X) False imprisonment pursuant to section 28-314 or 28-315;
6 (XI) Sexual abuse of an inmate or parolee in the first degree
7 pursuant to section 28-322.02;
8 (XII) Sexual abuse of an inmate or parolee in the second degree
9 pursuant to section 28-322.03;
10 (XIII) Sexual abuse of a protected individual pursuant to section
11 28-322.04;
12 (XIV) Incest pursuant to section 28-703;
13 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
14 28-707;
15 (XVI) Enticement by electronic communication device pursuant to
16 section 28-833; or
17 (XVII) Attempt, solicitation, aiding or abetting, being an
18 accessory, or conspiracy to commit an offense listed in subdivisions (1)
19 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.
20 (B) In order for the Sex Offender Registration Act to apply to the
21 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
22 (VI), (VII), (IX), and (X) of this section, a court shall have found that
23 evidence of sexual penetration or sexual contact, as those terms are
24 defined in section 28-318, was present in the record, which shall include
25 consideration of the factual basis for a plea-based conviction and
26 information contained in the presentence report;
27 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
28 guilty of any offense that is substantially equivalent to a registrable
29 offense under subdivision (1)(b)(i) of this section by any village, town,
30 city, state, territory, commonwealth, or other jurisdiction of the United
31 States, by the United States Government, by court-martial or other

1 military tribunal, or by a foreign jurisdiction, notwithstanding a
2 procedure comparable in effect to that described under section 29-2264 or
3 any other procedure to nullify a conviction other than by pardon; or

4 (iii) Enters the state and is required to register as a sex offender
5 under the laws of another village, town, city, state, territory,
6 commonwealth, or other jurisdiction of the United States.

7 (c) In addition to the registrable offenses under subdivisions (1)
8 (a) and (b) of this section, the Sex Offender Registration Act applies to
9 any person who on or after January 1, 2020:

10 (i) Has ever pled guilty to, pled nolo contendere to, or been found
11 guilty of sexual abuse of a detainee under section 28-322.05; or

12 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
13 guilty of any offense that is substantially equivalent to a registrable
14 offense under subdivision (1)(c)(i) of this section by any village, town,
15 city, state, territory, commonwealth, or other jurisdiction of the United
16 States, by the United States Government, by court-martial or other
17 military tribunal, or by a foreign jurisdiction, notwithstanding a
18 procedure comparable in effect to that described under section 29-2264 or
19 any other procedure to nullify a conviction other than by pardon.

20 (d) In addition to the registrable offenses under subdivisions (1)
21 (a), (b), and (c) of this section, the Sex Offender Registration Act
22 applies to any person who on or after January 1, 2023:

23 (i) Has ever pled guilty to, pled nolo contendere to, or been found
24 guilty of human trafficking under subsection (1) or (2) of section
25 28-831, and the court determines either by notification of sex offender
26 registration responsibilities or notation in the sentencing order that
27 the human trafficking was sex trafficking or sex trafficking of a minor
28 and not solely labor trafficking or labor trafficking of a minor; or

29 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
30 guilty of any offense that is substantially equivalent to a registrable
31 offense under subdivision (1)(d)(i) of this section by any village, town,

1 city, state, territory, commonwealth, or other jurisdiction of the United
2 States, by the United States Government, by court-martial or other
3 military tribunal, or by a foreign jurisdiction, notwithstanding a
4 procedure comparable in effect to that described under section 29-2264 or
5 any other procedure to nullify a conviction other than by pardon.

6 (2) A person appealing a conviction of a registrable offense under
7 this section shall be required to comply with the act during the appeals
8 process.

9 **Sec. 39.** Section 29-4019, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 29-4019 (1) When sentencing a person convicted of an offense which
12 requires lifetime community supervision upon release pursuant to section
13 83-174.03, the sentencing court shall:

14 (a) Provide written notice to the defendant that he or she shall be
15 subject to lifetime community supervision by the Department of
16 Correctional Services Division of Parole Supervision upon release from
17 incarceration or civil commitment. The written notice shall inform the
18 defendant (i) that he or she shall be subject to lifetime community
19 supervision by the department division upon release and that the
20 department division shall conduct a risk assessment and evaluation to
21 determine the conditions of community supervision which will minimize, in
22 the least restrictive manner that is compatible with public safety, the
23 risk of the defendant committing additional offenses, (ii) that a
24 violation of any of the conditions of community supervision imposed by
25 the department division may result in the revision of existing
26 conditions, the addition of new conditions, a recommendation that civil
27 commitment proceedings should be instituted, or criminal prosecution, and
28 (iii) of his or her right to challenge the determination of the
29 conditions of community supervision by the department division and the
30 right to a periodic review of the conditions of community supervision
31 pursuant to section 83-174.03 to determine if the conditions are still

1 necessary to protect the public;

2 (b) Require the defendant to read and sign a form stating that the
3 duty of the defendant to comply with the conditions of community
4 supervision and his or her rights to challenge the conditions of
5 community supervision imposed by the department ~~division~~ has been
6 explained; and

7 (c) Retain a copy of the written notification signed by the
8 defendant.

9 (2) Prior to the release of a person serving a sentence for an
10 offense requiring lifetime community supervision ~~by the Division of~~
11 ~~Parole Supervision~~ pursuant to section 83-174.03, the Department of
12 Correctional Services, the Department of Health and Human Services, or a
13 city or county correctional or jail facility shall:

14 (a) Provide written notice to the person that he or she shall be
15 subject to lifetime community supervision by the Department of
16 Correctional Services ~~division~~ upon release from incarceration. The
17 written notice shall inform the person (i) that he or she shall be
18 subject to lifetime community supervision by the department ~~division~~ upon
19 release and that the department ~~division~~ shall conduct a risk assessment
20 and evaluation of the defendant to determine the conditions of community
21 supervision which will minimize, in the least restrictive manner that is
22 compatible with public safety, the risk of the person committing
23 additional offenses, (ii) that a violation of any of the conditions of
24 community supervision imposed by the department ~~division~~ may result in
25 the revision of existing conditions, the addition of new conditions, a
26 recommendation that civil commitment proceedings should be instituted, or
27 criminal prosecution, and (iii) of his or her right to challenge the
28 determination of the conditions of community supervision by the
29 department ~~division~~ and the right to a periodic review of the conditions
30 of community supervision pursuant to section 83-174.03 to determine if
31 the conditions are still necessary to protect the public;

1 (b) Require the defendant to read and sign a form stating that the
2 duty of the defendant to comply with the conditions of community
3 supervision and his or her right to challenge the conditions of community
4 supervision imposed by the department ~~division~~ has been explained; and

5 (c) Retain a copy of the written notification signed by the person.

6 **Sec. 40.** Sections 29-4801 to 29-4807 apply on and after July 1,
7 2027.

8 **Sec. 41.** Section 29-4803, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 29-4803 (1) The probation administrator shall create a veteran
11 justice program as provided in sections 29-4802 to 29-4804 and subject to
12 the Supreme Court's rules. The program shall be available in every
13 district court and county court. A veteran justice program shall not
14 supersede, alter, or otherwise interfere with the establishment,
15 functioning, participation, or operation of a problem solving court
16 established pursuant to section 24-1302.

17 (2) A veteran justice program shall be operated by use of deferred
18 judgments as provided in this section.

19 (3) Upon a finding of guilt for which a judgment of conviction may
20 be rendered, a defendant that is eligible to participate in a veteran
21 justice program may request the court defer the entry of judgment of
22 conviction under this section. Upon such request, the court shall provide
23 notice to any victim of the offense of the request and provide an
24 opportunity for the victim to provide a statement for consideration by
25 the court. After giving the prosecutor and defendant the opportunity to
26 be heard, the court may defer the entry of a judgment of conviction and
27 the imposition of a sentence and place the defendant on probation, upon
28 conditions as the court may require under sections 29-2262 and 29-4804.
29 If the court defers the entry of judgment, the court shall provide notice
30 to victims of the offense.

31 (4)(a) Whenever a court considers a request to defer judgment under

1 this section, the court shall consider the following:

2 (i) The factors set forth in subsections (2) and (3) of section
3 29-2260 and section 29-4802;

4 (ii) The supervision, treatment, and other programming options
5 available in the community; and

6 (iii) Any other information the court deems relevant.

7 (b) Except as provided in subdivision (4)(c) of this section, there
8 shall be a presumption that a veteran eligible under section 29-4802
9 shall be allowed to participate in a veteran justice program. The
10 presumption shall only be overcome by a judicial finding, based on an
11 individualized assessment of the veteran and consideration of the factors
12 set forth in subdivisions (4)(a)(i), (ii), and (iii) of this section,
13 that entry of judgment of conviction should not be deferred. The fact
14 that a veteran has previously absconded from or violated pretrial
15 release, probation, parole, supervised release, post-release supervision,
16 or another form of court-ordered supervision, including a violation
17 arising from commission of a new offense or an offense committed while
18 previously participating in a veteran justice program, is not, standing
19 alone, a sufficient basis to overcome the presumption.

20 (c) The presumption provided for in subdivision (4)(b) of this
21 section does not apply to a veteran charged with:

22 (i) A violation of section 60-6,196 or 60-6,197, or a city or
23 village ordinance enacted in conformance with section 60-6,196 or
24 60-6,197, following a previous conviction for a violation of any such
25 section or ordinance; or

26 (ii) An offense that resulted in serious bodily injury to another
27 person.

28 (5) Except as otherwise provided in this section and sections
29 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
30 to a deferred judgment shall be governed by the Nebraska Probation
31 Administration Act and sections 29-2270 to 29-2273.

1 (6) After a hearing providing the prosecutor and defendant an
2 opportunity to be heard and upon a finding that a defendant has violated
3 a condition of his or her probation, the court may enter any order
4 authorized by section 29-2268 or pronounce judgment and impose such new
5 sentence as might have been originally imposed for the offense for which
6 the defendant was convicted.

7 (7) Upon satisfactory completion of the conditions of probation and
8 the payment or waiver of all administrative and programming fees assessed
9 under section 29-2293, the defendant or prosecutor may file a motion to
10 withdraw any plea entered by the defendant and to dismiss the action
11 without entry of judgment. The court shall not grant such motion until a
12 victim of the offense has received notice and the opportunity to be
13 heard, as required by subsection (4) of section 29-4804.

14 (8) Sections 29-4802 to 29-4804 apply to offenses committed on or
15 after July 1, 2027 2025. For purposes of this subsection, an offense
16 shall be deemed to have been committed prior to July 1, 2027 2025, if any
17 element of the offense occurred prior to such date.

18 **Sec. 42.** Section 29-4807, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 29-4807 (1) The State Court Administrator shall compile information
21 on the number of veterans receiving, successfully completing, declining,
22 and denied participation in a veteran justice program and the sentencing
23 mitigation described in section 29-4805.

24 (2) The State Court Administrator shall track outcomes among
25 veterans who participate in a veteran justice program, including
26 completion status, recidivism, and housing and employment status.

27 (3) Data collected under this section shall be disaggregated by
28 race, ethnicity, gender, age, military discharge characterization, and
29 the offense involved.

30 (4) On or before July 1, 2028 2026, and on or before each July 1
31 thereafter, the State Court Administrator shall electronically submit a

1 report to the Judiciary Committee of the Legislature. The report shall
2 contain de-identified data collected pursuant to this section and shall
3 analyze the outcomes, successes, and areas for improvement of the veteran
4 justice programs and the sentencing mitigation described in section
5 29-4805.

6 **Sec. 43.** Section 32-221, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 32-221 (1) The election commissioner shall appoint precinct and
9 district inspectors, judges of election, and clerks of election to assist
10 the election commissioner in conducting elections on election day. In
11 counties with a population of less than four hundred thousand inhabitants
12 as determined by the most recent federal decennial census, judges and
13 clerks of election and inspectors shall be appointed at least thirty days
14 prior to the statewide primary election, shall hold office for terms of
15 two years or until their successors are appointed and qualified for the
16 next statewide primary election, and shall serve at all elections in the
17 county during their terms of office. In counties with a population of
18 four hundred thousand or more inhabitants as determined by the most
19 recent federal decennial census, judges and clerks of election shall be
20 appointed at least thirty days prior to the first election for which
21 appointments are necessary and shall serve for at least four elections.

22 (2) Judges and clerks of election may be selected at random from a
23 cross section of the population of the county. All qualified citizens
24 shall have the opportunity to be considered for service. All qualified
25 citizens shall fulfill their obligation to serve as judges or clerks of
26 election as prescribed by the election commissioner. No citizen shall be
27 excluded from service as a result of discrimination based upon race,
28 color, religion, sex, national origin, ~~or economic status, or military or~~
29 veteran status. No citizen shall be excluded from service unless excused
30 by reason of ill health or other good and sufficient reason.

31 (3) All persons appointed shall be of good repute and character, be

1 able to read and write the English language, and except as otherwise
2 provided in subsections (4), (5), and (6) of section 32-223, be
3 registered voters in the county. No candidate at an election shall be
4 appointed as a judge or clerk of election or inspector for such election
5 other than a candidate for delegate to a county, state, or national
6 political party convention.

7 (4) If a vacancy occurs in the office of judge or clerk of election
8 or inspector, the election commissioner shall fill such vacancy in
9 accordance with section 32-223. If any judge or clerk of election or
10 inspector fails to appear at the hour appointed for the opening of the
11 polls, the remaining officers shall notify the election commissioner,
12 select a registered voter to serve in place of the absent officer if so
13 directed by the election commissioner, and proceed to conduct the
14 election. If the election commissioner finds that a judge or clerk of
15 election or inspector does not possess all the qualifications prescribed
16 in this section or if any judge or clerk of election or inspector is
17 guilty of neglecting the duties of the office or of any official
18 misconduct, the election commissioner shall remove the person and fill
19 the vacancy.

20 **Sec. 44.** Section 32-230, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 32-230 (1) As provided in subsection (4) of this section, the
23 precinct committeeman and committeewoman of each political party shall
24 appoint a receiving board consisting of three judges of election and two
25 clerks of election. The chairperson of the county central committee of
26 each political party shall send the names of the appointments to the
27 county clerk no later than February 1 prior to the primary election.

28 (2) If no names are submitted by the chairperson, the county clerk
29 shall appoint judges or clerks of election from the appropriate political
30 party. Judges and clerks of election may be selected at random from a
31 cross section of the population of the county. All qualified citizens

1 shall have the opportunity to be considered for service. All qualified
2 citizens shall fulfill their obligation to serve as judges or clerks of
3 election as prescribed by the county clerk. No citizen shall be excluded
4 from service as a result of discrimination based upon race, color,
5 religion, sex, national origin, ~~or~~ economic status, or military or
6 veteran status. No citizen shall be excluded from service unless excused
7 by reason of ill health or other good and sufficient reason.

8 (3) The county clerk may allow persons serving on a receiving board
9 to serve for part of the time the polls are open and appoint other
10 persons to serve on the same receiving board for the remainder of the
11 time the polls are open.

12 (4) In each precinct at any one time, one judge and one clerk of
13 election shall be appointed from the political party casting the highest
14 number of votes in the county for Governor or for President of the United
15 States in the immediately preceding general election, one judge and one
16 clerk shall be appointed from the political party casting the next
17 highest number of votes in the county for Governor or for President of
18 the United States in the immediately preceding general election, and one
19 judge shall be appointed from the political party casting the third
20 highest number of votes in the county for Governor or for President of
21 the United States in the immediately preceding general election. If the
22 political party casting the third highest number of votes cast less than
23 ten percent of the total vote cast in the county at the immediately
24 preceding general election, the political party casting the highest
25 number of votes at the immediately preceding general election shall be
26 entitled to two judges and one clerk.

27 (5) The county clerk may appoint registered voters to serve in case
28 of a vacancy among any of the judges or clerks of election or in addition
29 to the judges and clerks in any precinct when necessary to meet any
30 situation that requires additional judges and clerks. Such appointees may
31 include registered voters unaffiliated with any political party. Such

1 appointees shall serve at subsequent or special elections as determined
2 by the county clerk.

3 (6) The county clerk may appoint an elector residing outside the
4 county as a precinct inspector, district inspector, judge of election, or
5 clerk of election if the elector resides in a county which conducts all
6 elections by mail pursuant to section 32-960.

7 (7) If authorized by the Secretary of State and registered voters of
8 the county are unavailable, the county clerk may appoint an elector
9 residing outside the county as a precinct inspector, district inspector,
10 judge of election, or clerk of election.

11 (8) The county clerk may appoint a person who is at least sixteen
12 years old but is not eligible to register to vote as a clerk of election.
13 Such clerk of election shall meet the requirements of subsection (1) of
14 section 32-231, except that such clerk shall not be required to be a
15 registered voter. No more than one clerk of election appointed under this
16 subsection shall serve at any precinct. A clerk of election appointed
17 under this subsection shall be considered a registered voter who is not
18 affiliated with a political party for purposes of this section.

19 **Sec. 45.** Section 39-210, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 39-210 To qualify to appear on a tourist-oriented directional sign
22 panel, an activity shall be licensed and approved by the state and local
23 agencies if required by law and be open to the public at least eight
24 hours per day, five days per week, including Saturdays or Sundays, during
25 the normal season of the activity, except that if the activity is a
26 winery, the winery shall be open at least twenty hours per week. The
27 activity, before qualifying to appear on a sign panel, shall provide to
28 the Department of Transportation assurance of its conformity with all
29 applicable laws relating to discrimination based on race, creed, color,
30 sex, national origin, ancestry, political affiliation, ~~or~~ religion, or
31 military or veteran status. If the activity violates any of such laws, it

1 shall lose its eligibility to appear on a tourist-oriented directional
2 sign panel. In addition, the qualifying activity shall be required to
3 remove any advertising device which was unlawfully erected or which is in
4 violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215,
5 39-216, or 39-220, any rule or regulation of the department, or any
6 federal rule or regulation relating to tourist-oriented directional sign
7 panels. The tourist-oriented directional sign panels shall conform to the
8 requirements of the Federal Beautification Act and the Manual on Uniform
9 Traffic Control Devices as adopted pursuant to section 60-6,118.

10 **Sec. 46.** Section 2, Legislative Bill 80, One Hundred Ninth
11 Legislature, First Session, 2025, is amended to read:

12 Sec. 2. For purposes of the Protection Orders Act:

13 (1) Abuse has the same meaning as in section 42-903;

14 (2) Course of conduct has the same meaning as in section 28-311.02;

15 (3) Family or household members has the same meaning as in section
16 42-903;

17 (4) Harass has the same meaning as in section 28-311.02;

18 (5) Household pet means any animal maintained for companionship or
19 pleasure but does not include any animal kept primarily for commercial
20 purposes or for consumption or any livestock animal as defined in section
21 54-902;

22 (6) Law enforcement agency means the police department or town
23 marshal in incorporated municipalities, the office of the sheriff in
24 unincorporated areas, and the Nebraska State Patrol; and

25 (7) Sexual assault offense means:

26 (a) Conduct amounting to sexual assault under section 28-319 or
27 28-320, sexual abuse by a school worker ~~employee~~ under section 28-316.01,
28 sexual assault of a child under section 28-319.01 or 28-320.01, a
29 violation of section 28-311.08, or an attempt to commit any of such
30 offenses; or

31 (b) Subjecting or attempting to subject another person to sexual

1 contact or sexual penetration without such person's consent, as such
2 terms are defined in section 28-318.

3 **Sec. 47.** Section 43-1401, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 43-1401 (1) For purposes of sections 43-1401 to 43-1418:

6 (a) Except as provided in sections 43-1411 and 43-1414, child means
7 ~~(1) Child shall mean~~ a child under the age of eighteen years born out of
8 wedlock;

9 (b) (2) Child born out of wedlock means ~~shall mean~~ a child whose
10 parents were not married to each other at the time of its birth, except
11 that a child shall not be considered as born out of wedlock if the ~~its~~
12 parents were married at the time of the child's ~~its~~ conception but
13 divorced at the time of its birth. The definition of legitimacy or
14 illegitimacy for other purposes shall not be affected by ~~the provisions~~
15 ~~of such~~ sections 43-1401 to 43-1418; and

16 (c) (3) Support includes ~~shall include~~ reasonable education.

17 (2) The changes made to this section by this legislative bill apply
18 to actions under sections 43-1401 to 43-1418 that are pending on the
19 operative date of this section and to cases filed on or after such date.

20 **Sec. 48.** Section 43-1411, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 43-1411 (1) A civil proceeding to establish the paternity of a child
23 may be instituted, in the court of the district where the child is
24 domiciled or found or, for cases under the Uniform Interstate Family
25 Support Act, where the alleged father is domiciled, by:

26 (a) The mother or the alleged father of such child, or a person who
27 has reason to believe he is the biological father of the child, either
28 during pregnancy or within four years after the child's birth, unless:

29 (i) A valid consent or relinquishment has been made pursuant to
30 sections 43-104.08 to 43-104.24 or section 43-105 for purposes of
31 adoption; or

1 (ii) A county court or separate juvenile court has jurisdiction over
2 the custody of the child or jurisdiction over an adoption matter with
3 respect to such child pursuant to sections 43-101 to 43-116; or

4 (b) The guardian or next friend of such child or the state, either
5 during pregnancy or within eighteen years after the child's birth.

6 (2) Summons shall issue and be served as in other civil proceedings,
7 except that such summons may be directed to the sheriff of any county in
8 the state and may be served in any county.

9 (3)(a) (3) Notwithstanding any other provision of law, a person who
10 has reason to believe he is claiming to be the biological father of a
11 child over which the juvenile court already has jurisdiction may file a
12 complaint to intervene in such juvenile proceeding to institute an action
13 to establish the paternity of the child. The complaint to intervene shall
14 be accompanied by an affidavit under oath that the complainant ~~affiant~~
15 believes he is the biological father of the juvenile. No filing fee shall
16 be charged for filing the complaint and affidavit.

17 (b) Upon filing of the complaint and affidavit, the juvenile court
18 may ~~shall~~ enter an order pursuant to section 43-1414 to require genetic
19 testing and to require the juvenile to be made available for genetic
20 testing. The costs of genetic testing shall be paid by the complainant
21 ~~intervenor~~, the county, or the state at the discretion of the juvenile
22 court.

23 (c) This subsection does not authorize intervention by a person
24 whose parental rights to such child have been terminated by the order of
25 any court of competent jurisdiction.

26 (4) For purposes of this section, child means a person under the age
27 of eighteen years, regardless of whether the person was born out of
28 wedlock.

29 (5) The changes made to this section by this legislative bill apply
30 to actions under sections 43-1401 to 43-1418 that are pending on the
31 operative date of this section and to cases filed on or after such date.

1 **Sec. 49.** Section 43-1414, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-1414 (1)(a) ~~(1)~~ In any proceeding to establish paternity, the
4 court may, on its own motion, or shall, on a timely request of a party,
5 after notice and hearing, require the child, the mother, and the alleged
6 father to submit to genetic testing to be performed on blood or any other
7 appropriate genetic testing material. Failure to comply with such
8 requirement for genetic testing shall constitute contempt and may be
9 dealt with in the same manner as other contempts. If genetic testing is
10 required, the court shall direct that inherited characteristics be
11 determined by appropriate testing procedures and shall appoint an expert
12 in genetic testing and qualified as an examiner of genetic markers to
13 analyze and interpret the results and to report to the court. The court
14 shall determine the number of experts required.

15 (b) For purposes of this subsection, child means a person under the
16 age of eighteen years, regardless of whether the person was born out of
17 wedlock.

18 (2) In any proceeding to establish paternity, the Department of
19 Health and Human Services, county attorneys, and authorized attorneys
20 have the authority to require the child, the mother, and the alleged
21 father to submit to genetic testing to be performed on blood or any other
22 appropriate genetic testing material. All genetic testing shall be
23 performed by a laboratory accredited by the College of American
24 Pathologists or any other national accrediting body or public agency
25 which has requirements that are substantially equivalent to or more
26 comprehensive than those of the college.

27 (3) Except as authorized under sections 43-1414 to 43-1418, a person
28 shall not disclose information obtained from genetic paternity testing
29 that is done pursuant to such sections.

30 (4) If an alleged father who is tested as part of an action under
31 such sections is found to be the child's father, the testing laboratory

1 shall retain the genetic testing material of the alleged father, mother,
2 and child for no longer than the period of years prescribed by the
3 national standards under which the laboratory is accredited. If a man is
4 found not to be the child's father, the testing laboratory shall destroy
5 the man's genetic testing material in the presence of a witness after
6 such material is used in the paternity action. The witness may be an
7 individual who is a party to the destruction of the genetic testing
8 material. After the man's genetic testing material is destroyed, the
9 testing laboratory shall make and keep a written record of the
10 destruction and have the individual who witnessed the destruction sign
11 the record. The testing laboratory shall also expunge its records
12 regarding the genetic paternity testing performed on the genetic testing
13 material in accordance with the national standards under which the
14 laboratory is accredited. The testing laboratory shall retain the genetic
15 testing material of the mother and child for no longer than the period of
16 years prescribed by the national standards under which the laboratory is
17 accredited. After a testing laboratory destroys an individual's genetic
18 testing material as provided in this subsection, it shall notify the
19 adult individual, or the parent or legal guardian of a minor individual,
20 by certified mail that the genetic testing material was destroyed.

21 (5) A testing laboratory is required to protect the confidentiality
22 of genetic testing material, except as required for a paternity
23 determination. The court and its officers shall not use or disclose
24 genetic testing material for a purpose other than the paternity
25 determination.

26 (6) A person shall not buy, sell, transfer, or offer genetic testing
27 material obtained under sections 43-1414 to 43-1418.

28 (7) A testing laboratory shall annually have an independent audit
29 verifying the contracting laboratory's compliance with this section. The
30 audit shall not disclose the names of, or otherwise identify, the test
31 subjects required to submit to testing during the previous year. The

1 testing laboratory shall forward the audit to the department.

2 (8) Any person convicted of violating this section shall be guilty
3 of a Class IV misdemeanor for the first offense and a Class III
4 misdemeanor for the second or subsequent offense.

5 (9) For purposes of sections 43-1414 to 43-1418, an expert in
6 genetic testing means a person who has formal doctoral training or
7 postdoctoral training in human genetics.

8 (10) The changes made to this section by this legislative bill apply
9 to actions under sections 43-1401 to 43-1418 that are pending on the
10 operative date of this section and to cases filed on or after such date.

11 **Sec. 50.** Section 93, Legislative Bill 474, One Hundred Ninth
12 Legislature, First Session, 2025, is amended to read:

13 Sec. 93. (1) A licensee shall not refuse to enter into a loan or
14 impose finance charges or other terms or conditions of credit more
15 onerous than those regularly extended by that licensee to borrowers of
16 similar economic backgrounds because of the age, color, creed, national
17 origin, political affiliation, race, religion, sex, marital status, ~~or~~
18 disability, or military or veteran status of the borrower or because the
19 borrower receives public assistance, social security benefits, pension
20 benefits, or the like.

21 (2) No licensee shall conduct the business of making loans under the
22 Nebraska Installment Loan and Sales Act within any office, room, or place
23 of business in which any other business is solicited or engaged in, or in
24 association or conjunction with any other business, if the director finds
25 that the other business is of such nature that the conducting of such
26 other business tends to conceal evasion of the act or of the rules and
27 regulations adopted and promulgated under the act. In such case, the
28 director shall order such licensee in writing to cease and desist from
29 such conduct.

30 (3) No licensee shall, directly or indirectly, require a borrower as
31 a condition of granting a loan to such borrower to reaffirm or otherwise

1 obligate the borrower to pay a former debt to the licensee which has been
2 discharged in bankruptcy proceedings.

3 (4) Any person who makes a false statement to secure a loan is
4 guilty of a Class III misdemeanor. The punishment shall not be exacted,
5 however, when such a loan is made after the licensee is aware of the
6 falsity of the statement.

7 (5) No licensee or other person subject to the Nebraska Installment
8 Loan and Sales Act shall advertise, print, display, publish, distribute,
9 or broadcast or cause or permit to be advertised, printed, displayed,
10 published, distributed, or broadcast in any manner whatsoever any false,
11 misleading, or deceptive statement or representation with regard to the
12 rates, terms, or conditions for the lending of money, credit, goods, or
13 things in action. The director may order any licensee to cease and desist
14 from any conduct which he or she finds to be a violation of this section.
15 The director may require that rates of charge, if stated by a licensee,
16 be stated fully and clearly in such manner as the director deems
17 necessary to prevent misunderstanding by prospective borrowers.

18 (6) No loan, made outside this state, in the amount or of the value
19 of three thousand dollars or less, for which a greater rate of interest,
20 consideration, or charges than is permitted by section 45-350 has been
21 charged, contracted for, or received, shall be enforced in this state.
22 Every person participating in such loan in this state is subject to the
23 Nebraska Installment Loan and Sales Act, except that the act shall not
24 apply to loans legally made in any state under and in accordance with a
25 regulatory small loan law similar in principle to such act.

26 (7) In connection with the collection of any loan, a licensee may
27 not:

28 (a) Use or threaten to use violence;

29 (b) Use obscene or profane language;

30 (c) Cause a telephone to ring or engage a person in telephone
31 conversation at times known to be inconvenient to the borrower;

1 (d) Falsely represent the character, amount, or legal status of any
2 debt;

3 (e) Falsely represent that an individual is an attorney when he or
4 she is not;

5 (f) Falsely represent that nonpayment of any debt will result in the
6 arrest or imprisonment of the borrower or any member of the borrower's
7 household;

8 (g) Threaten to take any action that the licensee knows cannot
9 legally be taken at the time the threat is made;

10 (h) Falsely represent that the borrower committed any crime when the
11 borrower did not;

12 (i) Communicate or threaten to communicate to any person credit
13 information which is known to be false;

14 (j) Use or distribute any written communication which falsely
15 represents that it is a document authorized, issued, or approved by any
16 court, official, or agency of the United States or any state;

17 (k) Charge or collect any fees, charges, or expenses, incidental to
18 the collection of any loan, unless such amount is expressly authorized by
19 the loan agreement or permitted by law;

20 (l) Accept from any person a check or other payment instrument
21 postdated by more than five days unless such person is notified in
22 writing of the licensee's intent to deposit such check or instrument not
23 more than ten nor less than three business days prior to such deposit;

24 (m) Solicit any postdated check or other postdated payment
25 instrument for the purpose of threatening or instituting criminal
26 prosecution;

27 (n) Deposit or threaten to deposit any postdated check prior to the
28 date on such check;

29 (o) Cause charges to be made to any person for communications by
30 concealment of the true purpose of the communication, including, but not
31 limited to, collect telephone calls and telegram fees;

1 (p) Communicate with a borrower regarding a debt by postcard; or

2 (q) Communicate with a borrower at the borrower's place of
3 employment if the licensee has received actual notice that the borrower's
4 employer prohibits the borrower from receiving such communication.

5 **Sec. 51.** Section 45-1303, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 45-1303 (1) The Medical Debt Relief Program is established for the
8 purpose of discharging medical debt of eligible residents by contracting
9 with a medical debt relief coordinator as described in subsection (3) of
10 this section. The State Treasurer shall administer the program.

11 (2) Money appropriated to the State Treasurer or otherwise
12 contributed for the program shall be used exclusively for the program,
13 including contracting with a medical debt relief coordinator and
14 providing money to be used by the medical debt relief coordinator to
15 discharge medical debt of eligible residents. Money used in contracting
16 with a medical debt relief coordinator may also be used for the payment
17 of services provided by the medical debt relief coordinator to discharge
18 medical debt of eligible residents based on a budget approved by the
19 State Treasurer.

20 (3)(a) The State Treasurer shall enter into a contract with a
21 medical debt relief coordinator to purchase and discharge medical debt
22 owed by eligible residents with money allocated for the program.

23 (b) The State Treasurer shall implement a competitive bidding
24 process to determine which medical debt relief coordinator to use, unless
25 the State Treasurer determines that only a single medical debt relief
26 coordinator has the capacity and willingness to carry out the duties
27 specified in the Medical Debt Relief Act.

28 (c) In contracting with the State Treasurer, a medical debt relief
29 coordinator shall adhere to the following:

30 (i) The medical debt relief coordinator shall review the medical
31 debt accounts of each health care provider willing to donate or sell

1 medical debt accounts in this state;

2 (ii) The medical debt relief coordinator may negotiate for and elect
3 to buy the dischargeable medical debt from a health care provider that
4 identifies the accounts described in subdivision (3)(c)(i) of this
5 section as a bad debt expense and agrees to sell the debt for less than
6 the original value;

7 (iii) After the purchase and discharge of medical debt from a health
8 care provider, the medical debt relief coordinator shall notify all
9 eligible residents whose medical debt has been discharged under the
10 program, in a manner approved by the State Treasurer, that they no longer
11 have specified medical debt owed to the relevant health care provider;

12 (iv) A medical debt relief coordinator shall make its best efforts
13 to ensure parity and equity in the purchasing and discharging of medical
14 debt to ensure that all eligible residents have an equal opportunity of
15 receiving medical debt relief regardless of their geographical location
16 or their race, color, religion, sex, disability, age, ~~or~~ national origin,
17 or military or veteran status;

18 (v) A medical debt relief coordinator shall report to the State
19 Treasurer summary statistics regarding eligible residents whose medical
20 debt has been discharged; and

21 (vi) A medical debt relief coordinator may not attempt to seek
22 payment from an eligible resident for medical debt purchased by the
23 medical debt relief coordinator.

24 (d) A medical debt relief coordinator shall continue to fulfill its
25 contractual obligations to the State Treasurer until all money contracted
26 to the medical debt relief coordinator is exhausted, regardless of
27 whether money allocated to the program has been exhausted.

28 (e) If a medical debt relief coordinator attempts to seek payment
29 from an eligible resident for medical debt purchased by the medical debt
30 relief coordinator or fails to carry out the responsibilities described
31 in its contract with the State Treasurer, the medical debt relief

1 coordinator shall be considered in breach of contract and the contract
2 provisions that apply in the case of a breach of contract shall apply.

3 (f) Health care providers that are willing to sell medical debt to
4 the medical debt relief coordinator shall provide necessary information
5 to, and otherwise coordinate with, the medical debt relief coordinator as
6 needed to carry out the purposes of the Medical Debt Relief Act.

7 **Sec. 52.** Section 47-624, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 47-624 The division shall:

10 (1) Collaborate with the Office of Probation Administration ~~, the~~
11 ~~Division of Parole Supervision,~~ and the Department of Correctional
12 Services to develop and implement a plan to establish statewide operation
13 and use of a continuum of community correctional facilities and programs;

14 (2) Develop, in consultation with the probation administrator and
15 the Director of Correctional ~~Supervision and Services of the Division of~~
16 ~~Parole Supervision,~~ standards for the use of community correctional
17 facilities and programs by the Nebraska Probation System and the parole
18 system;

19 (3) Collaborate with the Office of Probation Administration ~~, the~~
20 ~~Division of Parole Supervision,~~ and the Department of Correctional
21 Services on the development of additional reporting centers as set forth
22 in section 47-624.01;

23 (4) Analyze and promote the consistent use of offender risk
24 assessment tools;

25 (5) Educate the courts, the Board of Parole, criminal justice system
26 stakeholders, and the general public about the availability, use, and
27 benefits of community correctional facilities and programs;

28 (6) Enter into and administer contracts, if necessary, to carry out
29 the purposes of the Community Corrections Act;

30 (7) In order to ensure adequate funding for substance abuse
31 treatment programs, consult with the probation administrator and the

1 Director of Correctional Supervision and Services of the Division of
2 ~~Parole Supervision~~ and develop or assist with the development of programs
3 as provided in subdivision (14) of section 29-2252 and subdivision (20)
4 ~~(8)~~ of section 83-173 ~~83-1,102~~;

5 (8) Study substance abuse and mental health treatment services in
6 and related to the criminal justice system, recommend improvements, and
7 evaluate the implementation of improvements;

8 (9) Research and evaluate existing community correctional facilities
9 and programs, within the limits of available funding;

10 (10) Develop standardized definitions of outcome measures for
11 community correctional facilities and programs, including, but not
12 limited to, recidivism, employment, and substance abuse;

13 (11) Report annually to the Legislature and the Governor on the
14 development and performance of community correctional facilities and
15 programs. The report submitted to the Legislature shall be submitted
16 electronically. The report shall include, but not be limited to, the
17 following:

18 (a) A description of community correctional facilities and programs
19 currently serving offenders in Nebraska, which includes the following
20 information:

21 (i) The target population and geographic area served by each
22 facility or program, eligibility requirements, and the total number of
23 offenders utilizing the facility or program over the past year;

24 (ii) Services, programs, assessments, case management, supervision,
25 and tools provided for offenders at the facility, in the program, or
26 under the supervision of a governmental agency in any capacity;

27 (iii) The costs of operating the facility or program and the cost
28 per offender; and

29 (iv) The funding sources for the facility or program;

30 (b) The progress made in expanding community correctional facilities
31 and programs statewide and an analysis of the need for additional

1 community corrections services;

2 (c) An analysis of the impact community correctional facilities and
3 programs have on the number of offenders incarcerated within the
4 Department of Correctional Services; and

5 (d) The recidivism rates and outcome data for probationers,
6 parolees, and problem-solving-court clients participating in community
7 corrections programs;

8 (12) Grant funds to entities including local governmental agencies,
9 nonprofit organizations, and behavioral health services which will
10 support the intent of the Community Corrections Act ~~act~~;

11 (13) Manage all offender data acquired by the division in a
12 confidential manner and develop procedures to ensure that identifiable
13 information is not released;

14 (14) Establish and administer grants, projects, and programs for the
15 operation of the division; and

16 (15) Perform such other duties as may be necessary to carry out the
17 policy of the state established in the act.

18 **Sec. 53.** Section 47-624.01, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 47-624.01 (1) The division shall collaborate with the Office of
21 Probation Administration, ~~the Division of Parole Supervision,~~ and the
22 Department of Correctional Services in developing a plan for the
23 implementation and funding of reporting centers in Nebraska.

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

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

1 demographic factors.

2 **Sec. 54.** Section 47-627, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 47-627 The director shall develop and maintain a uniform crime data
5 analysis system in Nebraska which shall include, but need not be limited
6 to, the number of offenses, arrests, charges, probation admissions,
7 probation violations, probation discharges, participants in specialized
8 community corrections programs, admissions to and discharges from
9 problem-solving courts, admissions to and discharges from the Department
10 of Correctional Services, parole reviews, parole hearings, releases on
11 parole, parole violations, and parole discharges. The data shall be
12 categorized by statutory crime. The data shall be collected from the
13 Board of Parole, the State Court Administrator, the Department of
14 Correctional Services, ~~the Division of Parole Supervision~~, the Office of
15 Probation Administration, the Nebraska State Patrol, counties, local law
16 enforcement, and any other entity associated with criminal justice. The
17 division and the Supreme Court shall have access to such data to
18 implement the Community Corrections Act.

19 **Sec. 55.** Section 47-629, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 47-629 (1) The Board of Parole may parole an offender to a community
22 correctional facility or program pursuant to guidelines developed by the
23 division.

24 (2) The Department of Correctional Services ~~and the Division of~~
25 ~~Parole Supervision~~ shall utilize community correctional facilities and
26 programs as appropriate.

27 **Sec. 56.** Section 47-903, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 47-903 For purposes of the Office of Inspector General of the
30 Nebraska Correctional System Act, the following definitions apply:

31 (1) Administrator means a person charged with administration of a

1 program, an office, or a division of the department or administration of
2 a private agency;

3 (2) Department means the Department of Correctional Services;

4 (3) Director means the Director of Correctional Services;

5 ~~(4) Division of Parole Supervision means the division created~~
6 ~~pursuant to section 83-1,100;~~

7 ~~(4)~~ (5) Inspector General means the Inspector General of the
8 Nebraska Correctional System appointed under section 47-904;

9 ~~(5)~~ (6) Malfeasance means a wrongful act that the actor has no legal
10 right to do or any wrongful conduct that affects, interrupts, or
11 interferes with performance of an official duty;

12 ~~(6)~~ (7) Management means supervision of subordinate employees;

13 ~~(7)~~ (8) Misfeasance means the improper performance of some act that
14 a person may lawfully do;

15 ~~(8)~~ (9) Obstruction means hindering an investigation, preventing an
16 investigation from progressing, stopping or delaying the progress of an
17 investigation, or making the progress of an investigation difficult or
18 slow;

19 ~~(9)~~ (10) Office means the office of Inspector General of the
20 Nebraska Correctional System and includes the Inspector General and other
21 employees of the office;

22 ~~(10)~~ (11) Private agency means an entity that contracts with the
23 department or contracts to provide services to another entity that
24 contracts with the department; and

25 ~~(11)~~ (12) Record means any recording in written, audio, electronic
26 transmission, or computer storage form, including, but not limited to, a
27 draft, memorandum, note, report, computer printout, notation, or message,
28 and includes, but is not limited to, medical records, mental health
29 records, case files, clinical records, financial records, and
30 administrative records.

31 **Sec. 57.** Section 47-908, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 47-908 All employees of the department , ~~all employees of the~~
3 ~~Division of Parole Supervision,~~ and all owners, operators, managers,
4 supervisors, and employees of private agencies shall cooperate with the
5 office. Cooperation includes, but is not limited to, the following:

6 (1) Provision of full access to and production of records and
7 information. Providing access to and producing records and information
8 for the office is not a violation of confidentiality provisions under any
9 statute, rule, or regulation if done in good faith for purposes of an
10 investigation under the Office of Inspector General of the Nebraska
11 Correctional System Act;

12 (2) Fair and honest disclosure of records and information reasonably
13 requested by the office in the course of an investigation under the act;

14 (3) Encouraging employees to fully comply with reasonable requests
15 of the office in the course of an investigation under the act;

16 (4) Prohibition of retaliation by owners, operators, or managers
17 against employees for providing records or information or filing or
18 otherwise making a complaint to the office;

19 (5) Not requiring employees to gain supervisory approval prior to
20 filing a complaint with or providing records or information to the
21 office;

22 (6) Provision of complete and truthful answers to questions posed by
23 the office in the course of an investigation; and

24 (7) Not willfully interfering with or obstructing the investigation.

25 **Sec. 58.** Section 47-919, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 47-919 The department ~~Division of Parole Supervision~~ shall provide
28 the Public Counsel and the Inspector General with direct computer access
29 to all computerized records, reports, and documents maintained in
30 connection with administration of the Nebraska parole system, except that
31 access for the Public Counsel and the Inspector General to a parolee's

1 medical or mental health records shall be subject to the parolee's
2 consent.

3 **Sec. 59.** Section 47-1102, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 47-1102 (1) The Legislature finds that studies have shown that post-
6 prison outcomes tend to be better for committed offenders who participate
7 in work release programs prior to discharge from custody. Specifically,
8 findings indicate that committed offenders who participated in work
9 release programs had a higher likelihood of obtaining post-release
10 employment within the first calendar quarter after release and also had a
11 significantly lower rate of recidivism than committed offenders who did
12 not participate in work release programs prior to discharge from custody.
13 In addition, studies indicate that committed offenders who participated
14 in privately operated work release programs were significantly more
15 likely to become employed after release.

16 (2) In light of these findings, and in order to give the Board of
17 Parole and the Department of Correctional Services additional options for
18 the placement of committed offenders, it is the intent of the
19 Legislature:

20 (a) To increase the number of committed offenders in the Nebraska
21 correctional system who are exposed to work release prior to discharge
22 from custody; and

23 (b) To do so in settings that also offer therapy, programming,
24 treatment, vocational training, and educational classes.

25 (3) To achieve these goals, the purpose of the Community Work
26 Release and Reentry Centers Act is to empower the ~~Division of Parole~~
27 ~~Supervision and the~~ Department of Correctional Services to contract with
28 private providers to establish community work release and reentry centers
29 at various locations throughout the State of Nebraska.

30 **Sec. 60.** Section 47-1103, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 47-1103 For purposes of the Community Work Release and Reentry
2 Centers Act:

3 (1) Advisory board means the Reentry Continuity Advisory Board
4 established in section 47-1117;

5 (2) Board means the Board of Parole;

6 (3) Committed offender has the same meaning as in section 83-170;

7 (4) Community work release and reentry center or center means a
8 residential home, halfway house, or other facility operated by a private
9 provider pursuant to an agreement in writing ~~either with the division or~~
10 ~~the department~~ for providing housing and supervision of committed
11 offenders placed in the center by the department ~~division~~ for work
12 release and for vocational training, education, programming, or
13 behavioral health or mental health treatment;

14 (5) Department means the Department of Correctional Services;

15 ~~(6) Division means the Division of Parole Supervision;~~

16 (6) ~~(7)~~ Individualized release plan means a detailed written plan
17 outlining a committed offender's future vocational goals, training,
18 employment, and needed treatment services following the committed
19 offender's release from a community work release and reentry center;

20 (7) ~~(8)~~ Private provider means a partnership, corporation,
21 association, joint venture, organization, or similar entity which is
22 operated on a nonprofit basis and which, under a contract with ~~either the~~
23 ~~division or~~ the department, has agreed to operate a community work
24 release and reentry center pursuant to the act;

25 (8) ~~(9)~~ Probation administration means the Office of Probation
26 Administration;

27 (9) ~~(10)~~ Reentering person means an individual who is subject to
28 supervision by the board ~~division~~ or probation administration, not
29 including juvenile probation, or who was recently in the custody of the
30 department or a county jail and was released with no supervision;

31 (10) ~~(11)~~ Reentry housing means temporary housing for reentering

1 persons, generally in the first year following a period of incarceration;
2 and

3 ~~(11)(a)~~ ~~(12)(a)~~ Reentry housing facility means a facility which is
4 owned or operated by a private organization, whether nonprofit or for-
5 profit, that receives direct payment from the board, ~~division~~, probation
6 administration, or department to provide reentry housing.

7 (b) Reentry housing facility includes, but is not limited to, a
8 community work release and reentry center.

9 (c) Reentry housing facility does not include a health care facility
10 as defined in section 71-413.

11 **Sec. 61.** Section 47-1104, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 47-1104 (1) The department ~~division~~ may place a parole-eligible
14 committed offender at a community work release and reentry center as
15 provided in the Community Work Release and Reentry Centers Act.

16 (2) Any parole-eligible committed offender placed at a community
17 work release and reentry center pursuant to the act:

18 (a) Shall be under the continuing jurisdiction and authority of the
19 department and board as if the committed offender was selected for
20 release on ordinary parole status as provided for in section 83-192; and

21 (b) May be subsequently released by the board on ordinary parole
22 status as provided for in section 83-192.

23 (3) The department may place a committed offender whose sentence
24 includes a term of post-release supervision and who is within three years
25 of his or her release date at a community work release and reentry center
26 as provided in the act. Any such committed offender placed at a center
27 shall be under the continuing jurisdiction and authority of the
28 department.

29 **Sec. 62.** Section 47-1105, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 47-1105 (1) The ~~division and the~~ department may exercise all powers

1 and perform all duties necessary and proper for carrying out their
2 responsibilities under the Community Work Release and Reentry Centers
3 Act.

4 (2) The ~~division and the~~ department may use designated funds
5 provided by the Legislature to enter into agreements with private
6 providers for the development and operation of community work release and
7 reentry centers to be established at various locations throughout the
8 state. Any such agreement shall require a private provider to:

9 (a) Establish a contract with public or private employers to provide
10 employment for committed offenders placed at the center;

11 (b) Assist any committed offender placed at the center to obtain and
12 maintain employment in the community;

13 (c) Provide vocational training, education, programming, and
14 treatment for issues related to the criminogenic needs of any committed
15 offender placed at the center; and

16 (d) Otherwise direct and supervise the activities and behavior of
17 any committed offender placed at the center as provided in the act.

18 (3) In an agreement under this section, the ~~division or the~~
19 department may include contractual requirements that obligate the private
20 provider to offer to any committed offender placed at the center:

21 (a) Specialized educational or vocational training; and

22 (b) Other programming that will address the mental health,
23 behavioral health, or substance abuse treatment needs of such committed
24 offender.

25 (4) An agreement under this section shall require the community work
26 release and reentry center to establish programs, rules, and enforcement
27 systems:

28 (a) Regarding the behavior of committed offenders;

29 (b) To ensure that committed offenders seek and retain continuous
30 employment;

31 (c) For the treatment of committed offenders for substance abuse;

1 (d) To ensure that committed offenders only leave the center for
2 purposes of work or for other specified and approved activities,
3 including, but not limited to, job interviews, medical appointments,
4 treatment, and outings to visit family;

5 (e) To ensure that committed offenders consistently participate in
6 all necessary therapy, programming, treatment, vocational training, and
7 educational classes; and

8 (f) To ensure that committed offenders maintain their scheduled work
9 hours.

10 **Sec. 63.** Section 47-1106, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 47-1106 The ~~division and the~~ department shall set standards for the
13 appropriate staffing levels of community work release and reentry
14 centers. The ~~division and the~~ department shall require each center to:

15 (1) Be under the supervision and control of a designated center
16 director approved by the ~~division or the~~ department;

17 (2) Be adequately staffed twenty-four hours per day, including on
18 weekends and holidays; and

19 (3) Assign an individual counselor to each committed offender
20 assigned to the center.

21 **Sec. 64.** Section 47-1107, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 47-1107 (1) The ~~division and the~~ department shall require each
24 community work release and reentry center to establish an individualized
25 release plan for each committed offender assigned to the center. The
26 staff of a center shall assist the ~~division and the~~ department in making
27 reasonable advance preparations for the release of such committed
28 offenders.

29 (2) If a parole-eligible committed offender is released from a
30 center, the offender shall be subject to parole conditions set by the
31 board and under the supervision of a district parole officer assigned by

1 ~~the division~~ pursuant to section 83-1,104. The individualized release
2 plan for a parole-eligible committed offender shall be developed in
3 coordination with the assigned district parole officer.

4 (3) If a committed offender whose sentence includes a term of post-
5 release supervision is released from a center, the offender shall be
6 subject to the conditions of his or her order of post-release supervision
7 and under the supervision of a district probation officer. The
8 individualized release plan for such an offender shall be developed in
9 coordination with the assigned district probation officer.

10 **Sec. 65.** Section 47-1108, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 47-1108 (1) The ~~division and the~~ department shall set requirements
13 for the maintenance of the individual records of committed offenders
14 assigned to a community work release and reentry center.

15 (2) The ~~division and the~~ department shall require each community
16 work release and reentry center to make periodic reports to ~~the division~~
17 ~~and the~~ department on the performance of each committed offender assigned
18 to the center.

19 **Sec. 66.** Section 47-1109, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 47-1109 The ~~division and the~~ department shall establish an internal
22 system for assessing the achievements of community work release and
23 reentry centers and the effectiveness of the Community Work Release and
24 Reentry Centers Act as a whole. The ~~division and the~~ department shall
25 develop and maintain measurable goals and objectives for such assessment.

26 **Sec. 67.** Section 47-1110, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 47-1110 (1) The department ~~division~~ shall designate a parole officer
29 to monitor the performance of each parole-eligible committed offender who
30 is assigned to a community work release and reentry center. The
31 designated parole officer shall be required to periodically report to the

1 ~~department division~~ on the progress of the committed offender.

2 (2) The department shall designate a correctional officer to monitor
3 the performance of each committed offender who is assigned to a community
4 work release and reentry center under subsection (3) of section 47-1104.
5 The designated correctional officer shall be required to periodically
6 report to the department on the progress of the committed offender.

7 **Sec. 68.** Section 47-1111, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 47-1111 The ~~division and the~~ department shall develop an internal
10 program to conduct annual reviews of the performance of each community
11 work release and reentry center. A senior staff person of the ~~division~~
12 ~~and the~~ department shall visit each center at least twice each year.

13 **Sec. 69.** Section 47-1113, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 47-1113 The ~~division and the~~ department may allow a community work
16 release and reentry center to have access to all of the records,
17 documents, and reports in the custody of the ~~division or the~~ department,
18 other than presentence investigation reports, that relate to any
19 committed offender who is assigned to the center.

20 **Sec. 70.** Section 47-1114, Revised Statutes Cumulative Supplement,
21 2024, is amended to read:

22 47-1114 (1) By July 1, 2026, the ~~division and the~~ department shall
23 develop a strategic plan and procedure to allow private providers to bid
24 on agreements to establish community work release and reentry centers
25 pursuant to the Community Work Release and Reentry Centers Act.

26 (2) It is the intent of the Legislature to appropriate one million
27 dollars from the General Fund to carry out the Community Work Release and
28 Reentry Centers Act.

29 **Sec. 71.** Section 47-1115, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 47-1115 (1) The department, with the assistance of the board, shall

1 establish a program to encourage the development of reentry housing,
2 coordinate the provisions of reentry services, and provide standards for
3 reentry housing. Through this program, the department shall:

4 (a) Establish minimum standards for reentry housing facilities,
5 including requirements related to health and safety, insurance,
6 evaluations, and inspections, with input from the advisory committee;

7 (b) Monitor compliance with these minimum standards and investigate
8 suspected violations;

9 (c) Coordinate evaluations of reentry housing facilities based on
10 living conditions, staffing, programming, and other criteria;

11 (d) Communicate with relevant agencies regarding evaluation results
12 and compliance with minimum standards;

13 (e) Facilitate communication between the department, ~~division,~~
14 board, probation administration, and reentry housing facilities regarding
15 reentering persons in need of housing and the availability of housing to
16 meet such needs;

17 (f) Engage in regular discussions with entities which organize and
18 prioritize housing services for people experiencing homelessness or at
19 risk of homelessness in Nebraska;

20 (g) Track data on costs, utilization, and outcomes for reentry
21 housing within the state and use this data to determine trends and
22 project future needs and costs; and

23 (h) Electronically submit an annual report to the Legislature, the
24 Supreme Court, and the Governor which describes the status of housing for
25 reentering persons in Nebraska. The report shall include details on
26 housing-related expenditures, characteristics of reentry housing
27 facilities and other places which provide housing for reentering persons,
28 characteristics of the individuals receiving financial assistance for
29 housing, and recommendations for improving the quality and availability
30 of housing for reentering persons in the state.

31 (2) The department and board may use available funds to encourage

1 development of quality, safe reentry housing and to assist existing
2 reentry housing facilities in making improvements for the benefit of
3 reentering persons and public safety.

4 **Sec. 72.** Section 47-1116, Revised Statutes Cumulative Supplement,
5 2024, is amended to read:

6 47-1116 (1) Reentry housing facilities shall cooperate with
7 investigations and evaluations conducted pursuant to the Community Work
8 Release and Reentry Centers Act and shall provide the department, board,
9 ~~division,~~ probation administration, and the Office of Public Counsel with
10 reasonable access to facilities and records related to the provision of
11 reentry housing.

12 (2) The department or board may request the State Fire Marshal to
13 investigate any reentry housing facility for fire safety under section
14 81-502. The State Fire Marshal shall assess a fee for such inspection
15 under section 81-505.01 payable by the facility. The State Fire Marshal
16 may delegate the authority to make such inspections to qualified local
17 fire prevention personnel under section 81-502.

18 (3) The department or board may request a county, city, or village
19 to inspect any reentry housing facility for the purpose of administering
20 or enforcing the state building code or an applicable local building or
21 construction code enacted pursuant to the Building Construction Act, if
22 the county, city, or village has taken on the responsibility of code
23 enforcement. A county, city, or village may assess fees for such an
24 inspection under section 71-6406.

25 (4) The department or board shall promptly notify a reentry housing
26 facility and relevant agencies if there is reason to believe conditions
27 in the facility present an imminent threat to the health or safety of
28 reentering persons residing at the facility.

29 (5) The department shall work with the board, ~~division,~~ probation
30 administration, and the advisory board to establish a speedy process by
31 which reentry housing facilities may contest the findings of any

1 investigation or evaluation pursuant to the Community Work Release and
2 Reentry Centers Act.

3 **Sec. 73.** Section 47-1117, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 47-1117 (1) The Reentry Continuity Advisory Board is created. The
6 board shall include the following members:

7 (a) The Inspector General of the Nebraska Correctional System;

8 (b) The Director of Correctional Services or his or her designee;

9 (c) The chairperson of the Board of Parole or his or her designee;

10 (d) The probation administrator or his or her designee; and

11 (e) Five additional members to be appointed by the Governor. Such
12 members shall include:

13 (i) An individual with experience in reentry and restorative justice
14 service delivery;

15 (ii) A victims' rights representative;

16 (iii) A formerly incarcerated individual;

17 (iv) An individual with expertise in mental or behavioral health;
18 and

19 (v) An individual with experience in public policy.

20 (2) The advisory board shall select a chairperson from among its
21 members.

22 (3) The advisory board shall identify areas for improving continuity
23 and collaboration among the department, ~~the division,~~ the board,
24 probation administration, and any other relevant criminal justice
25 entities and offer advice on practices that will enhance the continuity
26 of reentry services and reentry housing for individuals in the criminal
27 justice system.

28 (4) The advisory board shall:

29 (a) Conduct regular meetings;

30 (b) Provide advice and assistance to the department and board
31 relating to reentry housing in Nebraska;

- 1 (c) Promote the interests of reentering persons and their families;
- 2 (d) Promote public safety through effective reintegration into the
- 3 community;
- 4 (e) Provide input on the process of evaluating reentry housing
- 5 facilities;
- 6 (f) Engage with neighborhood groups and other stakeholders;
- 7 (g) Provide reports as requested by the department and board; and
- 8 (h) Engage in other activities as requested by the department and
- 9 board.

10 (5) The advisory board shall convene at least quarterly. The members
11 described in subdivisions (1)(b), (c), and (d) of this section shall
12 attend each meeting of the advisory board and share and present
13 information relevant to the mission of the advisory board.

14 (6) The department, ~~division~~, board, and probation administration
15 shall provide information requested by the advisory board related to its
16 mission. This shall include, but is not limited to, information
17 regarding:

- 18 (a) The use of evidence-based risk assessments and evidence-based
- 19 programming;
- 20 (b) Participation in rehabilitation and education programs;
- 21 (c) Treatment and programming offered, including vocational
- 22 training, substance abuse treatment, cognitive-behavioral therapy, and
- 23 mental health counseling;
- 24 (d) Population and demographic data;
- 25 (e) Use of and need for transitional housing and reentry housing;
- 26 (f) Identified gaps in services;
- 27 (g) Recidivism;
- 28 (h) Institutional conduct; and
- 29 (i) Post-release and reentry planning and services;

30 (7) The advisory board shall conduct periodic evaluations of the
31 effectiveness of the collaborative efforts and reentry programs offered

1 by the department, ~~division~~, board, probation administration, and other
2 criminal justice agencies. Such evaluation shall be accomplished using an
3 integrated reentry and rehabilitation framework, which shall include an
4 examination of:

5 (a) The extent to which agencies are conducting comprehensive
6 assessments of criminal justice-involved individuals' needs and risks,
7 including education, employment, housing, mental health, substance abuse,
8 and family support;

9 (b) Whether the agencies are providing individualized reentry
10 planning tailored to the specific needs and circumstances of such
11 individuals, with a focus on addressing criminogenic factors and
12 promoting positive behavioral change;

13 (c) Whether such individuals have access to evidence-based
14 interventions, programs, and services both during and following
15 incarceration, including education, vocational training, mental health
16 treatment, substance abuse counseling, and life skills development; and

17 (d) The extent of collaboration and coordination between the
18 department, parole, probation, other criminal justice agencies,
19 community-based organizations, and other stakeholders.

20 (8) The advisory board shall assist probation administration and ~~and~~
21 the department ~~, and the division~~ in implementing performance metrics for
22 staff as provided in sections 29-2243 and 83-171.01. The advisory board
23 shall regularly review such agencies' implementation and use of such
24 performance metrics and offer updated guidance to ensure that such
25 metrics are aligned with best practices, stakeholder input, and the
26 evolving goals and priorities of the criminal justice system.

27 (9) On or before October 1, 2025, and on or before each October 1
28 thereafter, the advisory board shall electronically submit a report to
29 the Judiciary Committee of the Legislature. The report shall include data
30 regarding baselines, goals, efforts undertaken to achieve such goals, and
31 action steps outlined to meet such goals and set objectives. The report

1 shall detail the outcomes of parole decisions, reentry efforts,
2 recidivism rates, and any challenges encountered. The report shall
3 provide stakeholders with a clear understanding of the progress made,
4 challenges faced, and strategies employed throughout the reporting
5 period.

6 **Sec. 74.** Section 47-1119, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 47-1119 The department ~~,—division,~~ and board may adopt and
9 promulgate rules and regulations to carry out the Community Work Release
10 and Reentry Centers Act.

11 **Sec. 75.** Section 48-215, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 48-215 It shall be unlawful for any person, firm, or corporation,
14 engaged to any extent whatsoever in the State of Nebraska in the
15 production, manufacture, or distribution of military or naval material,
16 equipment, or supplies for the State of Nebraska or the government of the
17 United States, to refuse to employ any person in any capacity, if such
18 ~~said~~ person is a citizen and is qualified, on account of the race, color,
19 creed, religion, ~~or~~ national origin, or military or veteran status of
20 such ~~said~~ person.

21 **Sec. 76.** Section 48-628.13, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 48-628.13 Good cause for voluntarily leaving employment shall
24 include, but not be limited to, the following reasons:

25 (1) An individual has made all reasonable efforts to preserve the
26 employment but voluntarily leaves his or her work for the necessary
27 purpose of escaping abuse at the place of employment or abuse as defined
28 in section 42-903 between household members;

29 (2) An individual left his or her employment voluntarily due to a
30 bona fide non-work-connected illness or injury that prevented him or her
31 from continuing the employment or from continuing the employment without

1 undue risk of harm to the individual;

2 (3) An individual left his or her employment to accompany his or her
3 spouse to the spouse's employment in a different city or new military
4 duty station;

5 (4) An individual left his or her employment because his or her
6 employer required the employee to relocate;

7 (5)(a) An individual is a construction worker and left his or her
8 employment voluntarily for the purpose of accepting previously secured
9 insured work in the construction industry if the commissioner finds that:

10 (i)(A) The quit occurred within thirty days immediately prior to the
11 established termination date of the job which the individual voluntarily
12 leaves, (B) the specific starting date of the new job is prior to the
13 established termination date of the job which the worker quits, (C) the
14 new job offered employment for a longer period of time than remained
15 available on the job which the construction worker voluntarily quit, and
16 (D) the worker had worked at least twenty days or more at the new job
17 after the established termination date of the previous job unless the new
18 job was terminated by a contract cancellation; or

19 (ii)(A) The construction worksite of the job which the worker quit
20 was more than fifty miles from his or her place of residence, (B) the new
21 construction job was fifty or more miles closer to his or her residence
22 than the job which he or she quit, and (C) the worker actually worked
23 twenty days or more at the new job unless the new job was terminated by a
24 contract cancellation.

25 (b) The provisions of this subdivision (5) shall not apply if the
26 individual is separated from the new job under conditions resulting in a
27 disqualification from benefits under section 48-628.10 or 48-628.12;

28 (6) An individual accepted a voluntary layoff to avoid bumping
29 another worker;

30 (7) An individual left his or her employment as a result of being
31 directed to perform an illegal act;

1 (8) An individual left his or her employment because of unlawful
2 discrimination or workplace harassment on the basis of race, sex, ~~or~~ age,
3 or military or veteran status;

4 (9) An individual left his or her employment because of unsafe
5 working conditions;

6 (10) An individual left his or her employment to attend school;

7 (11) An individual has made all reasonable efforts to preserve
8 employment but voluntarily leaves employment for the purpose of caring
9 for a family member with a serious health condition. For purposes of this
10 subdivision:

11 (a) Family member means:

12 (i) A biological, adopted, or foster child, a stepchild, or a legal
13 ward of the individual or the individual's spouse or a person to whom the
14 individual or the individual's spouse stood in loco parentis when such
15 person was a minor child, regardless of the age or dependency status of
16 such child, stepchild, legal ward, or person;

17 (ii) A biological, adoptive, or foster parent, a stepparent, or a
18 legal guardian of the individual or the individual's spouse or a person
19 who stood in loco parentis to the individual or the individual's spouse
20 when the individual or the individual's spouse was a minor child;

21 (iii) The individual's spouse; or

22 (iv) A grandparent, grandchild, or sibling, whether of a biological,
23 foster, adoptive, or step relationship, of the individual or the
24 individual's spouse; and

25 (b) Serious health condition has the same meaning as in 29 U.S.C.
26 2611, as such section existed on January 1, 2021; or

27 (12) Equity and good conscience demand a finding of good cause.

28 **Sec. 77.** Section 48-1125, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 ~~48-1125~~ Sections 48-1102 to 48-1126 and sections 77, 78, and 91 of
31 this act ~~48-1101 to 48-1125~~ shall be known and may be cited as the

1 Nebraska Fair Employment Practice Act.

2 **Sec. 78.** Section 48-1101, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 ~~48-1101~~ (1) It is the policy of this state to foster the employment
5 of all employable persons in the state on the basis of merit regardless
6 of their race, color, religion, sex, disability, ~~or~~ national origin, or
7 military or veteran status and to safeguard their right to obtain and
8 hold employment without discrimination because of their race, color,
9 religion, sex, disability, ~~or~~ national origin, or military or veteran
10 status. Denying equal opportunity for employment because of race, color,
11 religion, sex, disability, ~~or~~ national origin, or military or veteran
12 status is contrary to the principles of freedom and is a burden on the
13 objectives of the public policy of this state.

14 (2) Except for the veterans preference provided for in sections
15 48-225 to 48-231, the The policy of this state does not require any
16 person to employ an applicant for employment because of his or her race,
17 color, religion, sex, disability, ~~or~~ national origin, or military or
18 veteran status, and the policy of this state does not require any
19 employer, employment agency, labor organization, or joint labor-
20 management committee to grant preferential treatment to any individual or
21 to any group because of race, color, religion, sex, disability, ~~or~~
22 national origin, or military or veteran status.

23 (3) It is the public policy of this state that all people in
24 Nebraska, both with and without disabilities, shall have the right and
25 opportunity to enjoy the benefits of living, working, and recreating
26 within this state. It is the intent of the Legislature that state and
27 local governments, Nebraska businesses, Nebraska labor organizations, and
28 Nebraskans with disabilities understand their rights and responsibilities
29 under the law regarding employment discrimination and the prevention of
30 discrimination on the basis of disability.

31 **Sec. 79.** Section 48-1104, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 48-1104 It shall be an unlawful employment practice for an employer:

3 (1) To fail or refuse to hire, to discharge, or to harass any
4 individual, or otherwise to discriminate against any individual with
5 respect to compensation, terms, conditions, or privileges of employment,
6 because of such individual's race, color, religion, sex, disability,
7 marital status, ~~or~~ national origin, or military or veteran status; or

8 (2) To limit, advertise, solicit, segregate, or classify employees
9 in any way which would deprive or tend to deprive any individual of
10 employment opportunities or otherwise adversely affect such individual's
11 status as an employee, because of such individual's race, color,
12 religion, sex, disability, marital status, ~~or~~ national origin, or
13 military or veteran status.

14 **Sec. 80.** Section 48-1105, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 48-1105 It shall be an unlawful employment practice for an
17 employment agency to:

18 (1) Fail ~~fail~~ or refuse to refer for employment, or otherwise to
19 discriminate against, any individual because of race, color, religion,
20 sex, disability, marital status, ~~or~~ national origin, or military or
21 veteran status; or

22 (2) Classify ~~to classify~~ or refer for employment any individual on
23 the basis of race, color, religion, sex, disability, marital status, ~~or~~
24 national origin, or military or veteran status.

25 **Sec. 81.** Section 48-1106, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 48-1106 It shall be an unlawful employment practice for a labor
28 organization:

29 (1) To exclude or to expel from its membership, or otherwise to
30 discriminate against, any individual because of race, color, religion,
31 sex, disability, marital status, ~~or~~ national origin, or military or

1 veteran status;

2 (2) To limit, segregate, or classify its membership, or to classify
3 or fail or refuse to refer for employment any individual, in any way
4 which would deprive or tend to deprive any individual of employment
5 opportunities, or would limit such employment opportunities or otherwise
6 adversely affect such individual's status as an employee or as an
7 applicant for employment, because of such individual's race, color,
8 religion, sex, disability, marital status, ~~or~~ national origin, or
9 military or veteran status; or

10 (3) To cause or attempt to cause an employer to discriminate against
11 an individual in violation of this section.

12 **Sec. 82.** Section 48-1107, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 48-1107 It shall be an unlawful employment practice for any
15 employer, labor organization, or joint labor-management committee
16 controlling apprenticeship or other training or retraining, including on-
17 the-job training programs, to discriminate against any individual because
18 of race, color, religion, sex, disability, marital status, ~~or~~ national
19 origin, or military or veteran status, in admission to, or employment in,
20 any program established to provide apprenticeship or other training.

21 **Sec. 83.** Section 48-1108, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 48-1108 Notwithstanding any other provision of the Nebraska Fair
24 Employment Practice Act:

25 (1) It shall not be an unlawful employment practice for an employer
26 to hire and employ employees, for an employment agency to classify or
27 refer for employment any individual, for a labor organization to classify
28 its membership or to classify or refer for employment any individual, or
29 for an employer, labor organization, or joint labor-management committee
30 controlling apprenticeship or other training or retraining programs to
31 admit or employ any individual in any such program on the basis of

1 religion, sex, disability, marital status, ~~or~~ national origin, or
2 military or veteran status in those certain instances when religion, sex,
3 disability, marital status, ~~or~~ national origin, or military or veteran
4 status is a bona fide occupational qualification reasonably necessary to
5 the normal operation of that particular business or enterprise;

6 (2) It shall not be an unlawful employment practice for a school,
7 college, university, or other educational institution or institution of
8 learning to hire and employ employees of a particular religion if such
9 school, college, university, or other educational institution or
10 institution of learning is, in whole or in substantial part, owned,
11 supported, controlled, or managed by a particular religion or by a
12 particular religious corporation, association, or society or if the
13 curriculum of such school, college, university, or other educational
14 institution of learning is directed toward the propagation of a
15 particular religion;

16 (3) It shall not be an unlawful employment practice for an employer
17 to enact any bona fide health and safety standard that regulates
18 characteristics associated with race if the employer demonstrates that:

19 (a) Without the implementation of such standard, it is reasonably
20 certain that the health and safety of the applicant, employee, or other
21 materially connected person will be impaired;

22 (b) The standard is adopted for nondiscriminatory reasons;

23 (c) The standard is applied equally; and

24 (d) The employer has engaged in good faith efforts to reasonably
25 accommodate the applicant or employee; and

26 (4) It shall not be an unlawful employment practice for the Nebraska
27 State Patrol, a county sheriff, a city or village police department, or
28 any other law enforcement agency in this state or the Nebraska National
29 Guard to impose its own dress and grooming standards.

30 **Sec. 84.** Section 48-1111, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 48-1111 (1) Except as otherwise provided in the Nebraska Fair
2 Employment Practice Act, it shall not be an unlawful employment practice
3 for an employer to apply different standards of compensation, or
4 different terms, conditions, or privileges of employment pursuant to a
5 bona fide seniority or merit system or a system which measures earnings
6 by quantity or quality of production or to employees who work in
7 different locations, if such differences are not the result of an
8 intention to discriminate because of race, color, religion, sex,
9 disability, marital status, ~~or~~ national origin, or military or veteran
10 status, nor shall it be an unlawful employment practice for an employer
11 to give and to act upon the results of any professionally developed
12 ability test if such test, its administration, or action upon the results
13 is not designed, intended, or used to discriminate because of race,
14 color, religion, sex, disability, marital status, ~~or~~ national origin, or
15 military or veteran status.

16 (2) It shall not be an unlawful employment practice for a covered
17 entity to deny privileges of employment to an individual with a
18 disability when the qualification standards, tests, or selection criteria
19 that screen out or tend to screen out or otherwise deny a job or benefit
20 to an individual with a disability:

21 (a) Have been shown to be job-related and consistent with business
22 necessity and such performance cannot be accomplished by reasonable
23 accommodation, as required by the Nebraska Fair Employment Practice Act
24 and the federal Americans with Disabilities Act of 1990; or

25 (b) Include a requirement that an individual shall not pose a direct
26 threat, involving a significant risk to the health or safety of other
27 individuals in the workplace, that cannot be eliminated by reasonable
28 accommodation.

29 (3) It shall not be an unlawful employment practice to refuse
30 employment based on a policy of not employing both husband and wife if
31 such policy is equally applied to both sexes.

1 (4) (2) Except as otherwise provided in the Nebraska Fair Employment
2 Practice Act, women affected by pregnancy, childbirth, or related medical
3 conditions shall be treated the same for all employment-related purposes,
4 including receipt of employee benefits, as other persons not so affected
5 but similar in their ability or inability to work, and nothing in this
6 section shall be interpreted to provide otherwise.

7 (5) This section shall not require an employer to provide employee
8 benefits for abortion except when medical complications have arisen from
9 an abortion.

10 (6) Nothing in this section shall preclude an employer from
11 providing employee benefits for abortion under fringe benefit programs or
12 otherwise affect bargaining agreements in regard to abortion.

13 **Sec. 85.** Section 48-1113, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 48-1113 Nothing in the Nebraska Fair Employment Practice Act shall
16 be interpreted to require any employer, employment agency, labor
17 organization, or joint labor-management committee subject to the act to
18 grant preferential treatment to any individual or to any group because of
19 the race, color, religion, sex, disability, marital status, ~~or~~ national
20 origin, or military or veteran status of such individual or group on
21 account of an imbalance which may exist with respect to the total number
22 or percentage of persons of any race, color, religion, sex, disability,
23 marital status, ~~or~~ national origin, or military or veteran status
24 employed by any employer, referred or classified for employment by any
25 employment agency or labor organization, admitted to membership or
26 classified by any labor organization, or admitted to, or employed in, any
27 apprenticeship or other training program, in comparison with the total
28 number or percentage of persons of such race, color, religion, sex,
29 disability, marital status, ~~or~~ national origin, or military or veteran
30 status in any community, section, or other area, or in the available work
31 force in any community, section, or other area.

1 **Sec. 86.** Section 48-1115, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 48-1115 Except as provided in section 91 of this act and except for
4 the veterans preference provided for in sections 48-225 to 48-231 or
5 section 48-238, it ~~It~~ shall be an unlawful employment practice for an
6 employer, labor organization, or employment agency to print or publish or
7 cause to be printed or published any notice or advertisement relating to
8 employment by such an employer or membership in or any classification or
9 referral for employment by such a labor organization, or relating to any
10 classification or referral for employment by such an employment agency,
11 indicating any preference, limitation, specification, or discrimination
12 based on race, color, religion, sex, disability, marital status, ~~or~~
13 national origin, or military or veteran status, except that such a notice
14 or advertisement may indicate a preference, limitation, specification or
15 discrimination based on religion, sex, disability, marital status, ~~or~~
16 national origin, or military or veteran status when religion, sex,
17 disability, marital status, ~~or~~ national origin, or military or veteran
18 status is a bona fide occupational qualification for employment.

19 **Sec. 87.** Section 48-1117, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 48-1117 The commission shall have the following powers and duties:

22 (1) To receive, investigate, and pass upon charges of unlawful
23 employment practices anywhere in the state;

24 (2) To hold hearings, subpoena witnesses, compel their attendance,
25 administer oaths, and take the testimony of any person under oath and, in
26 connection therewith, to require the production for examination of any
27 books and papers relevant to any allegation of unlawful employment
28 practice pending before the commission. The commission may make rules as
29 to the issuance of subpoenas, subject to the approval by a constitutional
30 majority of the elected members of the Legislature;

31 (3) To cooperate with the federal government and with local agencies

1 to effectuate the purposes of the Nebraska Fair Employment Practice Act,
2 including the sharing of information possessed by the commission on a
3 case that has also been filed with the federal government or local
4 agencies if both the employer and complainant have been notified of the
5 filing;

6 (4) To attempt to eliminate unfair employment practices by means of
7 conference, mediation, conciliation, arbitration, and persuasion;

8 (5) To require that every employer, employment agency, and labor
9 organization subject to the act shall (a) make and keep such records
10 relevant to the determinations of whether unlawful employment practices
11 have been or are being committed, (b) preserve such records for such
12 periods, and (c) make such reports therefrom, as the commission shall
13 prescribe by regulation or order, after public hearing, as reasonable,
14 necessary, or appropriate for the enforcement of the act or the
15 regulations or orders thereunder. The commission shall, by regulation,
16 require each employer, labor organization, and joint labor-management
17 committee subject to the act which controls an apprenticeship or other
18 training program to maintain such records as are reasonably necessary to
19 carry out the purposes of the act, including, but not limited to, a list
20 of applicants who wish to participate in such program, including the
21 chronological order in which such applications were received, and to
22 furnish to the commission, upon request, a detailed description of the
23 manner in which persons are selected to participate in the apprenticeship
24 or other training program. Any employer, employment agency, labor
25 organization, or joint labor-management committee which believes that the
26 application to it of any regulation or order issued under this section
27 would result in undue hardship may either apply to the commission for an
28 exemption from the application of such regulation or order or bring a
29 civil action in the district court for the district where such records
30 are kept. If the commission or the court, as the case may be, finds that
31 the application of the regulation or order to the employer, employment

1 agency, or labor organization in question would impose an undue hardship,
2 the commission or the court, as the case may be, may grant appropriate
3 relief;

4 (6) To report, not less than once every two years, to the Clerk of
5 the Legislature and the Governor, on the hearings it has conducted and
6 the decisions it has rendered, the other work performed by it to carry
7 out the purposes of the act, and to make recommendations for such further
8 legislation concerning abuses and discrimination because of race, color,
9 religion, sex, disability, marital status, ~~or~~ national origin, or
10 military or veteran status, as may be desirable. The report shall also
11 include the number of complaints filed under the act alleging a violation
12 of subdivision (2) of section 48-1107.01 and the resolution of such
13 complaints. The report submitted to the Clerk of the Legislature shall be
14 submitted electronically. Each member of the Legislature shall receive an
15 electronic copy of the report required by this subdivision by making a
16 request for it to the chairperson of the commission; and

17 (7) To adopt and promulgate rules and regulations necessary to carry
18 out the duties prescribed in the act.

19 **Sec. 88.** Section 48-1119, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 48-1119 (1) In case of failure to eliminate any unlawful employment
22 practice by informal methods of conference, conciliation, persuasion,
23 mediation, or arbitration, the commission may order a public hearing. If
24 such hearing is ordered, the commission shall cause to be issued and
25 served a written notice, together with a copy of the complaint, requiring
26 the person, employer, labor organization, or employment agency named in
27 the complaint, hereinafter referred to as respondent, to answer such
28 charges at a hearing before the commission at a time and place which
29 shall be specified in such notice. Such hearing shall be within the
30 county where the alleged unlawful employment practice occurred. The
31 complainant shall be a party to the proceeding, and in the discretion of

1 the commission any other person whose testimony has a bearing on the
2 matter may be allowed to intervene therein. Both the complainant and the
3 respondent, in addition to the commission, may introduce witnesses at the
4 hearing. The respondent may file a verified answer to the allegations of
5 the complaint and may appear at such hearing in person and with or
6 without counsel. Testimony or other evidence may be introduced by either
7 party. All evidence shall be under oath and a record thereof shall be
8 made and preserved. Such proceedings shall, so far as practicable, be
9 conducted in accordance with the rules of evidence applicable in the
10 district courts of the State of Nebraska, and shall be of public record.

11 (2) No person shall be excused from testifying or from producing any
12 book, document, paper, or account in any investigation, or inquiry by, or
13 hearing before the commission when ordered to do so, upon the ground that
14 the testimony or evidence, book, document, paper, or account required of
15 such person may tend to incriminate such person in or subject such person
16 to penalty or forfeiture; but no person shall be prosecuted, punished, or
17 subjected to any forfeiture or penalty for or on account of any act,
18 transaction, matter, or thing concerning which such person shall have
19 been compelled under oath to testify or produce documentary evidence,
20 except that no person so testifying shall be exempt from prosecution or
21 punishment for any perjury committed by such person in his or her
22 testimony. Such immunity shall extend only to a natural person who, in
23 obedience to a subpoena, gives testimony under oath or produces evidence,
24 documentary or otherwise, under oath. Nothing in this subsection shall be
25 construed as precluding any person from claiming any right or privilege
26 available to such person under the Fifth Amendment ~~fifth amendment~~ to the
27 Constitution of the United States.

28 (3) After the conclusion of the hearing, the commission shall,
29 within ten days of the receipt of the transcript or the receipt of the
30 recommendations from the hearing officer, make and file its findings of
31 fact and conclusions of law and make and enter an appropriate order. The

1 hearing officer need not refer to the page and line numbers of the
2 transcript when making his or her recommendation to the commission. Such
3 findings of fact and conclusions of law shall be in sufficient detail to
4 enable a court on appeal to determine the controverted questions
5 presented by the proceedings and whether proper weight was given to the
6 evidence. If the commission determines that the respondent has
7 intentionally engaged in or is intentionally engaging in any unlawful
8 employment practice, it shall issue and cause to be served on such
9 respondent an order requiring such respondent to cease and desist from
10 such unlawful employment practice and order such other affirmative action
11 as may be appropriate which may include, but shall not be limited to,
12 reinstatement or hiring of employees, with or without backpay. Backpay
13 liability shall not accrue from a date more than two years prior to the
14 filing of the charge with the commission. Interim earnings or amounts
15 earnable with reasonable diligence by the person or persons discriminated
16 against shall operate to reduce the backpay otherwise allowable.

17 (4) A complainant who has suffered physical, emotional, or financial
18 harm as a result of a violation of section 48-1104 or 48-1114 may, at any
19 stage of the proceedings prior to dismissal, file an action directly in
20 the district court of the county where such alleged violation occurred.
21 If the complainant files a district court action on the charge, the
22 complainant shall provide written notice of such filing to the
23 commission, and such notification shall immediately terminate all
24 proceedings before the commission. The district court shall file and try
25 such case as any other civil action, and any successful complainant shall
26 be entitled to appropriate relief, including temporary or permanent
27 injunctive relief, general and special damages, reasonable attorney's
28 fees, and costs.

29 (5) No order of the commission shall require the admission or
30 reinstatement of an individual as a member of a labor organization or the
31 hiring, reinstatement, or promotion of an individual as an employee, or

1 the payment to him or her of any backpay, if such individual was refused
2 admission, suspended, or expelled, or was refused employment or
3 advancement or was suspended or discharged for any reason other than
4 discrimination on account of race, color, religion, sex, disability,
5 marital status, ~~or~~ national origin, or military or veteran status or in
6 violation of section 48-1114. If the commission finds that a respondent
7 has not engaged in any unfair employment practice, it shall within thirty
8 days state its findings of fact and conclusions of law. A copy of any
9 order shall be served upon the person against whom it runs or his or her
10 attorney and notice thereof shall be given to the other parties to the
11 proceedings or their attorneys. Such order shall take effect twenty days
12 after service thereof unless otherwise provided and shall continue in
13 force either for a period which may be designated therein or until
14 changed or revoked by the commission.

15 (6) Except as provided in subsection (4) of this section, until a
16 transcript of the record of the proceedings is filed in the district
17 court as provided in section 48-1120, the commission may, at any time
18 upon reasonable notice and in such a manner it shall deem proper, modify
19 or set aside, in whole or in part, any finding or order made by it.

20 **Sec. 89.** Section 48-1122, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 48-1122 Every contract to which the state or any of its political
23 subdivisions is a party shall contain a provision requiring the
24 contractor and his or her subcontractors not to discriminate against any
25 employee or applicant for employment, to be employed in the performance
26 of such contract, with respect to his or her hire, tenure, terms,
27 conditions, or privileges of employment, because of his or her race,
28 color, religion, sex, disability, ~~or~~ national origin, or military or
29 veteran status.

30 **Sec. 90.** Section 48-1124, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 48-1124 Nothing contained in the Nebraska Fair Employment Practice
2 Act shall be deemed to repeal any of the provisions of the civil rights
3 law, any other law of this state, or any municipal ordinance relating to
4 discrimination because of race, creed, color, religion, sex, disability,
5 ~~or national origin, or military or veteran status.~~

6 **Sec. 91.** The inclusion of military or veteran status as a protected
7 class in the Nebraska Fair Employment Practice Act and sections 23-2525,
8 23-2531, and 23-2541:

9 (1) Is not intended to duplicate or mirror the protections offered
10 by the federal Uniformed Services Employment and Reemployment Rights Act
11 of 1994, 38 U.S.C. 4301 et seq.;

12 (2) Does not require an employer or other covered entity to treat a
13 servicemember who is absent from work differently than an individual who
14 is not a servicemember;

15 (3) Does not prohibit the granting of special benefits to veterans
16 or servicemembers on an otherwise nondiscriminatory basis; and

17 (4) Does not prohibit veterans' preference programs.

18 **Sec. 92.** Section 49-801, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 49-801 Unless the context is shown to intend otherwise, words and
21 phrases in the statutes of Nebraska hereafter enacted are used in the
22 following sense:

23 (1) Acquire when used in connection with a grant of power or
24 property right to any person includes ~~shall include~~ the purchase, grant,
25 gift, devise, bequest, and obtaining by eminent domain;

26 (2) Action includes ~~shall include~~ any proceeding in any court of
27 this state;

28 (3) Attorney means ~~shall mean~~ attorney at law;

29 (4) Company includes ~~shall include~~ any corporation, partnership,
30 limited liability company, joint-stock company, joint venture, or
31 association;

1 (5) Domestic when applied to corporations means ~~shall mean~~ all those
2 created by authority of this state;

3 (6) Federal refers ~~shall refer~~ to the United States;

4 (7) Foreign when applied to corporations includes ~~shall include~~ all
5 those created by authority other than that of this state;

6 (8) Grantee includes ~~shall include~~ every person to whom any estate
7 or interest passes in or by any conveyance;

8 (9) Grantor includes ~~shall include~~ every person from or by whom any
9 estate or interest passes in or by any conveyance;

10 (10) Inhabitant shall be construed to mean a resident in the
11 particular locality in reference to which that word is used;

12 (11) Land or real estate includes ~~shall include~~ lands, tenements,
13 and hereditaments and all rights thereto and interest therein other than
14 a chattel interest;

15 (12) Magistrate includes ~~shall include~~ judge of the county court and
16 clerk magistrate;

17 (13) Military or veteran status means a person:

18 (a) Is serving active duty service in the armed forces of the United
19 States, including any reserve component or the National Guard;

20 (b) Has served on such active duty and was discharged or otherwise
21 separated with a characterization of honorable or general (under
22 honorable conditions); or

23 (c) Is a dependent, as defined in 50 U.S.C. 3911, of a person
24 described in subdivision (13)(a) or (b) of this section;

25 (14) ~~(13)~~ Month means ~~shall mean~~ calendar month;

26 (15) ~~(14)~~ Oath includes ~~shall include~~ affirmation in all cases in
27 which an affirmation may be substituted for an oath;

28 (16) ~~(15)~~ Peace officer includes ~~shall include~~ sheriffs, coroners,
29 jailers, marshals, police officers, state highway patrol officers,
30 members of the National Guard on active service by direction of the
31 Governor during periods of emergency, and all other persons with similar

1 authority to make arrests;

2 (17) (16) Person includes ~~shall include~~ bodies politic and
3 corporate, societies, communities, the public generally, individuals,
4 partnerships, limited liability companies, joint-stock companies, and
5 associations;

6 (18) (17) Personal estate includes ~~shall include~~ money, goods,
7 chattels, claims, and evidences of debt;

8 (19) (18) Process means ~~shall mean~~ a summons, subpoena, or notice to
9 appear issued out of a court in the course of judicial proceedings;

10 (20) (19) Service animal has ~~shall have~~ the same meaning as in 28
11 C.F.R. 36.104, as such regulation existed on January 1, 2008;

12 (21) (20) State when applied to different states of the United
13 States shall be construed to extend to and include the District of
14 Columbia and the several territories organized by Congress;

15 (22) (21) Sworn includes ~~shall include~~ affirmed in all cases in
16 which an affirmation may be substituted for an oath;

17 (23) (22) The United States includes ~~shall include~~ territories,
18 outlying possessions, and the District of Columbia;

19 (24) (23) Violate includes ~~shall include~~ failure to comply with;

20 (25) (24) Writ shall signify an order or citation in writing issued
21 in the name of the state out of a court or by a judicial officer; and

22 (26) (25) Year means ~~shall mean~~ calendar year.

23 **Sec. 93.** Section 51-211, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 51-211 (1) The library board may erect, lease, or occupy an
26 appropriate building for the use of a library, appoint a suitable
27 librarian and assistants, fix the compensation of such appointees, and
28 remove such appointees at the pleasure of the board. The governing body
29 of the county, city, or village in which the library is located shall
30 approve any personnel administrative or compensation policy or procedure
31 before implementation of such policy or procedure by the library board.

1 (2) The library board may establish rules and regulations for the
2 government of such library as may be deemed necessary for its
3 preservation and to maintain its usefulness and efficiency. The library
4 board may fix and impose, by general rules, penalties and forfeitures for
5 trespasses upon or injury to the library grounds, rooms, books, or other
6 property, for failure to return any book, or for violation of any bylaw,
7 rule, or regulation and fix and impose reasonable fees, not to exceed the
8 library's actual cost, for nonbasic services. The board shall have and
9 exercise such power as may be necessary to carry out the spirit and
10 intent of sections 51-201 to 51-219 in establishing and maintaining a
11 public library and reading room.

12 (3) The public library shall make its basic services available
13 without charge to all residents of the political subdivision which
14 supplies its tax support.

15 (4) No service shall be denied to any person because of race, sex,
16 religion, age, color, national origin, ancestry, physical handicap, ~~or~~
17 marital status, or military or veteran status.

18 **Sec. 94.** Section 58-216, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 58-216 Low-income or moderate-income person shall mean any person
21 irrespective of race, religion, creed, national origin, ~~or~~ sex, or
22 military or veteran status determined by the authority to be eligible for
23 such assistance as is made available by the Nebraska Investment Finance
24 Authority Act on account of insufficient personal or family income,
25 taking into consideration without limiting the generality thereof such
26 factors as:

- 27 (1) The amount of income of such person available for housing needs;
28 (2) Size of family;
29 (3) Cost and condition of housing available;
30 (4) Whether such person is elderly, infirm, or disabled;
31 (5) The ability of such person to compete successfully in the normal

1 private housing market and to pay the amounts at which private enterprise
2 is providing sanitary, safe, and uncrowded housing; and

3 (6) Existing federal guidelines or standards for determining low
4 income and moderate income.

5 **Sec. 95.** Section 58-808, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 58-808 Private health care institution means any private not-for-
8 profit corporation or institution that (1) is licensed under the Health
9 Care Facility Licensure Act, (2) is described in section 501(c)(3) of the
10 Internal Revenue Code and is exempt from federal income taxation under
11 section 501(a) of the Internal Revenue Code, (3) is located within this
12 state and is not owned or controlled by the state or any political
13 subdivision, agency, instrumentality, district, or municipality thereof,
14 and (4) does not violate any Nebraska or federal law against
15 discrimination on the basis of race, color, creed, national origin,
16 ancestry, age, gender, ~~or~~ handicap, or military or veteran status.

17 **Sec. 96.** Section 58-809, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 58-809 Private institution of higher education means a not-for-
20 profit educational institution located within this state which is not
21 owned or controlled by the state or any political subdivision, agency,
22 instrumentality, district, or municipality thereof, which is authorized
23 by law to provide a program of education beyond the high school level,
24 and which:

25 (1) Admits as regular students only individuals having a certificate
26 of graduation from a high school or the recognized equivalent of such a
27 certificate;

28 (2) Provides an educational program for which it awards a bachelor's
29 degree; provides an educational program, admission into which is
30 conditioned upon the prior attainment of a bachelor's degree or its
31 equivalent, for which it awards a postgraduate degree; provides a program

1 of not less than two years in length which is acceptable for full credit
2 toward a bachelor's degree; or offers a two-year program in engineering,
3 mathematics, or the physical or biological sciences which is designed to
4 prepare the student to work as a technician and at a semiprofessional
5 level in engineering, research, medicine, or other technological fields
6 which require the understanding and application of basic engineering,
7 scientific, or mathematical principles or knowledge;

8 (3) Is accredited by an accrediting agency or association or, if not
9 so accredited, is an institution whose credits are accepted, on transfer,
10 by not less than three institutions which are so accredited, for credit
11 on the same basis as if transferred from an institution so accredited;
12 and

13 (4) Has a student admissions policy that does not violate any other
14 Nebraska or federal law against discrimination on the basis of race,
15 color, creed, national origin, ancestry, age, gender, ~~or~~ handicap, or
16 military or veteran status.

17 **Sec. 97.** Section 58-810, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 58-810 Private social services institution means any private not-
20 for-profit corporation or institution that (1) provides health, safety,
21 and welfare assistance, including emergency, social, housing, and related
22 support services, to members of the general public in the state, (2) is
23 described in section 501(c)(3) of the Internal Revenue Code and is exempt
24 from federal income taxation under section 501(a) of the Internal Revenue
25 Code, (3) is located within this state and is not owned or controlled by
26 the state or any political subdivision, agency, instrumentality,
27 district, or municipality thereof, and (4) does not violate any Nebraska
28 or federal law against discrimination on the basis of race, color, creed,
29 national origin, ancestry, age, gender, ~~or~~ handicap, or military or
30 veteran status.

31 **Sec. 98.** Section 68-1605, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 68-1605 (1) The department shall use the funds in the Homeless
3 Shelter Assistance Trust Fund to finance grants for projects or programs
4 that provide for persons or families with special housing needs.

5 (2) Projects and programs to which funds shall be provided include
6 eligible community, neighborhood-based, housing-assistance organizations,
7 institutions, associations, and societies or corporations that:

8 (a) Are exempt from taxation under section 501(c)(3) of the Internal
9 Revenue Code as defined in section 49-801.01;

10 (b) Do not discriminate on the basis of age, religion, sex, race,
11 color, ~~or~~ national origin, or military or veteran status. This
12 subdivision does not prohibit otherwise nondiscriminatory conduct
13 designed to benefit veterans or servicemembers or their family members,
14 such as providing housing limited to veterans or servicemembers or their
15 family members, or otherwise offering benefits that are limited to
16 veterans or servicemembers or their family members;

17 (c) Provide residential housing for at least eight hours of every
18 twenty-four-hour period; and

19 (d) Operate a drug-free premises.

20 (3) The department shall establish an advisory committee consisting
21 of individuals and groups involved with housing issues, in particular
22 those pertaining to persons or families with special housing needs, to
23 advise and assist the department in establishing criteria, priorities,
24 and guidelines for eligibility requirements, application requirements and
25 dates, public notification, and monitoring and shall assist the
26 department in adopting and promulgating rules and regulations for
27 providing grants from the fund.

28 (4) An application submitted by an organization representing a
29 number of eligible applicants may be considered even though the
30 representing organization may itself not qualify under this section.

31 (5) In making grants pursuant to the Homeless Shelter Assistance

1 Trust Fund Act, the department shall consider, but not be limited to, the
2 following factors:

3 (a) The number of night-lodging units provided by the applicant as
4 measured by the number of persons housed per night;

5 (b) Participation by the applicant in community planning processes
6 and activities aimed at preventing and alleviating homelessness;

7 (c) Other verifiable units of service provided by the applicant; and

8 (d) The geographic distribution of funds.

9 **Sec. 99.** Section 69-2403, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 69-2403 (1) Except as provided in this section ~~and section 69-2409,~~
12 a person shall not:

13 (a) Purchase ~~purchase,~~ lease, rent, or receive transfer of a handgun
14 until he or she has obtained a certificate in accordance with section
15 69-2404; ~~or . Except as provided in this section and section 69-2409, a~~
16 ~~person shall not sell~~

17 (b) Sell, lease, rent, or transfer a handgun to a person who has not
18 obtained a certificate.

19 (2) The certificate shall not be required if:

20 (a) The person acquiring the handgun is a licensed firearms dealer
21 under federal law;

22 (b) The handgun is an antique handgun;

23 (c) The person acquiring the handgun is authorized to do so on
24 behalf of a law enforcement agency;

25 (d) The transfer is a temporary transfer of a handgun and the
26 transferee remains (i) in the line of sight of the transferor or (ii)
27 within the premises of an established shooting facility;

28 (e) The transfer is between a person and his or her spouse, sibling,
29 parent, child, aunt, uncle, niece, nephew, or grandparent;

30 (f) The person acquiring the handgun is a holder of a valid permit
31 under the Concealed Handgun Permit Act; or

1 (g) The person acquiring the handgun is a peace officer as defined
2 in section 69-2429.

3 **Sec. 100.** Section 69-2409.01, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 69-2409.01 ~~(1)(a) (1)~~ For purposes of criminal history record
6 information checks relating to firearms or explosives ~~sections 69-2401 to~~
7 ~~69-2425~~, the Nebraska State Patrol shall be furnished with only such
8 information as may be necessary for the purposes ~~sole purpose~~ of
9 determining whether an individual is:

10 (i) Qualified to receive a permit to carry a concealed handgun under
11 section 69-2433; or

12 (ii) Disqualified ~~disqualified~~ from purchasing or possessing
13 firearms or explosives ~~a handgun~~ pursuant to state or federal law ~~or is~~
14 ~~subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4).~~

15 ~~(b) Such information shall be furnished by the Department of Health~~
16 ~~and Human Services.~~ The clerks of the various courts shall furnish to the
17 Department of Health and Human Services and Nebraska State Patrol, as
18 soon as practicable but within thirty days after a court order is issued,
19 in a form and manner prescribed by the Department of Health and Human
20 Services or the Nebraska State Patrol, as applicable ~~an order of~~
21 ~~commitment or discharge is issued or after removal of firearm-related~~
22 ~~disabilities pursuant to section 71-963,~~ all information necessary to set
23 up and maintain the database required by this section. The clerks of the
24 various courts shall furnish ~~This information shall include (a)~~
25 information regarding those persons who:

26 (i) Are disqualified from purchasing or possessing firearms or
27 explosives pursuant to state or federal law, including, but not limited
28 to, 18 U.S.C. 922(d)(4) and (g)(4);

29 (ii) Are ~~are~~ currently receiving mental health treatment pursuant to
30 a commitment order of a mental health board or ~~who~~ have been
31 discharged; ~~7~~

1 ~~(iii) Have (b) information regarding those persons who have been~~
2 committed to treatment pursuant to section 29-3702; ~~and~~

3 (iv) Meet the definition of adjudicated as a mental defective or
4 committed to a mental institution pursuant to 27 C.F.R. 478.11, including
5 individuals found not responsible by reason of insanity, found not
6 competent to stand trial, found to lack the mental capacity to manage
7 their own affairs, or otherwise found by a court to be not competent; and

8 ~~(v) Have (c) information regarding those persons who have had~~
9 firearm-related disabilities removed pursuant to section 71-963.

10 (c) The mental health board shall notify the Department of Health
11 and Human Services and the Nebraska State Patrol when an individual's
12 firearm-related such disabilities have been removed pursuant to section
13 71-963.

14 ~~(d) The department Department of Health and Human Services shall~~
15 ~~also~~ maintain in the database information provided by the clerks of the
16 various courts pursuant to this section and a listing of persons
17 committed to treatment pursuant to section 29-3702.

18 (e) To ensure the accuracy of the database, any information
19 maintained or disclosed under this subsection shall be updated,
20 corrected, modified, or removed, as appropriate, and as soon as
21 practicable, from any database that the state or federal government
22 maintains and makes available to the National Instant Criminal Background
23 Check System. The procedures for furnishing the information shall
24 guarantee that no information is released beyond what is necessary for
25 purposes of this section.

26 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408
27 and this section, the Nebraska State Patrol shall provide to the chief of
28 police or sheriff of an applicant's place of residence ~~or a licensee in~~
29 ~~the process of a criminal history record check pursuant to section~~
30 ~~69-2411~~ only the information regarding whether or not the applicant is
31 disqualified from purchasing or possessing a handgun.

1 (3) Any person, agency, or mental health board participating in good
2 faith in the reporting or disclosure of records and communications under
3 this section is immune from any liability, civil, criminal, or otherwise,
4 that might result by reason of the action.

5 (4) Any person who intentionally causes the Nebraska State Patrol to
6 request information pursuant to this section without reasonable belief
7 that the named individual has submitted a written application under
8 section 69-2404 or 69-2430 or is otherwise subject to a criminal history
9 record information check pursuant to law ~~has completed a consent form~~
10 ~~under section 69-2410~~ shall be guilty of a Class II misdemeanor in
11 addition to other civil or criminal liability under state or federal law.

12 ~~(5) The Nebraska State Patrol and the Department of Health and Human~~
13 ~~Services shall report electronically to the Clerk of the Legislature on a~~
14 ~~biannual basis the following information about the database: (a) The~~
15 ~~number of total records of persons unable to purchase or possess firearms~~
16 ~~because of disqualification or disability shared with the National~~
17 ~~Instant Criminal Background Check System; (b) the number of shared~~
18 ~~records by category of such persons; (c) the change in number of total~~
19 ~~shared records and change in number of records by category from the~~
20 ~~previous six months; (d) the number of records existing but not able to~~
21 ~~be shared with the National Instant Criminal Background Check System~~
22 ~~because the record was incomplete and unable to be accepted by the~~
23 ~~National Instant Criminal Background Check System; and (e) the number of~~
24 ~~hours or days, if any, during which the database was unable to share~~
25 ~~records with the National Instant Criminal Background Check System and~~
26 ~~the reason for such inability. The report shall also be published on the~~
27 ~~websites of the Nebraska State Patrol and the Department of Health and~~
28 ~~Human Services.~~

29 **Sec. 101.** Section 69-2410, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18

1 U.S.C. 923 shall sell or deliver any handgun to another person other than
2 a licensed importer, manufacturer, dealer, or collector until he or she
3 has:

4 (1) ~~(1)(a)~~ Inspected a valid certificate issued to such person
5 pursuant to sections 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

6 (2) ~~(b)~~ Inspected a valid identification containing a photograph of
7 such person which appropriately and completely identifies such person. ~~;~~
8 ~~or~~

9 ~~(2)(a) Obtained a completed consent form from the potential buyer or~~
10 ~~transferee, which form shall be established by the Nebraska State Patrol~~
11 ~~and provided by the licensed importer, manufacturer, or dealer. The form~~
12 ~~shall include the name, address, date of birth, gender, race, and country~~
13 ~~of citizenship of such potential buyer or transferee. If the potential~~
14 ~~buyer or transferee is not a United States citizen, the completed consent~~
15 ~~form shall contain the potential buyer's or transferee's place of birth~~
16 ~~and his or her alien or admission number;~~

17 ~~(b) Inspected a valid identification containing a photograph of the~~
18 ~~potential buyer or transferee which appropriately and completely~~
19 ~~identifies such person;~~

20 ~~(c) Requested by toll-free telephone call or other electromagnetic~~
21 ~~communication that the Nebraska State Patrol conduct a criminal history~~
22 ~~record check; and~~

23 ~~(d) Received a unique approval number for such inquiry from the~~
24 ~~Nebraska State Patrol indicating the date and number on the consent form.~~

25 **Sec. 102.** Section 69-2420, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 69-2420 Any person who, in connection with the purchase, transfer,
28 or attempted purchase of a handgun pursuant to section ~~sections~~ 69-2410
29 ~~to 69-2423~~, knowingly and intentionally makes any materially false oral
30 or written statement or knowingly and intentionally furnishes any false
31 identification intended or likely to deceive the licensee shall be guilty

1 of a Class IV felony.

2 **Sec. 103.** Section 71-901, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 71-901 Sections 71-901 to 71-964 and sections 106 and 107 of this
5 act shall be known and may be cited as the Nebraska Mental Health
6 Commitment Act.

7 **Sec. 104.** Section 71-903, Revised Statutes Cumulative Supplement,
8 2024, is amended to read:

9 71-903 For purposes of the Nebraska Mental Health Commitment Act,
10 unless the context otherwise requires, the definitions found in sections
11 71-904 to 71-914.02 and sections 106 and 107 of this act shall apply.

12 **Sec. 105.** Section 71-904, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 71-904 Administrator means the administrator or other chief
15 administrative officer of a treatment facility, medical facility, jail,
16 or Department of Correctional Services facility or his or her designee.

17 **Sec. 106.** Dangerous sex offender has the same meaning as in section
18 83-174.01.

19 **Sec. 107.** Videoconferencing means conducting or participating in a
20 hearing or evaluation electronically or telephonically with audiovisual
21 interaction among the participants.

22 **Sec. 108.** Section 71-915, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 71-915 (1) The presiding judge in each district court judicial
25 district shall create at least one but not more than three mental health
26 boards in such district and shall appoint sufficient members and
27 alternate members to such boards. Members and alternate members of a
28 mental health board shall be appointed for four-year terms. The presiding
29 judge may remove members and alternate members of the board at his or her
30 discretion. Vacancies shall be filled for the unexpired term in the same
31 manner as provided for the original appointment. Members of the mental

1 health board shall have the same immunity as judges of the district
2 court.

3 (2) Each mental health board shall consist of an attorney licensed
4 to practice law in this state and any two of the following but not more
5 than one from each category: A physician, a psychologist, a psychiatric
6 nurse, a licensed clinical social worker or a licensed independent
7 clinical social worker, a licensed independent mental health practitioner
8 who is not a social worker, or a layperson with a demonstrated interest
9 in mental health and substance dependency issues. The attorney shall be
10 chairperson of the board. Members and alternate members of a mental
11 health board shall take and subscribe an oath to support the United
12 States Constitution and the Constitution of Nebraska and to faithfully
13 discharge the duties of the office according to law.

14 (3) The mental health board shall have the power to issue subpoenas,
15 to administer oaths, and to do any act necessary and proper for the board
16 to carry out its duties. No mental health board hearing shall be
17 conducted unless three members or alternate members are present and able
18 to vote. Any action taken at any mental health board hearing shall be by
19 majority vote. Upon the agreement of all parties, any hearing before the
20 mental health board may be conducted by videoconferencing.

21 (4) The mental health board shall prepare and file an annual
22 inventory statement with the county board of its county of all county
23 personal property in its custody or possession. Members of the mental
24 health board shall be compensated and shall be reimbursed for their
25 actual and necessary expenses by the county or counties being served by
26 such board. Compensation shall be at an hourly rate to be determined by
27 the presiding judge of the district court, except that such compensation
28 shall not be less than fifty dollars for each hearing of the board.
29 Members shall also be reimbursed for their actual and necessary expenses,
30 not including charges for meals. Mileage shall be determined pursuant to
31 section 23-1112.

1 **Sec. 109.** Section 71-919, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 71-919 (1)(a) A law enforcement officer may take a person into
4 emergency protective custody, cause him or her to be taken into emergency
5 protective custody, or continue his or her custody if he or she is
6 already in custody if the officer has probable cause to believe:

7 (i) Such person is mentally ill and dangerous or a dangerous sex
8 offender and that the harm described in section 71-908 or subdivision (1)
9 of section 83-174.01 is likely to occur before mental health board
10 proceedings under the Nebraska Mental Health Commitment Act or the Sex
11 Offender Commitment Act may be initiated to obtain custody of the person;
12 or

13 (ii) For a person domiciled within Indian country in Nebraska, that
14 such person is mentally ill and dangerous or a dangerous sex offender
15 under tribal law and that harm comparable to that described in section
16 71-908 or subdivision (1) of section 83-174.01 or the equivalent under
17 tribal law is likely to occur before mental health proceedings under
18 tribal law may be initiated to obtain custody of the person.

19 (b) Such person shall be admitted to an appropriate and available
20 medical facility, jail, or Department of Correctional Services facility
21 as provided in subsection (2) of this section.

22 (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,
23 each county shall make arrangements with appropriate facilities inside or
24 outside the county for such purpose and shall pay the cost of the
25 emergency protective custody of persons from such county in such
26 facilities.

27 (ii) For a subject domiciled within Indian country in Nebraska for
28 whom emergency protective custody is initiated under tribal law, the
29 tribe shall make arrangements with appropriate facilities inside or
30 outside the tribe for such purpose and shall make arrangements for
31 payment of the cost of the emergency protective custody of persons from

1 such tribe in such facilities.

2 (d) A mental health professional who has probable cause to believe
3 that a person is mentally ill and dangerous or a dangerous sex offender
4 may cause such person to be taken into custody and shall have a limited
5 privilege to hold such person until a law enforcement officer or other
6 authorized person arrives to take custody of such person.

7 (2)(a) For purposes of this subsection, convicted sex offender means
8 a person with a prior conviction for an offense listed in section
9 29-4003.

10 (b) A person taken into emergency protective custody under this
11 section who is not a convicted sex offender shall be admitted to an
12 appropriate and available medical facility, except that such person may
13 instead be admitted to a jail or other facility with an available mental
14 health bed under the Regional Mental Health Expansion Pilot Program Act
15 until an appropriate medical facility is available unless such person has
16 a prior conviction for a sex offense listed in section 29-4003.

17 (c) (b) A person taken into emergency protective custody under this
18 section who is not a convicted sex offender has a prior conviction for a
19 sex offense listed in section 29-4003 shall be admitted to a jail or
20 Department of Correctional Services facility unless a medical or
21 psychiatric emergency exists for which treatment at a medical facility is
22 required. The person in emergency protective custody shall remain at the
23 medical facility until the medical or psychiatric emergency has passed
24 and it is safe to transport such person, at which time the person shall
25 be transferred to an available jail or Department of Correctional
26 Services facility.

27 (3)(a) Except as provided in subdivision (3)(b) of this section,
28 upon admission to a facility or jail of a person taken into emergency
29 protective custody by a law enforcement officer under this section, such
30 officer shall execute a written certificate prescribed and provided by
31 the Department of Health and Human Services. The certificate shall allege

1 the officer's belief that the person in custody is mentally ill and
2 dangerous or a dangerous sex offender and shall contain a summary of the
3 person's behavior supporting such allegations. A copy of such certificate
4 shall be immediately forwarded to the county attorney.

5 (b) In the case of a subject domiciled within Indian country who is
6 taken into emergency protective custody by a law enforcement officer
7 under tribal law, upon admission to a facility or jail, such officer
8 shall execute written documentation in a format provided by the tribe. At
9 a minimum, such documentation shall clearly identify the subject,
10 identify the relevant tribe, allege the officer's belief that the person
11 in custody is mentally ill and dangerous or a dangerous sex offender
12 under tribal law, and contain a summary of the subject's behavior
13 supporting such allegations. A copy of such documentation shall be
14 immediately forwarded to the appropriate tribal prosecutor or tribal
15 official.

16 (4)(a) {4} The administrator of the facility or jail shall have such
17 person evaluated by a mental health professional as soon as reasonably
18 possible but not later than thirty-six hours after admission. The mental
19 health professional shall not be the mental health professional who
20 causes such person to be taken into custody under this section and shall
21 not be a member or alternate member of the mental health board that will
22 preside over any hearing under the Nebraska Mental Health Commitment Act
23 or the Sex Offender Commitment Act with respect to such person. Upon the
24 agreement of all parties, the evaluation may be conducted by
25 videoconferencing if the mental health professional thinks it appropriate
26 under the circumstances.

27 (b) A person shall be released from emergency protective custody
28 after completion of such evaluation unless the mental health professional
29 determines, in his or her clinical opinion, that such person is mentally
30 ill and dangerous or a dangerous sex offender. In the case of a subject
31 domiciled within Indian country who is taken into emergency protective

1 custody under tribal law, the mental health professional shall notify an
2 appropriate tribal prosecutor or official of such release.

3 **Sec. 110.** Section 71-920, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 71-920 (1) Except as provided in subsection (3) of this section, a
6 mental health professional who, upon evaluation of a person admitted for
7 emergency protective custody under section 71-919, determines that such
8 person is mentally ill and dangerous shall execute a written certificate
9 as provided in subsection (2) of this section not later than twenty-four
10 hours after the completion of such evaluation. A copy of such certificate
11 shall be immediately forwarded to the county attorney.

12 (2) The certificate shall be in writing and shall include the
13 following information:

14 (a) The subject's name and address, if known;

15 (b) The name and address of the subject's spouse, legal counsel,
16 guardian or conservator, and next-of-kin, if known;

17 (c) The name and address of anyone providing psychiatric or other
18 care or treatment to the subject, if known;

19 (d) The name and address of any other person who may have knowledge
20 of the subject's mental illness or substance dependence who may be called
21 as a witness at a mental health board hearing with respect to the
22 subject, if known;

23 (e) The name and address of the ~~medical~~ facility or jail in which
24 the subject is being held for emergency protective custody and
25 evaluation;

26 (f) The name and work address of the certifying mental health
27 professional;

28 (g) A statement by the certifying mental health professional that he
29 or she has evaluated the subject since the subject was admitted for
30 emergency protective custody and evaluation; and

31 (h) A statement by the certifying mental health professional that,

1 in his or her clinical opinion, the subject is mentally ill and dangerous
2 and the clinical basis for such opinion.

3 (3) In the case of a subject domiciled within Indian country who is
4 taken into emergency protective custody by a law enforcement officer
5 under tribal law, a mental health professional who, upon evaluation of
6 such person, determines that such person is mentally ill and dangerous
7 shall execute appropriate written documentation in a format provided by
8 the tribe not later than twenty-four hours after the completion of such
9 evaluation. A copy of such certificate shall be immediately forwarded to
10 the person designated by the tribe.

11 **Sec. 111.** Section 71-922, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 71-922 (1) Mental health board proceedings shall be deemed to have
14 commenced upon the earlier of (a) the filing of a petition under section
15 71-921 or (b) notification by the county attorney to the law enforcement
16 officer who took the subject into emergency protective custody under
17 section 71-920 or the administrator of the ~~treatment center or medical~~
18 facility or jail having charge of the subject of his or her intention to
19 file such petition. The county attorney shall file such petition as soon
20 as reasonably practicable after such notification.

21 (2) A petition filed by the county attorney under section 71-921 may
22 contain a request for the emergency protective custody and evaluation of
23 the subject prior to commencement of a mental health board hearing
24 pursuant to such petition with respect to the subject. Upon receipt of
25 such request and upon a finding of probable cause to believe that the
26 subject is mentally ill and dangerous as alleged in the petition, the
27 court or chairperson of the mental health board may issue a warrant
28 directing the sheriff to take custody of the subject. If the subject is
29 already in emergency protective custody under a certificate filed under
30 section 71-919, a copy of such certificate shall be filed with the
31 petition. The subject in such custody shall be held in the nearest

1 appropriate and available medical facility and shall not be placed in a
2 jail or other correctional facility except as required or authorized by
3 subsection (2) of section 71-919. Each county shall make arrangements
4 with appropriate medical facilities inside or outside the county for such
5 purpose and shall pay the cost of the emergency protective custody of
6 persons from such county in such facilities.

7 (3) The petition and all subsequent pleadings and filings in the
8 case shall be entitled In the Interest of, Alleged to be
9 Mentally Ill and Dangerous. The county attorney may dismiss the petition
10 at any time prior to the commencement of the hearing of the mental health
11 board under section 71-924, and upon such motion by the county attorney,
12 the mental health board shall dismiss the petition.

13 **Sec. 112.** Section 71-924, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 71-924 (1) A hearing shall be held by the mental health board to
16 determine whether there is clear and convincing evidence that the subject
17 is mentally ill and dangerous as alleged in the petition.

18 (2) At the commencement of the hearing, the board shall inquire
19 whether the subject has received a copy of the petition and list of
20 rights accorded him or her by sections 71-943 to 71-960 and whether he or
21 she has read and understood them. The board shall explain to the subject
22 any part of the petition or list of rights which he or she has not read
23 or understood. The board shall inquire of the subject whether he or she
24 admits or denies the allegations of the petition. If the subject admits
25 the allegations, the board shall proceed to enter a treatment order
26 pursuant to section 71-925. If the subject denies the allegations of the
27 petition, the board shall proceed with a hearing on the merits of the
28 petition.

29 (3) Upon the agreement of all parties, a hearing before the mental
30 health board under this section may be conducted by videoconferencing.

31 **Sec. 113.** Section 71-926, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 71-926 (1) At the conclusion of a mental health board hearing under
3 section 71-924 and prior to the entry of a treatment order by the board
4 under section 71-925, the board may (a) order that the subject be
5 retained in custody until the entry of such order and the subject may be
6 admitted for treatment pursuant to such order or (b) order the subject
7 released from custody under such conditions as the board deems necessary
8 and appropriate to prevent the harm described in section 71-908 and to
9 assure the subject's appearance at a later disposition hearing by the
10 board. A subject shall be retained in custody under this section at the
11 nearest appropriate and available medical facility and shall not be
12 placed in a jail or other correctional facility except as required or
13 authorized by subsection (2) of section 71-919. Each county shall make
14 arrangements with appropriate medical facilities inside or outside the
15 county for such purpose and shall pay the cost of the emergency
16 protective custody of persons from such county in such facilities.

17 (2) A subject who has been ordered to receive inpatient or
18 outpatient treatment by a mental health board may be provided treatment
19 while being retained in emergency protective custody and pending
20 admission of the subject for treatment pursuant to such order.

21 (3)(a) In the case of a subject domiciled within Indian country who
22 is taken into emergency protective custody by a law enforcement officer
23 under tribal law, at the conclusion of a mental health hearing under
24 tribal law and prior to entry of a treatment order by the tribal court,
25 the tribal court may order that the subject be:

26 (i) Retained in custody until entry of such order and the subject
27 may be admitted for treatment pursuant to such order; or

28 (ii) Released from custody under such conditions as the tribal court
29 deems necessary and appropriate to prevent harm comparable to that
30 described in section 71-908 or the equivalent under tribal law and to
31 assure the subject's appearance at a later disposition hearing. A subject

1 shall be retained in custody under this section at the nearest
2 appropriate and available medical facility and shall not be placed in a
3 jail or other correctional facility except as required or authorized by
4 subsection (2) of section 71-919.

5 (b) Each tribe shall make arrangements with appropriate medical
6 facilities inside or outside the tribe for such purpose and shall make
7 arrangements for payment of the cost of the emergency protective custody
8 of persons from such tribe in such facilities.

9 (c) A subject who has been ordered to receive inpatient or
10 outpatient treatment pursuant to tribal law may be provided treatment
11 while being retained in emergency protective custody and pending
12 admission of the subject for treatment pursuant to such order.

13 **Sec. 114.** Section 71-939, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 71-939 (1)(a) When any person receiving treatment at a treatment
16 facility or program for persons with mental illness or substance
17 dependence pursuant to an order of a court or mental health board is
18 absent without authorization from such treatment facility or program, the
19 administrator or program director of such treatment facility or program
20 shall immediately notify the Nebraska State Patrol and the court or clerk
21 of the mental health board of the judicial district from which such
22 person was committed.

23 (b) The clerk shall issue the warrant of the board directed to the
24 sheriff of the county for the arrest and detention of such person. Such
25 warrant may be executed by the sheriff or any other peace officer.

26 (2)(a) When any person receiving treatment at a treatment facility
27 or program for persons with mental illness or substance dependence
28 pursuant to an order of a tribal court as provided in section 71-964 is
29 absent without authorization from such treatment facility or program, the
30 administrator or program director of such treatment facility or program
31 shall immediately notify the Nebraska State Patrol and the appropriate

1 tribal prosecutor or official.

2 (b) The appropriate tribal official may issue a warrant directed to
3 a peace officer or sheriff of any county for the arrest and detention of
4 such person. Such warrant may be executed by the sheriff or any other
5 peace officer.

6 (3) The notification required by subdivision (1)(a) or (2)(a) of
7 this section shall include the person's name and description and a
8 determination by a psychiatrist, clinical director, administrator, or
9 program director as to whether the person is believed to be currently
10 dangerous to others.

11 (4) Pending the issuance of such warrant, any peace officer may
12 seize and detain such person when the peace officer has probable cause to
13 believe that the person is reported to be absent without authorization as
14 described in this section. Such person shall be returned to the treatment
15 facility or program or shall be taken to a facility or jail as described
16 in section 71-919 until he or she can be returned to such treatment
17 facility or program.

18 **Sec. 115.** Section 71-941, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-941 (1) A person arrested upon a warrant pursuant to section
21 71-940 shall not be delivered to a demanding state until he or she is
22 notified of the demand for his or her surrender and has had an
23 opportunity to apply for a writ of habeas corpus. If an application is
24 filed, notice of the time and place for hearing on the writ shall be
25 given to the county attorney of the county where the arrest was made. The
26 person arrested shall have the right to counsel and the right to have
27 counsel appointed for him or her if the person is indigent. Pending the
28 determination of the court upon the application for the writ, the person
29 detained shall be maintained in a suitable facility or jail as described
30 in section 71-919 or a hospital for persons with mental illness.

31 (2) At a hearing on a writ of habeas corpus, the State of Nebraska

1 shall show that there is probable cause to believe that (a) such person
2 is absent without authorization from a treatment facility or program for
3 persons with mental illness or substance dependence to which he or she
4 was committed located in the demanding state, (b) the demanding state has
5 reason to believe that such person is currently dangerous to himself,
6 herself, or others, and (c) the demanding state is willing to accept the
7 person back for further treatment.

8 **Sec. 116.** Section 71-951, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 71-951 All mental health board hearings under the Nebraska Mental
11 Health Commitment Act shall be closed to the public except at the request
12 of the subject and shall be held in a courtroom or at any convenient and
13 suitable place designated by the mental health board. The board shall
14 have the right to conduct the proceeding where the subject is currently
15 residing if the subject is unable to travel. Upon the agreement of all
16 parties, any hearing before the mental health board may be conducted by
17 videoconferencing.

18 **Sec. 117.** Section 71-952, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 71-952 A subject shall appear personally or by videoconferencing and
21 be afforded the opportunity to testify in his or her own behalf and to
22 present witnesses and tangible evidence in defending against the petition
23 at the hearing.

24 **Sec. 118.** Section 71-954, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 71-954 (1) Except as provided in subsection (2) of this section, a A
27 subject shall have the right at a hearing held under the Nebraska Mental
28 Health Commitment Act or the Sex Offender Commitment Act to confront and
29 cross-examine adverse witnesses and evidence equivalent to the rights of
30 confrontation granted by Amendments VI and XIV of the United States
31 Constitution and Article I, section 11, of the Constitution of Nebraska.

1 (2) This section does not prohibit a mental health board from
2 conducting a hearing using videoconferencing.

3 **Sec. 119.** Section 71-958, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 71-958 Any qualified mental health professional, upon being
6 authorized by the administrator of the ~~treatment~~ facility or jail having
7 custody of the subject, may provide appropriate medical treatment for the
8 subject while in custody, except that a subject shall not be subjected to
9 such quantities of medication or other treatment within such period of
10 time prior to any hearing held under the Nebraska Mental Health
11 Commitment Act or the Sex Offender Commitment Act or, for a subject who
12 is domiciled in Indian country and committed for treatment as provided in
13 section 71-964, a hearing held under the equivalent tribal law, as will
14 substantially impair his or her ability to assist in his or her defense
15 at such hearing.

16 **Sec. 120.** Section 71-961, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 71-961 (1) All records kept on any subject shall remain confidential
19 except as otherwise provided by law. Such records shall be accessible to
20 (a) the subject, except as otherwise provided in subsection (2) of this
21 section, (b) the subject's legal counsel, (c) the subject's guardian or
22 conservator, if any, (d) the mental health board having jurisdiction over
23 the subject, (e) persons authorized by an order of a judge or court, (f)
24 persons authorized by written permission of the subject, (g) agents or
25 employees of the Department of Health and Human Services upon delivery of
26 a subpoena from the department in connection with a licensing or
27 licensure investigation by the department, (h) individuals authorized to
28 receive notice of the release of a sex offender pursuant to section
29 83-174, (i) the Nebraska State Patrol or the department pursuant to
30 section 69-2409.01, (j) the Department of Correctional Services Division
31 of ~~Parole Supervision~~ if the subject meets the requirements for lifetime

1 community supervision pursuant to section 83-174.03, and (k) any tribal
2 court having jurisdiction over a subject who is domiciled in Indian
3 country and committed for treatment as provided in section 71-964.

4 (2) Upon application by the county attorney or by the administrator
5 of the treatment facility where the subject is in custody and upon a
6 showing of good cause therefor, a judge of the district court of the
7 county where the mental health board proceedings were held or of the
8 county where the treatment facility is located may order that the records
9 not be made available to the subject if, in the judgment of the court,
10 the availability of such records to the subject will adversely affect his
11 or her mental illness or personality disorder and the treatment thereof.

12 (3) When a subject is absent without authorization from a treatment
13 facility or program described in section 71-939 or 71-1223 and is
14 considered to be dangerous to others, the subject's name and description
15 and a statement that the subject is believed to be considered dangerous
16 to others may be disclosed in order to aid in the subject's apprehension
17 and to warn the public of such danger.

18 **Sec. 121.** Section 71-1203, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 71-1203 For purposes of the Sex Offender Commitment Act:

21 (1) The definitions found in sections 71-904.02, 71-905, 71-906,
22 71-907, 71-910, 71-911, 71-914.01, 71-914.02, and 83-174.01 and sections
23 106 and 107 of this act apply;

24 (2) Administrator means the administrator or other chief
25 administrative officer of a treatment facility, medical facility, jail,
26 or Department of Correctional Services facility or his or her designee;

27 (3) Outpatient treatment means treatment ordered by a mental health
28 board directing a subject to comply with specified outpatient treatment
29 requirements, including, but not limited to, (a) taking prescribed
30 medication, (b) reporting to a mental health professional or treatment
31 facility for treatment or for monitoring of the subject's condition, or

1 (c) participating in individual or group therapy or educational,
2 rehabilitation, residential, or vocational programs;

3 (4)(a) Subject means any person concerning whom (i) a certificate
4 has been filed under section 71-1204, (ii) a certificate has been filed
5 under section 71-919 and such person is held pursuant to subdivision (2)
6 (b) of section 71-919, or (iii) a petition has been filed under the Sex
7 Offender Commitment Act.

8 (b) Subject also includes a person who is a member of a tribe or
9 eligible for membership in a tribe, who is domiciled within Indian
10 country in Nebraska, and concerning whom sex offender involuntary
11 commitment or emergency protective custody proceedings have been
12 initiated under tribal law.

13 (c) Subject does not include any person under eighteen years of age
14 unless such person is an emancipated minor; and

15 (5) Treatment facility means a facility which provides services for
16 persons who are dangerous sex offenders.

17 **Sec. 122.** Section 71-1204, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 71-1204 (1) Except as provided in subsection (3) of this section, a
20 mental health professional who, upon evaluation of a person admitted for
21 emergency protective custody under section 71-919, determines that such
22 person is a dangerous sex offender shall execute a written certificate as
23 provided in subsection (2) of this section not later than twenty-four
24 hours after the completion of such evaluation. A copy of such certificate
25 shall be immediately forwarded to the county attorney.

26 (2) The certificate shall be in writing and shall include the
27 following information:

28 (a) The subject's name and address, if known;

29 (b) The name and address of the subject's spouse, legal counsel,
30 guardian or conservator, and next of kin, if known;

31 (c) The name and address of anyone providing psychiatric or other

1 care or treatment to the subject, if known;

2 (d) The name and address of any other person who may have knowledge
3 of the subject's mental illness or personality disorder who may be called
4 as a witness at a mental health board hearing with respect to the
5 subject, if known;

6 (e) The name and address of the ~~medical~~ facility or jail in which
7 the subject is being held for emergency protective custody and
8 evaluation;

9 (f) The name and work address of the certifying mental health
10 professional;

11 (g) A statement by the certifying mental health professional that he
12 or she has evaluated the subject since the subject was admitted for
13 emergency protective custody and evaluation; and

14 (h) A statement by the certifying mental health professional that,
15 in his or her clinical opinion, the subject is a dangerous sex offender
16 and the clinical basis for such opinion.

17 (3) In the case of a subject domiciled within Indian country who is
18 taken into emergency protective custody by a law enforcement officer
19 under tribal law, a mental health professional who, upon evaluation of
20 such person, determines that such person is a dangerous sex offender
21 shall execute appropriate written documentation in a format provided by
22 the tribe not later than twenty-four hours after the completion of such
23 evaluation. A copy of such certificate shall be immediately forwarded to
24 the person designated by the tribe.

25 **Sec. 123.** Section 71-1206, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 71-1206 (1) Mental health board proceedings shall be deemed to have
28 commenced upon the earlier of (a) the filing of a petition under section
29 71-1205 or (b) notification by the county attorney to the law enforcement
30 officer who took the subject into emergency protective custody under
31 section 71-919 or the administrator of the ~~treatment~~ facility or jail

1 having charge of the subject of the intention of the county attorney to
2 file such petition. The county attorney shall file such petition as soon
3 as reasonably practicable after such notification.

4 (2) A petition filed by the county attorney under section 71-1205
5 may contain a request for the emergency protective custody and evaluation
6 of the subject prior to commencement of a mental health board hearing
7 pursuant to such petition with respect to the subject. Upon receipt of
8 such request and upon a finding of probable cause to believe that the
9 subject is a dangerous sex offender as alleged in the petition, the court
10 or chairperson of the mental health board may issue a warrant directing
11 the sheriff to take custody of the subject. If the subject is already in
12 emergency protective custody under a certificate filed under section
13 71-919, a copy of such certificate shall be filed with the petition. The
14 subject in such custody, including pursuant to tribal law as provided in
15 section 71-1226.01, shall be held in an appropriate and available medical
16 facility, jail, or Department of Correctional Services facility. A
17 dangerous sex offender shall not be admitted to a medical facility for
18 emergency protective custody unless a medical or psychiatric emergency
19 exists requiring treatment not available at a jail or correctional
20 facility.

21 (3)(a) Except as provided in subdivision (3)(b) of this section,
22 each county shall make arrangements with appropriate facilities inside or
23 outside the county for such purpose and shall pay the cost of the
24 emergency protective custody of persons from such county in such
25 facilities.

26 (b) For a subject domiciled within Indian country in Nebraska for
27 whom emergency protective custody is initiated under tribal law, the
28 tribe shall make arrangements with appropriate facilities inside or
29 outside the tribe for such purpose and shall make arrangements for the
30 payment of the cost of the emergency protective custody of persons from
31 such tribe in such facilities.

1 (4) The petition and all subsequent pleadings and filings in the
2 case shall be entitled In the Interest of , Alleged to be a
3 Dangerous Sex Offender. The county attorney may dismiss the petition at
4 any time prior to the commencement of the hearing of the mental health
5 board under section 71-1208, and upon such motion by the county attorney,
6 the mental health board shall dismiss the petition.

7 **Sec. 124.** Section 71-1208, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 71-1208 (1) A hearing shall be held by the mental health board to
10 determine whether there is clear and convincing evidence that the subject
11 is a dangerous sex offender as alleged in the petition.

12 (2) At the commencement of the hearing, the board shall inquire
13 whether the subject has received a copy of the petition and list of
14 rights accorded him or her by sections 71-943 to 71-960 and whether he or
15 she has read and understood them. The board shall explain to the subject
16 any part of the petition or list of rights which he or she has not read
17 or understood. The board shall inquire of the subject whether he or she
18 admits or denies the allegations of the petition. If the subject admits
19 the allegations, the board shall proceed to enter a treatment order
20 pursuant to section 71-1209. If the subject denies the allegations of the
21 petition, the board shall proceed with a hearing on the merits of the
22 petition.

23 (3) Upon the agreement of all parties, a hearing before the mental
24 health board under this section may be conducted by videoconferencing.

25 **Sec. 125.** Section 71-1223, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 71-1223 (1)(a) When any person receiving treatment at a treatment
28 facility or program for dangerous sex offenders pursuant to an order of a
29 court or mental health board is absent without authorization from such
30 treatment facility or program, the administrator or program director of
31 such treatment facility or program shall immediately notify the Nebraska

1 State Patrol and the court or clerk of the mental health board of the
2 judicial district from which such person was committed.

3 (b) The clerk shall issue the warrant of the board directed to the
4 sheriff of the county for the arrest and detention of such person. Such
5 warrant may be executed by the sheriff or any other peace officer.

6 (2)(a) When any person receiving treatment at a treatment facility
7 or program for persons with mental illness pursuant to an order of a
8 tribal court as provided in section 71-1226.01 is absent without
9 authorization from such treatment facility or program, the administrator
10 or program director of such treatment facility or program shall
11 immediately notify the Nebraska State Patrol and the appropriate tribal
12 prosecutor or official.

13 (b) The appropriate tribal official may issue a warrant directed to
14 a peace officer or sheriff of any county for the arrest and detention of
15 such person. Such warrant may be executed by the sheriff or any other
16 peace officer.

17 (3) The notification required by subdivision (1)(a) or (2)(a) of
18 this section shall include the person's name and description and a
19 determination by a psychiatrist, clinical director, administrator, or
20 program director as to whether the person is believed to be currently
21 dangerous to others.

22 (4) Pending the issuance of such warrant, any peace officer may
23 seize and detain such person when the peace officer has probable cause to
24 believe that the person is reported to be absent without authorization as
25 described in this section. Such person shall be returned to the treatment
26 facility or program or shall be taken to a facility or jail as described
27 in section 71-919 until he or she can be returned to such treatment
28 facility or program.

29 **Sec. 126.** Section 71-3426, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 71-3426 (1) A lead organization may establish a local team for the

1 lead organization's jurisdiction or for a group of cities, counties, or
2 districts, pursuant to an agreement between multiple lead organizations.
3 If multiple lead organizations decide to form a local team, only one
4 shall fulfill the role of lead organization. The lead organization shall
5 select the members of the local team.

6 (2) A local team shall consist of the core members that may include
7 one or more members from the following backgrounds:

8 (a) Officials from the lead organization or from another local
9 public health department or such officials' designees;

10 (b) Behavioral health providers or officials;

11 (c) Law enforcement personnel;

12 (d) Representatives of jails or detention centers;

13 (e) The coroner or the coroner's designee;

14 (f) Health care providers who specialize in the prevention,
15 diagnosis, and treatment of substance use disorders;

16 (g) Mental health providers who specialize in substance use
17 disorders;

18 (h) Representatives of emergency medical services providers in the
19 county;

20 (i) The Director of Children and Family Services of the Division of
21 Children and Family Services of the Department of Health and Human
22 Services or the director's designee; and

23 (j) Representatives from the Board of Parole, the Office of
24 Probation Administration, the Department of Correctional Services
25 ~~Division of Parole Supervision~~, or the Community Corrections Division of
26 the Nebraska Commission on Law Enforcement and Criminal Justice.

27 (3) A local team may also include, either as permanent or temporary
28 members:

29 (a) A local school superintendent or the superintendent's designee;

30 (b) A representative of a local hospital;

31 (c) A health care provider who specializes in emergency medicine;

- 1 (d) A health care provider who specializes in pain management;
- 2 (e) A pharmacist with a background in prescription drug misuse and
- 3 diversion;
- 4 (f) A substance use disorder treatment provider from a licensed
- 5 substance use disorder treatment program;
- 6 (g) A poison control center representative;
- 7 (h) A mental health provider who is a generalist;
- 8 (i) A prescription drug monitoring program administrator or such
- 9 administrator's designee;
- 10 (j) A representative from a harm reduction provider;
- 11 (k) A recovery coach, peer support worker, or other representative
- 12 of the recovery community;
- 13 (l) A representative from the local drug court; and
- 14 (m) Any other individual necessary for the work of the local team.
- 15 (4) The lead organization shall select a chairperson for the local
- 16 team. The chairperson shall be an official of the lead organization or
- 17 such official's designee. The chairperson shall:
- 18 (a) Solicit and recruit members and appoint replacement members to
- 19 fill vacancies that may arise on the team. In carrying out this
- 20 responsibility, the chairperson shall, at a minimum, attempt to appoint
- 21 at least one member from each of the backgrounds or positions described
- 22 in subsection (2) of this section;
- 23 (b) Facilitate local team meetings and implement the protocols and
- 24 procedures of the local team;
- 25 (c) Request and collect the records and information needed for the
- 26 local team's case review. The chairperson shall remove all personal
- 27 identifying information from any records or information prior to
- 28 providing it to the local team;
- 29 (d) Gather, store, and distribute the necessary records and
- 30 information for reviews conducted by the team. The chairperson shall
- 31 carry out such duties in compliance with all local, state, and federal

1 confidentiality laws and regulations;

2 (e) Ensure that team members receive timely notification of upcoming
3 meetings;

4 (f) Ensure the team fulfills the requirements of section 71-3427 to
5 publish an annual report, including recommendations to prevent future
6 drug overdose deaths;

7 (g) Ensure that all members of the local team and all guest
8 observers and participants sign confidentiality forms as required under
9 section 71-3433;

10 (h) Oversee compliance with the Overdose Fatality Review Teams Act
11 and the protocols developed by the team;

12 (i) Serve as a liaison for the local team; and

13 (j) Perform such other duties as the team deems appropriate.

14 (5) Members of the local team shall not receive compensation for
15 their services as team members.

16 **Sec. 127.** Section 71-3430, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 71-3430 (1) Except as provided in subsection (4) of this section, on
19 written request of the lead organization, and as necessary to carry out
20 the purpose and duties of the local team, the lead organization shall be
21 provided with the following information:

22 (a) Nonprivileged information and records regarding the physical
23 health, mental health, and treatment for any substance use disorder
24 maintained by a health care provider, substance use disorder treatment
25 provider, hospital, or health system for an individual whose death is
26 being reviewed by the local team; and

27 (b) Information and records maintained by a state or local
28 government agency or entity, including, but not limited to, death
29 investigative information, coroner investigative information, law
30 enforcement investigative information, emergency medical services
31 reports, fire department records, prosecutorial records, parole and

1 probation information and records, court records, school records, and
2 information and records of a social services agency, including the
3 department, if the agency or entity provided services to an individual
4 whose death is being reviewed by the local team.

5 (2) Except as provided in subsection (4) of this section, the
6 following persons shall comply with a records request by the lead
7 organization made pursuant to subsection (1) of this section:

8 (a) A coroner;

9 (b) A fire department;

10 (c) A health system;

11 (d) A hospital;

12 (e) A law enforcement agency;

13 (f) A local or state governmental agency, including, but not limited
14 to, the department, local public health authorities, the Attorney
15 General, county attorneys, public defenders, the Commission on Public
16 Advocacy, the Department of Correctional Services, and the Office of
17 Probation Administration ~~, and the Division of Parole Supervision;~~

18 (g) A mental health provider;

19 (h) A health care provider;

20 (i) A substance use disorder treatment provider;

21 (j) A school, including a public or private elementary, secondary,
22 or postsecondary institution;

23 (k) An emergency medical services provider;

24 (l) A social services provider; and

25 (m) Any other person who is in possession of records pertinent to
26 the local team's investigation of an overdose fatality.

27 (3) A person subject to a records request by a lead organization
28 under subsection (1) of this section may charge the lead organization a
29 reasonable fee for the service of duplicating any records requested by
30 the lead organization, not to exceed the actual cost of duplication.

31 (4)(a) Compliance with any records request under this section is

1 subject to the federal Health Insurance Portability and Accountability
2 Act of 1996, Public Law 104-191, and regulations promulgated thereunder;
3 42 U.S.C. 290dd-2; 42 C.F.R. part 2; and the Child Protection and Family
4 Safety Act.

5 (b) The department is not required to comply with a records request
6 under subsection (2) of this section to the extent the information
7 requested:

8 (i) Was obtained by the prescription drug monitoring program created
9 under section 71-2454;

10 (ii) Is covered by section 68-313; or

11 (iii) Is covered by 42 C.F.R. 431.300 et seq.

12 (c) The disclosure or redisclosure of a medical record developed in
13 connection with the provision of substance abuse treatment services,
14 without the authorization of a person in interest, is subject to any
15 limitations that exist under the federal Health Insurance Portability and
16 Accountability Act of 1996, Public Law 104-191, and regulations
17 promulgated thereunder; 42 U.S.C. 290dd-2; and 42 C.F.R. part 2.

18 (5) Information requested by the lead organization shall be provided
19 within thirty calendar days after receipt of the written request, unless
20 an extension is granted by the chairperson. Written request includes a
21 request submitted via email or facsimile transmission.

22 (6)(a) A county attorney or the Attorney General may, upon request
23 by a lead organization, issue subpoenas to compel production of any of
24 the records and information specified in this section.

25 (b) Any willful failure to comply with such a subpoena may be
26 certified by the county attorney or Attorney General to the district
27 court for enforcement or punishment for contempt of court.

28 **Sec. 128.** Section 75-325, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 75-325 (1) Every transportation network company shall:

31 (a) Provide the commission with its email address and customer

1 service telephone number;

2 (b) Display for the passenger either a picture of the driver's
3 personal vehicle and a picture of the driver or the license plate number
4 of the driver's personal vehicle on the online-enabled application or
5 platform that a transportation network company uses to connect drivers
6 and passengers;

7 (c) Maintain an agent for service of process in Nebraska;

8 (d) Maintain accurate and up-to-date records of all drivers
9 providing services on behalf of the transportation network company,
10 including the vehicle identification number for all personal vehicles to
11 be operated in connection with the transportation network company;

12 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on
13 the use of drugs or alcohol applicable to any driver providing service
14 for the transportation network company that prohibits a driver from using
15 any amount of drugs or alcohol while the driver is providing service,
16 (ii) provide a copy of the policy to the commission promptly upon
17 adoption, and (iii) provide a copy of any revision to the policy promptly
18 upon adoption;

19 (f) Implement an anti-discrimination policy that prohibits
20 discrimination by any driver providing service for the company on the
21 basis of race, national origin, religion, gender, physical or mental
22 disability, medical condition, marital status, ~~or~~ age, or military or
23 veteran status and file the policy with the commission;

24 (g) Maintain a website that provides a customer service telephone
25 number or email address of the transportation network company and that
26 provides the telephone number and email address of the commission;

27 (h) Establish a driver training program designed to ensure that each
28 driver safely operates his or her personal vehicle prior to the driver
29 being able to offer services on the transportation network company's
30 online-enabled application or platform;

31 (i) Maintain records required under sections 75-301 to 75-343 to be

1 collected by the transportation network company, including records
2 regarding participating drivers; and

3 (j) Cooperate with the commission and any employees, investigators,
4 or duly authorized agents of the commission in the investigation of
5 complaints received by the commission from the public or in
6 investigations initiated by the commission.

7 (2) A transportation network company shall not allow a driver to
8 provide service if the company finds the driver to be in violation of its
9 zero-tolerance policy required pursuant to subdivision (1)(e) of this
10 section or if the driver has not successfully completed driver training
11 pursuant to subdivision (1)(h) of this section. The transportation
12 network company shall provide on its website and its online-enabled
13 application or platform notice of the zero-tolerance policy and the
14 procedures to report a complaint about a driver with whom the passenger
15 was matched when the passenger reasonably suspects the driver was under
16 the influence of drugs or alcohol during the course of the prearranged
17 ride. Upon receiving a complaint, a transportation network company shall
18 immediately suspend the driver against whom the complaint was issued and
19 conduct an investigation of the alleged violation. The suspension shall
20 last for the duration of the investigation.

21 (3) If the commission has reasonable cause to believe a
22 transportation network company is not enforcing the zero-tolerance policy
23 filed with the commission, the commission shall investigate and, after
24 notice and hearing, may enter an order requiring the transportation
25 network company to enforce such policy, which may include suspension of
26 the participating driver.

27 **Sec. 129.** Section 76-1495, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 76-1495 A landlord may not:

30 (1) Deny rental on the basis of race, color, religion, sex, or
31 national origin, or military or veteran status;

1 (2) Require any person, as a precondition to renting, leasing, or
2 otherwise occupying or removing from a mobile home space in a mobile home
3 park, to pay an entrance or exit fee of any kind unless for services
4 actually rendered or pursuant to a written agreement. A landlord may
5 restrict the movement of mobile homes to reasonable hours and may require
6 that all work in connection with the removal or installation of a mobile
7 home, including, but not limited to, the hookup or disconnection of
8 utilities, be done in a good and workmanlike manner;

9 (3) Deny any resident of a mobile home park the right to sell that
10 person's mobile home at a price of his or her own choosing. The tenant
11 shall, prior to selling the mobile home, give notice to the landlord,
12 including, but not limited to, the name of the prospective purchaser.
13 Unless otherwise agreed in writing, the landlord may reserve the right to
14 approve or disapprove the prospective purchaser of the mobile home as a
15 tenant within ten days after receiving notice of the intended sale. Any
16 disapproval shall be in writing and shall be delivered to such tenant
17 pursuant to section 76-1474. The landlord shall not unreasonably refuse
18 or restrict the sale by a tenant of a mobile home located in his or her
19 mobile home park, but the landlord may consider the size, ages, and
20 composition of the prospective purchaser's family in determining if the
21 mobile home purchaser may leave the home in the park. The landlord may
22 also, in order to upgrade the quality of the mobile home park, prescribe
23 reasonable requirements governing the age, physical appearance, size, or
24 quality of the mobile home. In the event of a sale to a third party or
25 mutual termination of the rental agreement, the landlord may within ten
26 days after receiving written notice of the pending sale or mutual
27 termination require that any mobile home that is no longer appropriate
28 for the mobile home park or that is in disrepair be repaired to the
29 landlord's satisfaction or removed from the park within sixty days. The
30 landlord shall specify in writing the reasons for disapproval of the
31 mobile home;

1 (4) Exact a commission or fee with respect to the price realized by
2 the tenant selling the mobile home, unless the park owner or operator has
3 acted as agent for the mobile home owner pursuant to a written agreement;
4 or

5 (5) Require a tenant to furnish permanent improvements which cannot
6 be removed by the tenant without damage to the mobile home or mobile home
7 space at the expiration of the rental agreement.

8 **Sec. 130.** Section 81-885.24, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 81-885.24 The commission may, upon its own motion, and shall, upon
11 the sworn complaint in writing of any person, investigate the actions of
12 any broker, associate broker, salesperson, or subdivider, may censure the
13 licensee or certificate holder, revoke or suspend any license or
14 certificate issued under the Nebraska Real Estate License Act, or enter
15 into consent orders, and, alone or in combination with such disciplinary
16 actions, may impose a civil fine on a licensee pursuant to section
17 81-885.10, whenever the license or certificate has been obtained by false
18 or fraudulent representation or the licensee or certificate holder has
19 been found guilty of any of the following unfair trade practices:

20 (1) Refusing because of religion, race, color, national origin,
21 ethnic group, sex, familial status, ~~or~~ disability, or military or veteran
22 status to show, sell, or rent any real estate for sale or rent to
23 prospective purchasers or renters;

24 (2) Intentionally using advertising which is misleading or
25 inaccurate in any material particular or in any way misrepresents any
26 property, terms, values, policies, or services of the business conducted;

27 (3) Failing to account for and remit any money coming into his or
28 her possession belonging to others;

29 (4) Commingling the money or other property of his or her principals
30 with his or her own;

31 (5) Failing to maintain and deposit in a separate trust account all

1 money received by a broker acting in such capacity, or as escrow agent or
2 the temporary custodian of the funds of others, in a real estate
3 transaction unless all parties having an interest in the funds have
4 agreed otherwise in writing;

5 (6) Accepting, giving, or charging any form of undisclosed
6 compensation, consideration, rebate, or direct profit on expenditures
7 made for a principal;

8 (7) Representing or attempting to represent a real estate broker,
9 other than the employer, without the express knowledge and consent of the
10 employer;

11 (8) Accepting any form of compensation or consideration by an
12 associate broker or salesperson from anyone other than his or her
13 employing broker without the consent of his or her employing broker;

14 (9) Acting in the dual capacity of agent and undisclosed principal
15 in any transaction;

16 (10) Guaranteeing or authorizing any person to guarantee future
17 profits which may result from the resale of real property;

18 (11) Placing a sign on any property offering it for sale or rent
19 without the written consent of the owner or his or her authorized agent;

20 (12) Offering real estate for sale or lease without the knowledge
21 and consent of the owner or his or her authorized agent or on terms other
22 than those authorized by the owner or his or her authorized agent;

23 (13) Inducing any party to a contract of sale or lease to break such
24 contract for the purpose of substituting, in lieu thereof, a new contract
25 with another principal;

26 (14) Negotiating a sale, exchange, listing, or lease of real estate
27 directly with an owner or lessor if he or she knows that such owner has a
28 written outstanding listing contract in connection with such property
29 granting an exclusive agency or an exclusive right to sell to another
30 broker or negotiating directly with an owner to withdraw from or break
31 such a listing contract for the purpose of substituting, in lieu thereof,

1 a new listing contract;

2 (15) Discussing or soliciting a discussion of, with an owner of a
3 property which is exclusively listed with another broker, the terms upon
4 which the broker would accept a future listing upon the expiration of the
5 present listing unless the owner initiates the discussion;

6 (16) Violating any provision of sections 76-2401 to 76-2430;

7 (17) Soliciting, selling, or offering for sale real estate by
8 offering free lots or conducting lotteries for the purpose of influencing
9 a purchaser or prospective purchaser of real estate;

10 (18) Providing any form of compensation or consideration to any
11 person for performing the services of a broker, associate broker, or
12 salesperson who has not first secured his or her license under the
13 Nebraska Real Estate License Act unless such person is (a) a nonresident
14 who is licensed in his or her resident regulatory jurisdiction or (b) a
15 citizen and resident of a foreign country which does not license persons
16 conducting the activities of a broker and such person provides reasonable
17 written evidence to the Nebraska broker that he or she is a resident
18 citizen of that foreign country, is not a resident of this country, and
19 conducts the activities of a broker in that foreign country;

20 (19) Failing to include a fixed date of expiration in any written
21 listing agreement and failing to leave a copy of the agreement with the
22 principal;

23 (20) Failing to deliver within a reasonable time a completed and
24 dated copy of any purchase agreement or offer to buy or sell real estate
25 to the purchaser and to the seller;

26 (21) Failing by a broker to deliver to the seller in every real
27 estate transaction, at the time the transaction is consummated, a
28 complete, detailed closing statement showing all of the receipts and
29 disbursements handled by such broker for the seller, failing to deliver
30 to the buyer a complete statement showing all money received in the
31 transaction from such buyer and how and for what the same was disbursed,

1 and failing to retain true copies of such statements in his or her files;

2 (22) Making any substantial misrepresentations;

3 (23) Acting for more than one party in a transaction without the
4 knowledge of all parties for whom he or she acts;

5 (24) Failing by an associate broker or salesperson to place, as soon
6 after receipt as practicable, in the custody of his or her employing
7 broker any deposit money or other money or funds entrusted to him or her
8 by any person dealing with him or her as the representative of his or her
9 licensed broker;

10 (25) Filing a listing contract or any document or instrument
11 purporting to create a lien based on a listing contract for the purpose
12 of casting a cloud upon the title to real estate when no valid claim
13 under the listing contract exists;

14 (26) Violating any rule or regulation adopted and promulgated by the
15 commission in the interest of the public and consistent with the Nebraska
16 Real Estate License Act;

17 (27) Failing by a subdivider, after the original certificate has
18 been issued, to comply with all of the requirements of the Nebraska Real
19 Estate License Act;

20 (28) Conviction of a felony or entering a plea of guilty or nolo
21 contendere to a felony charge by a broker or salesperson;

22 (29) Demonstrating negligence, incompetency, or unworthiness to act
23 as a broker, associate broker, or salesperson, whether of the same or of
24 a different character as otherwise specified in this section;

25 (30) Inducing or attempting to induce a person to transfer an
26 interest in real property, whether or not for monetary gain, or
27 discouraging another person from purchasing real property, by
28 representing that (a) a change has occurred or will or may occur in the
29 composition with respect to religion, race, color, national origin,
30 ethnic group, sex, familial status, or disability of the owners or
31 occupants in the block, neighborhood, or area or (b) such change will or

1 may result in the lowering of property values, an increase in criminal or
2 antisocial behavior, or a decline in the quality of schools in the block,
3 neighborhood, or area;

4 (31) Failing by a team leader to provide a current list of all team
5 members to his or her designated broker;

6 (32) Failing by a designated broker to maintain a record of all team
7 leaders and team members working under him or her;

8 (33) Utilizing advertising which does not prominently display the
9 name under which the designated broker does business as filed with the
10 commission;

11 (34) Utilizing team advertising or a team name suggesting the team
12 is an independent real estate brokerage;

13 (35) Charging or collecting, as part or all of his or her
14 compensation or consideration, any part of the earnest money or other
15 money paid to him or her or the entity under which he or she does
16 business in connection with any real estate transaction until the
17 transaction has been consummated or terminated. However, a payment for
18 goods or services rendered by a third party on behalf of the client shall
19 not be considered compensation or consideration if such payment does not
20 include any profit, compensation, or payment for services rendered by the
21 broker and the broker retains a record of the payment to the third party
22 for such goods or services;

23 (36) Failing to provide a copy of section 81-885.04 or written
24 instructions explaining the provisions of the exemption from licensure as
25 set forth in subdivision (9) of section 81-885.04 to any unlicensed
26 person who assists in procuring a potential client or customer as defined
27 in sections 76-2407 and 76-2409, respectively, for the purpose of the
28 listing, sale, purchase, exchange, renting, leasing, or optioning of any
29 real estate; or

30 (37) Offering or entering into a right-to-list home sale agreement.

31 **Sec. 131.** Section 81-1401, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
3 context otherwise requires:

4 (1) Class I railroad means a rail carrier classified as Class I
5 pursuant to 49 C.F.R. part 1201 1-1;

6 (2) Commission means the Nebraska Commission on Law Enforcement and
7 Criminal Justice;

8 (3) Council means the Nebraska Police Standards Advisory Council;

9 (4) Director means the director of the Nebraska Law Enforcement
10 Training Center;

11 (5) Felony means a crime punishable by imprisonment for a term of
12 more than one year or a crime committed outside of Nebraska which would
13 be punishable by imprisonment for a term of more than one year if
14 committed in Nebraska;

15 (6) Handgun means any firearm with a barrel less than sixteen inches
16 in length or any firearm designed to be held and fired by the use of a
17 single hand;

18 (7) Law enforcement agency means the police department or the town
19 marshal in incorporated municipalities, the office of sheriff in
20 unincorporated areas, the Nebraska State Patrol, and Class I railroad
21 police departments;

22 (8)(a) Law enforcement officer means any person who has successfully
23 completed an entry-level law enforcement certification from a training
24 academy and who is responsible for the prevention or detection of crime
25 or the enforcement of the penal, traffic, or highway laws of the state or
26 any political subdivision of the state for more than one hundred hours
27 per year and is authorized by law to make arrests and includes, but is
28 not limited to:

29 (i) A full-time or part-time member of the Nebraska State Patrol;

30 (ii) A county sheriff;

31 (iii) A full-time or part-time employee of a county sheriff's

1 office;

2 (iv) A full-time or part-time employee of a municipal or village
3 police agency;

4 (v) A full-time or part-time Game and Parks Commission conservation
5 officer;

6 (vi) A full-time or part-time deputy state sheriff;

7 (vii) A full-time employee of an organized and paid fire department
8 of any city of the metropolitan class who is an authorized arson
9 investigator and whose duties consist of determining the cause, origin,
10 and circumstances of fires or explosions while on duty in the course of
11 an investigation;

12 (viii) A member of a law enforcement reserve force appointed in
13 accordance with section 81-1438; or

14 (ix) A full-time Class I railroad police officer;

15 (b) Law enforcement officer includes a noncertified conditional
16 officer;

17 (c) Law enforcement officer does not include employees of the
18 Department of Correctional Services, probation officers under the
19 Nebraska Probation System, parole officers appointed by the Director of
20 Correctional Supervision and Services of the ~~Division of Parole~~
21 ~~Supervision~~, or employees of the Department of Revenue under section
22 77-366; and

23 (d) Except for a noncertified conditional officer, a law enforcement
24 officer shall possess a valid law enforcement officer certificate or
25 diploma, as established by the council, in order to be vested with the
26 authority of this section;

27 (9) Misdemeanor crime of domestic violence has the same meaning as
28 in section 28-1206;

29 (10) Noncertified conditional officer means a person appointed
30 pursuant to subsection (6) of section 81-1414;

31 (11) Serious misconduct means improper or illegal actions taken by a

1 law enforcement officer that have a rational connection with the person's
2 fitness or capacity to serve as a law enforcement officer and includes,
3 but is not limited to:

4 (a) Conviction of a felony or misdemeanor crime of domestic
5 violence;

6 (b) Fabrication of evidence;

7 (c) Repeated substantiated allegations of the use of excessive
8 force;

9 (d) Acceptance of a bribe;

10 (e) Commission of fraud or perjury; or

11 (f) Sexual assault;

12 (12) Training academy means:

13 (a) The training center; or

14 (b) Another council-approved law enforcement training facility
15 which:

16 (i) Offers certification training that meets or exceeds the
17 certification training curriculum of the training center; and

18 (ii) Is operated and maintained by a law enforcement agency or by
19 multiple law enforcement agencies pursuant to the Interlocal Cooperation
20 Act;

21 (13) Training center means the Nebraska Law Enforcement Training
22 Center; and

23 (14) Training school means a public or private institution of higher
24 education, including the University of Nebraska, the Nebraska state
25 colleges, and the community colleges of this state, that offers training
26 in a council-approved pre-certification course.

27 **Sec. 132.** Section 83-170, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 83-170 As used in the Nebraska Treatment and Corrections Act, unless
30 the context otherwise requires:

31 (1) Board means the Board of Parole;

1 (2) Committed offender means any person who, under any provision of
2 law, is sentenced or committed to a facility operated by the department
3 or is sentenced or committed to the department other than a person
4 adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of
5 section 43-247 by a juvenile court;

6 (3) Department means the Department of Correctional Services;

7 (4) Director means the Director of Correctional Services;

8 ~~(5) Director of Supervision and Services means the Director of~~
9 ~~Supervision and Services appointed pursuant to section 83-1,101;~~

10 (5) ~~(6)~~ Facility means any prison, reformatory, training school,
11 reception center, community guidance center, group home, or other
12 institution operated by the department;

13 (6) ~~(7)~~ Good time means any reduction of sentence granted pursuant
14 to sections 83-1,107 and 83-1,108;

15 (7) ~~(8)~~ Maximum term means the maximum sentence provided by law or
16 the maximum sentence imposed by a court, whichever is shorter;

17 (8) ~~(9)~~ Minimum term means the minimum sentence provided by law or
18 the minimum sentence imposed by a court, whichever is longer;

19 (9) ~~(10)~~ Pardon authority means the power to remit fines and
20 forfeitures and to grant respites, reprieves, pardons, or commutations;

21 (10) ~~(11)~~ Parole term means the time from release on parole to the
22 completion of the maximum term, reduced by good time;

23 (11) ~~(12)~~ Person committed to the department means any person
24 sentenced or committed to a facility within the department;

25 (12) ~~(13)~~ Restrictive housing means conditions of confinement that
26 provide limited contact with other offenders, strictly controlled
27 movement while out of cell, and out-of-cell time of less than twenty-four
28 hours per week; and

29 (13) ~~(14)~~ Solitary confinement means the status of confinement of an
30 inmate in an individual cell having solid, soundproof doors and which
31 deprives the inmate of all visual and auditory contact with other

1 persons.

2 **Sec. 133.** Section 83-171, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 83-171 There is hereby created a Department of Correctional Services
5 which shall:

6 (1) Maintain and administer facilities required for the custody,
7 control, correctional treatment, and rehabilitation of persons committed
8 to the department and for the safekeeping of such other persons as may be
9 remanded to the department in accordance with law;

10 (2) Develop policies and programs for the correctional treatment and
11 rehabilitation of persons committed to the department;

12 (3) Supervise parolees who have been committed to the department;
13 and

14 (4) Administer parole services in the facilities and in the
15 community; and -

16 (5) Maintain all records and files associated with the Board of
17 Parole, including relating to individuals subject to lifetime community
18 supervision under section 83-174.03. This section shall not be construed
19 to prohibit the department from maintaining daily records and files
20 associated with the Board of Pardons.

21 **Sec. 134.** Section 83-171.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 83-171.01 The department ~~and the Division of Parole Supervision~~
24 shall establish performance metrics for corrections and parole staff.
25 Such metrics shall measure staff efficacy in providing rehabilitative and
26 reentry services to committed offenders and parolees. Such metrics shall:

27 (1) Reflect a balanced approach that considers both compliance and
28 enforcement measures as well as outcomes related to rehabilitation,
29 reintegration, and public safety;

30 (2) Include indicators of progress for committed offenders and
31 parolees, such as successful completion of treatment programs,

1 educational attainment, employment status, and compliance with conditions
2 of supervision;

3 (3) Emphasize the importance of providing supportive services,
4 fostering positive relationships with committed offenders and parolees,
5 and promoting successful community reentry; and

6 (4) Be aligned with best practices, stakeholder input, and the
7 evolving goals and priorities of the criminal justice system.

8 **Sec. 135.** Section 83-173, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 83-173 The Director of Correctional Services shall:

11 (1) Supervise and be responsible for the administration of the
12 Department of Correctional Services;

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

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

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

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

23 (6) Adopt and promulgate rules and regulations for the management,
24 correctional treatment, and rehabilitation of persons committed to the
25 department, the administration of facilities, and the conduct of officers
26 and employees under his or her jurisdiction;

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

29 (8) Establish and administer policies that ensure that complete and
30 up-to-date electronic records are maintained for each person committed to
31 the department and which also ensure privacy protections. Electronic

1 records shall include programming recommendations, program completions,
2 time spent in housing other than general population, and medical records,
3 including mental and behavioral health records;

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

8 (10) Provide training programs designed to equip employees for duty
9 in the facilities and related services of the department and to raise and
10 maintain the educational standards, level of performance, and safety of
11 such employees;

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

14 (12) Issue or authorize the issuance of a warrant for the arrest of
15 any person committed to the department who has escaped from the custody
16 of the department; and

17 (13) Supervise and be responsible for administration of parole
18 services in the community, including administration of the Community Work
19 Release and Reentry Centers Act;

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

23 (15) Divide the state into parole districts and appoint district
24 parole officers and such other employees as may be required to carry out
25 adequate parole supervision of all parolees, prescribe their powers and
26 duties, and obtain division offices for staff in each district as may be
27 necessary;

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

1 (17) Provide the Board of Parole and district judges with any record
2 of a parolee that the board or such judges may require;

3 (18) Make recommendations to the Board of Parole or district judge
4 in cases of violation of the conditions of parole, issue warrants for the
5 arrest of parole violators when so instructed by the board or district
6 judge, and upon instruction of the board, issue certificates of parole
7 and of parole revocation to the facilities and certificates of discharge
8 from parole to parolees;

9 (19) Organize and conduct training programs for the district parole
10 officers and other employees;

11 (20) Use the funds provided under section 83-1,107.02 to augment
12 operational or personnel costs associated with the development,
13 implementation, and evaluation of enhanced parole-based programs and
14 purchase services to provide such programs aimed at enhancing adult
15 parolee supervision in the community and treatment needs of parolees.
16 Such enhanced parole-based programs include, but are not limited to,
17 specialized units of supervision, related equipment purchases and
18 training, and programs that address a parolee's vocational, educational,
19 mental health, behavioral, or substance abuse treatment needs, including
20 evidence-based peer and family support programs;

21 (21) Ensure that any risk or needs assessment instrument utilized by
22 the department be periodically validated;

23 (22) Each January 1, report to the Governor and electronically to
24 the Clerk of the Legislature the number of parole revocations and the
25 number of technical violations of parole;

26 (23) Take all actions necessary to assist the board in carrying out
27 its duties under section 83-962 during a correctional system overcrowding
28 emergency;

29 (24) Administer the Interstate Compact for Adult Offender
30 Supervision; and

31 (25) ~~(13)~~ Exercise all powers and perform all duties necessary and

1 proper in carrying out his or her responsibilities.

2 **Sec. 136.** Section 83-174.03, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
5 convicted of or completes a term of incarceration for a registrable
6 offense under section 29-4003 and has a previous conviction for a
7 registrable offense under such section, (b) is convicted of sexual
8 assault of a child in the first degree pursuant to section 28-319.01, or
9 (c) is convicted of or completes a term of incarceration for an
10 aggravated offense as defined in section 29-4001.01, shall, upon
11 completion of his or her term of incarceration or release from civil
12 commitment, be supervised in the community by the department ~~Division of~~
13 ~~Parole Supervision~~ for the remainder of his or her life.

14 (2) Notice shall be provided to the department ~~division~~ by an agency
15 or political subdivision which has custody of an individual required to
16 be supervised in the community pursuant to subsection (1) of this section
17 at least sixty days prior to the release of such individual from custody.

18 (3) Individuals required to be supervised in the community pursuant
19 to subsection (1) of this section shall undergo a risk assessment and
20 evaluation by the department ~~division~~ to determine the conditions of
21 community supervision to be imposed to best protect the public from the
22 risk that the individual will reoffend.

23 (4) Conditions of community supervision imposed on an individual by
24 the department ~~division~~ may include the following:

25 (a) Drug and alcohol testing if the conviction resulting in the
26 imposition of community supervision involved the use of drugs or alcohol;

27 (b) Restrictions on employment and leisure activities necessary to
28 minimize interaction with potential victims;

29 (c) Requirements to report regularly to the individual's community
30 supervision officer;

31 (d) Requirements to reside at a specified location and notify the

1 individual's community supervision officer of any change in address or
2 employment;

3 (e) A requirement to allow the department ~~division~~ access to medical
4 records from the individual's current and former providers of treatment;

5 (f) A requirement that the individual submit himself or herself to
6 available medical, psychological, psychiatric, or other treatment,
7 including, but not limited to, polygraph examinations; or

8 (g) Any other conditions designed to minimize the risk of
9 recidivism, including, but not limited to, the use of electronic
10 monitoring, which are not unduly restrictive.

11 **Sec. 137.** Section 83-174.04, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 83-174.04 An individual who violates one or more of the conditions
14 of community supervision established for him or her pursuant to section
15 83-174.03 shall undergo a review by the department ~~Division of Parole~~
16 ~~Supervision~~ to evaluate the risk posed to the public by the violation in
17 question. The department ~~division~~ may take any of the following actions
18 in response to a violation of conditions of community supervision:

19 (1) Revise or impose additional conditions of community supervision
20 in order to minimize the risk to the public from the continued presence
21 of the individual in the community;

22 (2) Forward to the Attorney General or the county attorney in the
23 county where the individual resides a request to initiate a criminal
24 prosecution for failure to comply with the terms of community
25 supervision; or

26 (3) Forward to the county attorney or Attorney General a
27 recommendation that civil commitment proceedings be instituted with
28 respect to the individual.

29 **Sec. 138.** Section 83-174.05, Reissue Revised Statutes of Nebraska,
30 is amended to read:

31 83-174.05 Failure to comply with the conditions of community

1 supervision imposed by the department ~~Division of Parole Supervision~~ is a
2 Class IV felony for the first offense and a Class III felony for any
3 subsequent offense.

4 **Sec. 139.** Section 83-192, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 83-192 (1) The Board of Parole shall:

7 (a) Determine the time of release on parole of committed offenders
8 eligible for such release;

9 (b) Fix the conditions of parole, revoke parole, issue or authorize
10 the issuance of warrants for the arrest of parole violators, and impose
11 other sanctions short of revocation for violation of conditions of
12 parole;

13 (c) Determine the time of mandatory discharge from parole;

14 (d) Visit and inspect any facility, state or local, for the
15 detention of persons charged with or convicted of an offense and for the
16 safekeeping of such other persons as may be remanded to such facility in
17 accordance with law;

18 (e) Implement ~~Within two years after July 1, 2006, implement~~ the
19 utilization of a validated risk and needs assessment in coordination with
20 the Department of Correctional Services and the ~~Division of Parole~~
21 ~~Supervision~~. The assessment shall be prepared and completed by the
22 department ~~or the division~~ for use by the board in determining release on
23 parole;

24 (f) Review the record of every parole-eligible committed offender
25 annually when he or she is within three years of his or her earliest
26 parole eligibility date.

27 The review schedule shall be based on court-imposed sentences or
28 statutory minimum sentences, whichever are greater. The board is not
29 required to review the record of a committed offender when the committed
30 offender's parole eligibility date is within one month of his or her
31 mandatory discharge date. Nothing in such schedule shall prohibit the

1 board from reviewing a committed offender's case at any time;

2 (g) Appoint and remove all employees of the board as prescribed by
3 the State Personnel System and delegate appropriate powers and duties to
4 them;

5 (h) Carry out its duties under section 83-962 during a correctional
6 system overcrowding emergency;

7 (i) Adopt and promulgate rules and regulations; and

8 (j) Exercise all powers and perform all duties necessary and proper
9 in carrying out its responsibilities under the Nebraska Treatment and
10 Corrections Act.

11 (2) The chairperson of the board shall:

12 (a) Supervise the administration and operation of the board;

13 (b) Serve in an advisory capacity to the director in administering
14 parole services within any facility;

15 (c) Interpret the parole program to the public with a view toward
16 developing a broad base of public support;

17 (d) Conduct research for the purpose of evaluating and improving the
18 effectiveness of the parole system;

19 (e) Recommend parole legislation to the Governor;

20 (f) Adopt and promulgate rules and regulations for the
21 administration and operation of the board;

22 (g) Take all actions necessary to assist the board in carrying out
23 its duties under section 83-962 during a correctional system overcrowding
24 emergency; and

25 (h) Exercise all other powers and perform all other duties necessary
26 and proper in carrying out his or her responsibilities as chairperson.

27 (3) This section does not prohibit a committed offender from
28 requesting that the board review his or her record. The board is not
29 required to review a committed offender's record more than once a year,
30 except as otherwise required by statute, including section 83-962.

31 **Sec. 140.** Section 83-1,100, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 83-1,100 (1) ~~There is hereby created the Division of Parole~~
3 ~~Supervision within the department. The employees of the division shall~~
4 ~~consist of the Director of Supervision and Services, the field parole~~
5 ~~service officers, and all other division staff. The division shall be~~
6 ~~responsible for the following:~~

7 (a) ~~The administration of parole services in the community,~~
8 ~~including administration of the Community Work Release and Reentry~~
9 ~~Centers Act;~~

10 (b) ~~The maintenance of all records and files associated with the~~
11 ~~Board of Parole;~~

12 (c) ~~The daily supervision and training of staff members of the~~
13 ~~division, including training regarding evidence-based practices in~~
14 ~~supervision pursuant to section 83-1,100.02; and~~

15 (d) ~~The assessment, evaluation, and supervision of individuals who~~
16 ~~are subject to parole supervision, including lifetime community~~
17 ~~supervision pursuant to section 83-174.03.~~

18 (2) Parole officers shall be compensated with salaries substantially
19 equal to other state employees who have similar responsibilities,
20 including employees of the Office of Probation Administration. This
21 section ~~subsection~~ shall apply only to field parole service officers and
22 support staff and shall not apply to the director ~~Director of Supervision~~
23 ~~and Services~~ or any other management-level position.

24 (3) ~~This section does not prohibit the division from maintaining~~
25 ~~daily records and files associated with the Board of Pardons.~~

26 **Sec. 141.** Section 83-1,100.02, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 83-1,100.02 (1) For purposes of this section:

29 (a) Levels of supervision means the determination of the following
30 for each person on parole:

31 (i) Supervision contact requirements, including the frequency,

- 1 location, methods, and nature of contact with the parole officer;
- 2 (ii) Substance abuse testing requirements and frequency;
- 3 (iii) Contact restrictions;
- 4 (iv) Curfew restrictions;
- 5 (v) Access to available programs and treatment, with priority given
- 6 to moderate-risk and high-risk parolees; and
- 7 (vi) Severity of graduated responses to violations of supervision
- 8 conditions;
- 9 (b) Responsivity factors means characteristics of a parolee that
- 10 affect the parolee's ability to respond favorably or unfavorably to any
- 11 treatment goals; and
- 12 (c) Risk and needs assessment means an actuarial tool that has been
- 13 validated in Nebraska to determine the likelihood of the parolee engaging
- 14 in future criminal behavior.
- 15 (2) The department ~~Division of Parole Supervision~~ shall establish an
- 16 evidence-based process that utilizes a risk and needs assessment to
- 17 measure criminal risk factors, specific individual needs, and
- 18 responsivity factors.
- 19 (3) The risk and needs assessment shall be performed at the
- 20 commencement of the parole term and every six months thereafter by
- 21 department ~~division~~ staff trained and certified in the use of the risk
- 22 and needs assessment.
- 23 (4) The validity of the risk and needs assessment shall be tested at
- 24 least every five years.
- 25 (5) Based on the results of the risk and needs assessment, the
- 26 department ~~division~~ shall target parolee criminal risk and need factors
- 27 by focusing sanction, program, and treatment resources on moderate-risk
- 28 and high-risk parolees.
- 29 (6) The department ~~division~~ shall provide training to its parole
- 30 officers on (a) use of a risk and needs assessment, (b) risk-based
- 31 supervision strategies, (c) relationship skills, (d) cognitive behavioral

1 interventions, (e) community-based resources, (f) criminal risk factors,
2 (g) targeting criminal risk factors to reduce recidivism, (h) proper use
3 of a matrix of administrative sanctions, custodial sanctions, and rewards
4 developed pursuant to section 83-1,119, and (i) addressing responsivity
5 factors. Each parole officer shall complete the training requirements set
6 forth in this subsection within one year after his or her hire date or
7 September 1, 2024, whichever is later.

8 (7) The department ~~division~~ shall provide training for chief parole
9 officers to become trainers so as to ensure long-term and self-sufficient
10 training capacity in the state.

11 **Sec. 142.** Section 83-1,103, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-1,103 The field parole service, consisting of district parole
14 officers working under the direction of the director ~~Director~~ of
15 ~~Supervision and Services~~ or district judge, shall be responsible for the
16 investigation, supervision, and assistance of parolees, probationers, or
17 individuals subject to community supervision under section 83-174.03. The
18 field parole service shall be sufficient in size to assure that no
19 district parole officer carries a case load larger than is compatible
20 with adequate parole investigation or supervision.

21 **Sec. 143.** Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 83-1,103.01 A parole officer assigned by the director ~~Director~~ of
24 ~~Supervision and Services~~ to supervise individuals subject to lifetime
25 community supervision pursuant to section 83-174.03 shall:

26 (1) Make investigations, prior to an individual subject to community
27 supervision being released from incarceration, in cooperation with
28 institutional caseworkers at prisons, mental health facilities, and
29 county jails, to determine the community supervision conditions necessary
30 to protect the public and make reasonable advance preparation for release
31 into the community;

1 (2) Assist individuals subject to community supervision to comply
2 with the conditions of supervision and to make a successful adjustment in
3 the community;

4 (3) Supervise individuals subject to community supervision by
5 keeping informed of their conduct and condition;

6 (4) Make reports as required by the director ~~Director of Supervision~~
7 ~~and Services~~ to determine the effectiveness of community supervision in
8 protecting the public or the progress of an individual subject to
9 community supervision;

10 (5) Cooperate with social welfare agencies and treatment providers
11 to ensure that individuals subject to community supervision receive any
12 necessary services or treatment;

13 (6) Inform the director ~~Director of Supervision and Services~~ when,
14 in the opinion of the community supervision officer, an individual is in
15 violation of the conditions of his or her community supervision, and
16 whenever necessary exercise the power of arrest as provided in section
17 83-173 ~~83-1,102~~;

18 (7) Conduct periodic reviews of the conditions of community
19 supervision imposed on an individual as required by the director ~~Director~~
20 ~~of Supervision and Services~~; and

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

23 **Sec. 144.** Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 83-1,103.02 (1) Prior to the release from incarceration of an
26 individual subject to lifetime community supervision pursuant to section
27 83-174.03, the department ~~Division of Parole Supervision~~ shall:

28 (a) Notify the individual in writing that he or she is subject to
29 community supervision upon completion of his or her criminal sentence;

30 (b) Inform the individual subject to community supervision of the
31 process by which conditions of community supervision are determined and

1 his or her right to submit relevant information to the department
2 ~~division~~ for consideration when establishing the conditions of
3 supervision;

4 (c) Determine the individual's risk of recidivism if released into
5 the community, utilizing a validated risk assessment tool;

6 (d) After considering the information required in subdivision (e) of
7 this subsection, determine the conditions of supervision which will most
8 effectively minimize the risk of the individual committing another sex
9 offense. The conditions shall be the least restrictive conditions
10 available, in terms of the effect on the individual's personal freedom,
11 which minimize the risk of recidivism and are compatible with public
12 safety; and

13 (e) In determining the conditions of supervision to be imposed, the
14 department ~~division~~ shall consider the following:

15 (i) A report prepared by the institutional caseworkers relating to
16 the individual's personality, social history, and adjustment to authority
17 and including any recommendations which the staff of the facility may
18 make;

19 (ii) All official reports of the individual's prior criminal record,
20 including reports and records of earlier probation and parole
21 experiences;

22 (iii) The presentence investigation report;

23 (iv) The reports of any physical, mental, and psychiatric
24 examinations of the individual;

25 (v) Any relevant information which may be submitted by the
26 individual, his or her attorney, the victim of the crime, or other
27 persons; and

28 (vi) Such other relevant information concerning the individual as
29 may be reasonably available.

30 (2) Upon completion of the risk assessment and the determination of
31 the conditions of community supervision and no later than thirty days

1 prior to the completion of the individual's criminal sentence, the
2 department ~~division~~ shall issue a certificate of community supervision to
3 the individual containing the conditions of community supervision he or
4 she will be required to comply with upon the completion of his or her
5 criminal sentence. The director ~~Director of Supervision and Services~~
6 shall include with the certificate written information on how to appeal
7 the determination of the conditions of community supervision.

8 **Sec. 145.** Section 83-1,103.03, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 83-1,103.03 (1) The department ~~Division of Parole Supervision~~ shall
11 review the conditions of community supervision imposed on an individual
12 pursuant to section 83-174.03 on an annual basis and shall provide the
13 individual the opportunity to submit written materials to the department
14 ~~division~~ for consideration during such review.

15 (2) If the department ~~division~~ determines, after reviewing the
16 individual's conduct while under supervision and any other relevant
17 facts, that one or more of the conditions of community supervision
18 imposed upon the individual is no longer necessary to reduce the risk of
19 the individual reoffending or is no longer the least restrictive
20 condition compatible with public safety, the department ~~division~~ shall
21 revise the conditions of community supervision so that the individual's
22 freedom is not unnecessarily restricted.

23 **Sec. 146.** Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
24 is amended to read:

25 83-1,103.04 (1) Whenever a determination or revision of the
26 conditions of community supervision is made by the department ~~Division of~~
27 ~~Parole Supervision~~, the individual subject to the conditions shall be
28 entitled to an appeal. The appeal shall be heard by the district court in
29 the county where the individual resides. The individual shall be informed
30 of his or her right to request counsel, and if counsel is requested the
31 court shall determine if the individual is indigent. If the court finds

1 the individual to be indigent, it shall appoint counsel from the public
2 defender's office to represent the individual during the appeal.

3 (2) In an appeal contesting the determination or revision of the
4 conditions of community supervision, the burden of proof shall be on the
5 individual subject to community supervision to show by clear and
6 convincing evidence (a) that the conditions in question will not reduce
7 the risk of the individual reoffending or otherwise protect the public or
8 (b) that the condition is overly restrictive of the individual's freedom
9 and a less restrictive condition is available which is equally or more
10 effective in reducing the risk of the individual reoffending.

11 **Sec. 147.** Section 83-1,104, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-1,104 A district parole officer shall:

14 (1) Make investigations, prior to a committed offender's release on
15 parole, in cooperation with institutional caseworkers and the Board of
16 Parole to determine the adequacy of parole plans and make reasonable
17 advance preparation for release on parole;

18 (2) Assist a committed offender who requests assistance prior to
19 release or a parolee to comply with the conditions of parole and to make
20 a successful adjustment in the community, including facilitating the
21 transitional needs of housing and employment, access to and participation
22 in job training services in the community, access to mental health
23 services, assisting with applications for health care coverage or
24 ensuring that the committed offender or parolee knows how to apply for
25 and obtain health care coverage, and assisting with enrollment in the
26 medical assistance program established pursuant to the Medical Assistance
27 Act, if eligible, to ensure that the committed offender or parolee has
28 access to such program close to the time of release or soon thereafter;

29 (3) Supervise parolees by keeping informed of their conduct and
30 condition, utilizing global positioning systems and other monitoring
31 technology as needed during the period of supervision;

1 (4) Make such reports as required by the director ~~Director~~ of
2 ~~Supervision and Services~~ or district judge to determine the effectiveness
3 of the parole system or the progress of an individual parolee;

4 (5) Cooperate with social welfare agencies;

5 (6) Observe the work of any parole officer under his or her
6 supervision from time to time;

7 (7) Inform the director ~~Director of Supervision and Services~~ when,
8 in his or her opinion, any eligible parolee's conduct and attitude
9 warrant his or her discharge from active supervision, or when any
10 parolee's violation of the conditions of parole is of sufficient
11 seriousness to require action by the Board of Parole or district judge
12 and whenever necessary exercise the power of arrest as provided in
13 section 83-1,119;

14 (8) Delegate in his or her discretion any of the above
15 responsibilities to a parole officer under his or her supervision; and

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

18 **Sec. 148.** Section 83-1,107, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,107 (1)(a) Within sixty days after initial classification and
21 assignment of any offender committed to the department, all available
22 information regarding such committed offender shall be reviewed and a
23 committed offender department-approved personalized program plan document
24 shall be drawn up. The document shall specifically describe the
25 department-approved personalized program plan and the specific goals the
26 department expects the committed offender to achieve. The document shall
27 also contain a realistic schedule for completion of the department-
28 approved personalized program plan. The department-approved personalized
29 program plan shall be developed with the active participation of the
30 committed offender. The department shall provide programs to allow
31 compliance by the committed offender with the department-approved

1 personalized program plan.

2 Programming may include, but is not limited to:

3 (i) Academic and vocational education, including teaching such
4 classes by qualified offenders;

5 (ii) Substance abuse treatment;

6 (iii) Mental health and psychiatric treatment, including criminal
7 personality programming;

8 (iv) Constructive, meaningful work programs; and

9 (v) Any other program deemed necessary and appropriate by the
10 department.

11 (b) A modification in the department-approved personalized program
12 plan may be made to account for the increased or decreased abilities of
13 the committed offender or the availability of any program. Any
14 modification shall be made only after notice is given to the committed
15 offender. The department may not impose disciplinary action upon any
16 committed offender solely because of the committed offender's failure to
17 comply with the department-approved personalized program plan, but such
18 failure may be considered by the board in its deliberations on whether or
19 not to grant parole to a committed offender.

20 (2)(a) The department shall reduce the term of a committed offender
21 by six months for each year of the offender's term and pro rata for any
22 part thereof which is less than a year.

23 (b) In addition to reductions granted in subdivision (2)(a) of this
24 section, the department shall reduce the term of a committed offender by
25 three days on the first day of each month following a twelve-month period
26 of incarceration within the department during which the offender has not
27 been found guilty of (i) a Class I or Class II offense or (ii) more than
28 three Class III offenses under the department's disciplinary code.
29 Reductions earned under this subdivision shall not be subject to forfeit
30 or withholding by the department.

31 (c) The total reductions under this subsection shall be credited

1 from the date of sentence, which shall include any term of confinement
2 prior to sentence and commitment as provided pursuant to section
3 83-1,106, and shall be deducted from the maximum term, to determine the
4 date when discharge from the custody of the state becomes mandatory.

5 (3) While the offender is in the custody of the department,
6 reductions of terms granted pursuant to subdivision (2)(a) of this
7 section may be forfeited, withheld, and restored by the chief executive
8 officer of the facility with the approval of the director after the
9 offender has been notified regarding the charges of misconduct.

10 (4) The department, in consultation with the board, shall ensure
11 that a release or reentry plan is complete or near completion when the
12 offender has served at least eighty percent of his or her sentence. For
13 purposes of this subsection, release or reentry plan means a
14 comprehensive and individualized strategic plan to ensure an individual's
15 safe and effective transition or reentry into the community to which he
16 or she resides with the primary goal of reducing recidivism. At a
17 minimum, the release or reentry plan shall include, but not be limited
18 to, consideration of the individual's housing needs, medical or mental
19 health care needs, and transportation and job needs and shall address an
20 individual's barriers to successful release or reentry in order to
21 prevent recidivism. The release or reentry plan does not include an
22 individual's programming needs included in the individual's personalized
23 program plan for use inside the prison. However, the department shall
24 include in the release or reentry plan information regarding the
25 individual's progress on the individual's personalized program plan for
26 use inside the prison.

27 (5)(a) The department shall make treatment programming available to
28 committed offenders as provided in section 83-1,110.01 and shall include
29 continuing participation in such programming as part of each offender's
30 department-approved personalized program plan developed under subsection
31 (1) of this section.

1 (b) Any committed offender with a mental illness shall be provided
2 with the community standard of mental health care. The mental health care
3 shall utilize evidence-based therapy models that include an evaluation
4 component to track the effectiveness of interventions.

5 (c) Any committed offender with a mental illness shall be evaluated
6 before release to ensure that adequate monitoring and treatment of the
7 committed offender will take place or, if appropriate, that a commitment
8 proceeding under the Nebraska Mental Health Commitment Act or the Sex
9 Offender Commitment Act will take place.

10 (6)(a) Within thirty days after any committed offender has been
11 paroled, all available information regarding such parolee shall be
12 reviewed and a case plan document shall be drawn up and approved by the
13 department ~~Division of Parole Supervision~~. The document shall
14 specifically describe the approved case plan and the specific goals the
15 department ~~division~~ expects the parolee to achieve. The document shall
16 also contain a realistic schedule for completion of the approved case
17 plan. The approved case plan shall be developed with the active
18 participation of the parolee. During the term of parole, the parolee
19 shall comply with the approved case plan and the department ~~division~~
20 shall provide programs to allow compliance by the parolee with the
21 approved case plan.

22 Programming may include, but is not limited to:

- 23 (i) Academic and vocational education;
24 (ii) Substance abuse treatment;
25 (iii) Mental health and psychiatric treatment, including criminal
26 personality programming;
27 (iv) Constructive, meaningful work programs;
28 (v) Community service programs; and
29 (vi) Any other program deemed necessary and appropriate by the
30 department ~~division~~.

31 (b) A modification in the approved case plan may be made to account

1 for the increased or decreased abilities of the parolee or the
2 availability of any program. Any modification shall be made only after
3 notice is given to the parolee. Intentional failure to comply with the
4 approved case plan by any parolee as scheduled for any year, or pro rata
5 part thereof, shall cause disciplinary action to be taken by the
6 department ~~division~~ resulting in the forfeiture of up to a maximum of
7 three months' good time for the scheduled year.

8 (7) While the offender is in the custody of the board, reductions of
9 terms granted pursuant to subdivision (2)(a) of this section may be
10 forfeited, withheld, and restored by the director upon the recommendation
11 of the board after the offender has been notified regarding the charges
12 of misconduct or breach of the conditions of parole.

13 (8) Good time or other reductions of sentence granted under the
14 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
15 or restored in accordance with the terms of the Nebraska Treatment and
16 Corrections Act.

17 (9) Pursuant to rules and regulations adopted by the probation
18 administrator and the director, an individualized post-release
19 supervision plan shall be collaboratively prepared by the Office of
20 Probation Administration and the department and provided to the court to
21 prepare individuals under custody of the department for post-release
22 supervision. All records created during the period of incarceration shall
23 be shared with the Office of Probation Administration and considered in
24 preparation of the post-release supervision plan.

25 **Sec. 149.** Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 83-1,107.01 (1) Unless otherwise provided by this section, whenever
28 an adult offender is paroled, the board shall require a parolee to pay a
29 monthly parole programming fee.

30 (2) Parolees under the supervision of the department ~~Division of~~
31 ~~Parole Supervision~~ shall pay a monthly parole programming fee of twenty-

1 five dollars, not later than the tenth day of each month, beginning the
2 second month of parole supervision and continuing for the duration of the
3 parole.

4 (3) The board shall waive payment of the monthly parole programming
5 fee in whole or in part if after a hearing a determination is made that
6 such payment would constitute an undue hardship on the parolee due to
7 limited income, employment or school status, or physical or mental
8 handicap. Such waiver shall be in effect only during the period of time
9 that the parolee is unable to pay his or her monthly parole programming
10 fee.

11 (4) When monthly parole programming fees are waived, in whole or in
12 part, the parole officer, pursuant to rules and regulations adopted by
13 the board, may contract with the parolee to perform approved community
14 service at the rate of five dollars per hour in lieu of payment of
15 monthly parole programming fees. A parolee may be required to pay a
16 participation fee in order to take advantage of community service
17 programs. A parolee may not accumulate more than three months' advance
18 credit for community service. The use of community service alternatives
19 does not preclude the imposition of other intermediate measures.

20 (5) The department, ~~division~~ with the approval of the Board of
21 Parole, shall implement sanctions if a parolee defaults in the payment of
22 monthly parole programming fees or any installment thereof as established
23 by subsection (2) of this section, except that parole shall not be
24 revoked nor shall the parolee be imprisoned for such nonpayment if the
25 parolee is financially unable to make the payment.

26 (6) If the board determines that the default in payment described in
27 subsection (5) of this section was not attributable to a deliberate
28 refusal to obey the order of the board or to failure on the parolee's
29 part to make a good faith effort to obtain the funds required for
30 payment, the board may allow the parolee additional time for payment,
31 reduce the amount of each installment, or revoke the fees or the unpaid

1 portion in whole or in part.

2 (7) No parolee shall be required to pay more than one monthly parole
3 programming fee per month.

4 (8) The imposition of monthly parole programming fees in this
5 section shall be considered separate and apart from specific service
6 delivery fees.

7 (9) Any adult offender received for supervision pursuant to section
8 29-2637 or the Interstate Compact for Adult Offender Supervision shall be
9 assessed a monthly parole programming fee during the period of time the
10 offender is actively supervised by Nebraska parole authorities.

11 (10) A parolee shall pay the fees described in this section to the
12 department division. The department division shall remit all fees to the
13 State Treasurer for credit to the Parole Program Cash Fund.

14 (11) The board and the department division shall adopt and
15 promulgate rules and regulations to carry out this section.

16 **Sec. 150.** Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
17 is amended to read:

18 83-1,107.02 The Parole Program Cash Fund is created. All funds
19 collected pursuant to section 83-1,107.01 shall be remitted to the State
20 Treasurer for credit to the fund. The fund shall be utilized by the
21 department Division of Parole Supervision for the purposes stated in
22 subdivision (20) ~~(8)~~ of section 83-173 ~~83-1,102~~. Any money in the fund
23 available for investment shall be invested by the state investment
24 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
25 State Funds Investment Act.

26 **Sec. 151.** Section 83-1,109, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 83-1,109 The chief executive officer of a facility shall regularly
29 report all good time and all forfeitures, withholdings, and restorations
30 of good time to the director. On the basis of such report, the director
31 shall inform the board ~~and the Director of Supervision and Services of~~

1 all committed offenders who are expected to become eligible for release
2 on parole within the next three months.

3 **Sec. 152.** Section 83-1,118, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 83-1,118 (1) If, in the opinion of the board, upon receipt of
6 information from the director ~~Director of Supervision and Services~~, a
7 parolee has shown suitable compliance with his or her parole programming
8 plan, the board may reduce the level of supervision for a parolee that is
9 commensurate with the best interests of the parolee and is compatible
10 with the protection of the public.

11 (2) The board shall discharge a parolee from parole when the time
12 served in the custody of the department and the time served on parole
13 equal the maximum term less good time.

14 (3) The department shall discharge a committed offender from the
15 custody of the department when the time served in the facility equals the
16 maximum term less good time.

17 (4) Upon completion of the lawful requirements of the sentence, the
18 department shall provide the parolee or committed offender with a written
19 notice regarding his or her civil rights. The notice shall inform the
20 parolee or committed offender that voting rights are restored upon
21 completion of the sentence. The notice shall also include information on
22 restoring other civil rights through the pardon process, including
23 application to and hearing by the Board of Pardons.

24 (5) The Board of Parole may discharge a parolee from parole when
25 such parolee is under the supervision of another state's correctional
26 institution and such offender has reached the expiration date of his or
27 her Nebraska parole term.

28 **Sec. 153.** Section 83-1,119, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 83-1,119 (1) For purposes of this section:

31 (a) Absconding parole supervision means a parolee has purposely

1 avoided supervision for a period of at least two weeks and reasonable
2 efforts by a parole officer and staff to locate the parolee in person
3 have proven unsuccessful;

4 (b) Administrative sanction means additional parole requirements
5 imposed upon a parolee by his or her parole officer, with the full
6 knowledge and consent of the parolee, designed to hold the parolee
7 accountable for substance abuse or technical violations of conditions of
8 parole, including, but not limited to:

9 (i) Counseling or reprimand by the department ~~Division of Parole~~
10 ~~Supervision~~;

11 (ii) Increased supervision contact requirements;

12 (iii) Increased substance abuse testing;

13 (iv) Referral for substance abuse or mental health evaluation or
14 other specialized assessment, counseling, or treatment;

15 (v) Imposition of a designated curfew for a period to be determined
16 by the department ~~division~~; and

17 (vi) Travel restrictions to stay within his or her county of
18 residence or employment unless otherwise permitted by the department
19 ~~division~~;

20 (c) Contract facility means a county jail that contracts with the
21 department to house parolees or other offenders under the jurisdiction of
22 the department;

23 (d) Substance abuse violation means a parolee's activities or
24 behaviors associated with the use of chemical substances or related
25 treatment services resulting in a violation of an original condition of
26 parole, including:

27 (i) Positive breath test for the consumption of alcohol if the
28 parolee is required to refrain from alcohol consumption;

29 (ii) Positive urinalysis for the illegal use of drugs;

30 (iii) Failure to report for alcohol testing or drug testing; and

31 (iv) Failure to appear for or complete substance abuse or mental

1 health treatment evaluations or inpatient or outpatient treatment; and

2 (e) Technical violation means a parolee's activities or behaviors
3 which create the opportunity for re-offending or diminish the
4 effectiveness of parole supervision resulting in a violation of an
5 original condition of parole and includes:

6 (i) Moving traffic violations;

7 (ii) Failure to report to his or her parole officer;

8 (iii) Leaving the state without the permission of the Board of
9 Parole;

10 (iv) Failure to work regularly or attend training or school;

11 (v) Failure to notify his or her parole officer of change of address
12 or employment;

13 (vi) Frequenting places where controlled substances are illegally
14 sold, used, distributed, or administered; and

15 (vii) Failure to pay fines, court costs, restitution, or any fees
16 imposed pursuant to section 83-1,107.01 as directed.

17 Technical violation does not include absconding parole supervision.

18 (2) The department ~~division~~ shall develop a matrix of rewards for
19 compliance and positive behaviors and graduated administrative sanctions
20 and custodial sanctions for use in responding to and deterring substance
21 abuse violations and technical violations. A custodial sanction of thirty
22 days in a correctional facility or a contract facility shall be
23 designated as the most severe response to a violation in lieu of
24 revocation.

25 (3) Whenever a parole officer has reasonable cause to believe that a
26 parolee has committed or is about to commit a substance abuse violation
27 or technical violation while on parole, but that the parolee will not
28 attempt to leave the jurisdiction and will not place lives or property in
29 danger, the parole officer shall either:

30 (a) Impose one or more administrative sanctions based upon the
31 parolee's risk level, the severity of the violation, and the parolee's

1 response to the violation. If administrative sanctions are to be imposed,
2 the parolee shall acknowledge in writing the nature of the violation and
3 agree upon the administrative sanction. The parolee has the right to
4 decline to acknowledge the violation. If he or she declines to
5 acknowledge the violation, the parole officer shall take action pursuant
6 to subdivision (3)(b) of this section. A copy of the report shall be
7 submitted to the Board of Parole; or

8 (b) Submit a written report to the Board of Parole, outlining the
9 nature of the parole violation, and request the imposition of a custodial
10 sanction of up to thirty days in a correctional facility or a contract
11 facility. On the basis of the report and such further investigation as
12 the board may deem appropriate, the board shall determine whether and how
13 the parolee violated the conditions of parole and may:

14 (i) Dismiss the charge of violation; or

15 (ii) If the board finds a violation justifying a custodial sanction,
16 issue a warrant if necessary and impose a custodial sanction of up to
17 thirty days in a correctional facility or a contract facility.

18 (4) Whenever a parole officer has reasonable cause to believe that a
19 parolee has violated or is about to violate a condition of parole by a
20 violation other than a substance abuse violation or a technical violation
21 and the parole officer has reasonable cause to believe that the parolee
22 will not attempt to leave the jurisdiction and will not place lives or
23 property in danger, the parole officer shall submit a written report to
24 the Board of Parole which may, on the basis of such report and such
25 further investigation as it may deem appropriate:

26 (a) Dismiss the charge of violation;

27 (b) Determine whether the parolee violated the conditions of his or
28 her parole;

29 (c) Impose a custodial sanction of up to thirty days in a
30 correctional facility or a contract facility;

31 (d) Revoke his or her parole in accordance with the Nebraska

1 Treatment and Corrections Act; or

2 (e) Issue a warrant for the arrest of the parolee.

3 (5) Whenever a parole officer has reasonable cause to believe that a
4 parolee has violated or is about to violate a condition of parole and
5 that the parolee will attempt to leave the jurisdiction or will place
6 lives or property in danger, the parole officer shall arrest the parolee
7 without a warrant and call on any peace officer to assist him or her in
8 doing so.

9 (6) Whenever a parolee is arrested with or without a warrant, he or
10 she shall be detained in a local jail or other detention facility
11 operated by the department ~~Department of Correctional Services~~ pending
12 completion of review of parole proceedings by the Board of Parole.
13 Immediately after such arrest and detention, the parole officer shall
14 notify the Board of Parole and submit a written report of the reason for
15 such arrest. A complete investigation shall be made by the department
16 ~~Division of Parole Supervision~~ and submitted to the board. After prompt
17 consideration of such written report, the board shall order the parolee's
18 release from detention or continued confinement to await a final decision
19 on imposition of a custodial sanction or the revocation of parole.

20 (7) The Board of Parole shall adopt and promulgate rules and
21 regulations necessary to carry out this section.

22 **Sec. 154.** Section 83-1,122.02, Reissue Revised Statutes of Nebraska,
23 is amended to read:

24 83-1,122.02 (1) The department ~~Division of Parole Supervision~~ shall
25 create a pilot program to establish a technical parole violation
26 residential housing program. The purpose of the program is to provide
27 accountability and intensive support for individuals on parole who commit
28 technical violations, without revoking them fully back to prison.

29 (2) The program shall provide a structured environment for selected
30 individuals on parole who have committed technical violations. The
31 program shall be based upon a therapeutic community model. Participants

1 in the program shall, at a minimum, be required to take part in
2 counseling, educational, and other programs as the department ~~Division of~~
3 ~~Parole Supervision~~ deems appropriate, to provide community service, and
4 to submit to drug and alcohol screening.

5 (3) An individual on parole shall not be placed in the pilot program
6 until the department ~~Division of Parole Supervision~~ has determined the
7 individual is a suitable candidate in accordance with policies and
8 guidelines developed by the division.

9 ~~(4) On or before June 1, 2024, the Division of Parole Supervision~~
10 ~~shall electronically submit a report to the Judiciary Committee of the~~
11 ~~Legislature regarding the pilot program. The report shall evaluate~~
12 ~~effects of the pilot program on recidivism and make recommendations~~
13 ~~regarding expansion of or changes to the program.~~

14 ~~(4)~~ (5) For purposes of this section, technical violation has the
15 same meaning as in section 83-1,119.

16 **Sec. 155.** Section 83-1,125, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 83-1,125 (1) If a warrant or detainer is placed against a committed
19 offender by a court, parole agency, or other authority of this or any
20 other jurisdiction, the director ~~Director of Supervision and Services~~
21 shall inquire before such offender becomes eligible for parole whether
22 the authority concerned intends to execute or withdraw the warrant or
23 detainer when the offender is released.

24 (2) If the authority notifies the director ~~Director of Supervision~~
25 ~~and Services~~ that it intends to execute the warrant or detainer when the
26 offender is released, the director ~~Director of Supervision and Services~~
27 shall advise the authority concerned of the sentence under which the
28 offender is held, the time of parole eligibility, any decision of the
29 board relating to the offender, and the nature of the offender's
30 adjustment during imprisonment and shall give reasonable notice to such
31 authority of the offender's release date.

1 (3) The board may parole an offender who is eligible for release to
2 a warrant or detainer. If an offender is paroled to such a warrant or
3 detainer, the board may provide, as a condition of release, that if the
4 charge or charges on which the warrant or detainer is based are
5 dismissed, or are satisfied after conviction and sentence, prior to the
6 expiration of the offender's parole term, the authority to whose warrant
7 or detainer the offender is released shall return the offender to serve
8 the remainder of the parole term or such part as the board may determine.

9 (4) If a person paroled to a warrant or detainer is thereafter
10 sentenced and placed on probation, or released on parole in another
11 jurisdiction, prior to the expiration of the parole term less good time
12 in this state, the board may permit the person to serve the remainder of
13 the parole term or such part as the board may determine concurrently with
14 the person's new probation or parole term. Such concurrent terms may be
15 served in either of the two jurisdictions, and supervision shall be
16 administered in accordance with the Interstate Compact for Adult Offender
17 Supervision.

18 **Sec. 156.** Section 83-1,125.01, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 83-1,125.01 (1) The Board of Parole and the ~~department~~ Division of
21 ~~Parole Supervision~~ may maintain an individual file for each person who is
22 under the jurisdiction of the Board of Parole. Such file may be
23 maintained electronically and shall include, when available and
24 appropriate, the following information on such person:

- 25 (a) Admission summary;
- 26 (b) Presentence investigation report;
- 27 (c) Classification reports and recommendations;
- 28 (d) Official records of conviction and commitment along with any
29 earlier criminal records;
- 30 (e) Progress reports and admission-orientation reports;
- 31 (f) Reports of any disciplinary infractions and their disposition;

- 1 (g) Risk and needs assessments;
- 2 (h) Parole plan and parole placement and investigation worksheets;
- 3 (i) Decision guideline scores;
- 4 (j) Parole case plan;
- 5 (k) Parole progress reports and contact notes;
- 6 (l) Arrest and violation reports, including disposition;
- 7 (m) Parole proceedings orders and notices;
- 8 (n) Other documents related to parole supervision;
- 9 (o) Correspondence; and
- 10 (p) Other pertinent data concerning his or her background, conduct,
- 11 associations, and family relationships.

12 (2) Any decision concerning release on or revocation of parole or
13 imposition of sanctions shall be made only after the individual file has
14 been reviewed. The contents of the individual file shall be confidential
15 unless disclosed in connection with a public hearing and shall not be
16 subject to public inspection except by court order for good cause shown.
17 The contents of the file shall not be accessible to any person under the
18 jurisdiction of the Board of Parole. A person under the jurisdiction of
19 the board may obtain access to his or her medical records by request to
20 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
21 fact that such medical records may be a part of his or her parole file.
22 The board and the department ~~Division of Parole Supervision~~ have the
23 authority to withhold decision guideline scores, risk and needs
24 assessment scores, and mental health and psychological records of a
25 person under the jurisdiction of the board when appropriate.

26 (3) Nothing in this section limits in any manner the authority of
27 the Public Counsel to inspect and examine the records and documents of
28 the board and the department ~~Division of Parole Supervision~~ pursuant to
29 sections 81-8,240 to 81-8,254, except that the Public Counsel's access to
30 the medical or mental health records of a person under the jurisdiction
31 of the board shall be subject to his or her consent. The office of Public

1 Counsel shall not disclose the medical or mental health records of a
2 person under the jurisdiction of the board to anyone else, including any
3 other person under the jurisdiction of the board, except as authorized by
4 law.

5 (4) For any person under the jurisdiction of the Board of Parole,
6 the board shall provide such person's (a) name, (b) parole officer, and
7 (c) conditions of parole to the Nebraska Commission on Law Enforcement
8 and Criminal Justice which shall provide access to such information to
9 law enforcement agencies through the state's criminal justice information
10 system.

11 **Sec. 157.** Section 83-962, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 83-962 (1) A correctional system overcrowding emergency shall exist
14 whenever the director certifies that the department's inmate population
15 is over one hundred forty percent of operational ~~design~~ capacity. The
16 director shall so certify within thirty days after the date on which the
17 population first exceeds one hundred forty percent of operational ~~design~~
18 capacity.

19 (2) During a correctional system overcrowding emergency, the board
20 shall immediately consider or reconsider committed offenders eligible for
21 parole who have not been released on parole.

22 (3) Upon such consideration or reconsideration, and for all other
23 consideration of committed offenders eligible for parole while the
24 correctional system overcrowding emergency is in effect, the board shall
25 order the release of each committed offender unless it is of the opinion
26 that such release should be deferred because:

27 (a) The board has determined that it is more likely than not that
28 the committed offender will not conform to the conditions of parole; or

29 (b) The board has determined that the committed offender's continued
30 correctional treatment, medical care, or vocational or other training in
31 the facility will substantially enhance the offender's capacity to lead a

1 ~~law-abiding life when released at a later date. release of the committed~~
2 ~~offender would have a very significant and quantifiable effect on~~
3 ~~institutional discipline; or~~

4 ~~(c) The board has determined that there is a very substantial risk~~
5 ~~that the committed offender will commit a violent act against a person.~~

6 (4) In making the determination regarding the risk that a committed
7 offender will not conform to the conditions of parole, the board shall
8 take into account the factors set forth in subsection (2) of section
9 83-1,114 and shall comply with the requirements of subsection (3) of
10 section 83-1,114 and section 83-196.01.

11 (5) The board shall continue granting parole to offenders under this
12 section until the director certifies that the population is at
13 operational capacity. The director shall so certify within thirty days
14 after the date on which the population first reaches operational
15 capacity.

16 **Sec. 158.** Sections 50 and 161 of this act become operative October
17 1, 2025. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
18 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
19 35, 36, 37, 38, 39, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59,
20 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77,
21 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95,
22 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110,
23 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,
24 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138,
25 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152,
26 153, 154, 155, 156, 157, 160, and 162 of this act become operative three
27 calendar months after the adjournment of this legislative session. The
28 other sections of this act become operative on their effective date with
29 the emergency clause.

30 **Sec. 159.** Original sections 43-1401 and 43-1414, Reissue Revised
31 Statutes of Nebraska, and sections 29-4803, 29-4807, and 43-1411, Revised

1 Statutes Cumulative Supplement, 2024, are repealed.

2 **Sec. 160.** Original sections 18-1724, 20-113, 20-132, 20-134,
3 20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531,
4 23-2541, 25-1030.01, 25-1056, 28-519, 29-401, 47-624, 47-624.01, 47-627,
5 47-629, 47-903, 47-908, 47-919, 48-215, 48-628.13, 48-1101, 48-1104,
6 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117,
7 48-1119, 48-1122, 48-1124, 48-1125, 49-801, 51-211, 58-216, 58-808,
8 58-809, 58-810, 68-1605, 69-2403, 69-2409.01, 69-2410, 69-2420, 71-904,
9 71-915, 71-922, 71-924, 71-941, 71-951, 71-952, 71-954, 71-1208, 75-325,
10 76-1495, 81-885.24, 81-1401, 83-170, 83-171, 83-171.01, 83-173,
11 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,100, 83-1,100.02, 83-1,103,
12 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107,
13 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02,
14 83-1,125, 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska,
15 sections 25-1645, 27-413, 28-105, 28-316.01, 28-318, 28-322, 29-1912,
16 29-1918, 29-2221, 29-2246, 29-2252, 29-2261, 29-2935, 29-4003, 29-4019,
17 32-221, 32-230, 39-210, 45-1303, 47-1102, 47-1103, 47-1104, 47-1105,
18 47-1106, 47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114,
19 47-1115, 47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920,
20 71-926, 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223,
21 71-3426, and 71-3430, Revised Statutes Cumulative Supplement, 2024, and
22 section 2, Legislative Bill 80, One Hundred Ninth Legislature, First
23 Session, 2025, are repealed.

24 **Sec. 161.** Original section 93, Legislative Bill 474, One Hundred
25 Ninth Legislature, First Session, 2025, is repealed.

26 **Sec. 162.** The following sections are outright repealed: Sections
27 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417,
28 69-2418, 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised
29 Statutes of Nebraska.

30 **Sec. 163.** Since an emergency exists, this act takes effect when
31 passed and approved according to law.