

E AND R AMENDMENTS TO LB 150

Introduced by Guereca, 7, Chairman Enrollment and Review

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  
27       cooperation and apply it in a way that helps reduce the impact on those

1 suffering from mental health issues and the law enforcement agencies that  
2 interact with them.

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

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

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

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

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

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

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

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

31 **Sec. 4.** (1) The Nebraska Commission on Law Enforcement and Criminal

1 Justice shall administer the pilot program and, in addition to the  
2 requirements set out in section 3 of this act, develop grant eligibility,  
3 application, and audit requirements.

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

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

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

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

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

17 18-1724 Notwithstanding any other provision of law, all cities and  
18 villages in this state shall have the power by ordinance to define,  
19 regulate, suppress, and prevent discrimination on the basis of race,  
20 color, creed, religion, ancestry, sex, marital status, national origin,  
21 familial status as defined in section 20-311, disability as defined in  
22 section 20-308.01, ~~or~~ age, or military or veteran status in employment,  
23 public accommodation, and housing and may provide for the enforcement of  
24 such ordinances by providing appropriate penalties for the violation  
25 thereof. It shall not be an unlawful employment practice to refuse  
26 employment based on a policy of not employing both spouses if such policy  
27 is equally applied to both sexes.

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

30 20-113 (1) Any incorporated city may enact ordinances and any county  
31 may adopt resolutions which are substantially equivalent to the Age

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

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

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

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

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

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

21 20-132 All persons within this state shall be entitled to a full and  
22 equal enjoyment of any place of public accommodation, as defined in  
23 sections 20-132 to 20-143, without discrimination or segregation on the  
24 grounds of race, color, sex, religion, national origin, disability, or  
25 ancestry, or military or veteran status.

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

28 20-134 (1) Any person who directly or indirectly refuses, withholds  
29 from, denies, or attempts to refuse, withhold, or deny, to any other  
30 person any of the accommodations, advantages, facilities, services, or  
31 privileges, or who segregates any person in a place of public

1 accommodation on the basis of race, creed, color, sex, religion, national  
2 origin, disability, ~~or~~ ancestry, or military or veteran status, shall be  
3 guilty of discriminatory practice and shall be subject to the penalties  
4 of sections 20-132 to 20-143.

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

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

12 20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124,  
13 and 20-132 to 20-143 shall be administered by the Equal Opportunity  
14 Commission, except that the State Fire Marshal shall administer the act  
15 and sections as they relate to accessibility standards and specifications  
16 set forth in sections 81-5,147 and 81-5,148. The county attorneys are  
17 granted the authority to enforce such act and sections 20-123, 20-124,  
18 and 20-132 to 20-143 and shall possess the same powers and duties with  
19 respect thereto as the commission. If a complaint is filed with the  
20 county attorney, the commission shall be notified. Powers granted to and  
21 duties imposed upon the commission pursuant to such act and sections  
22 shall be in addition to the provisions of the Nebraska Fair Employment  
23 Practice Act and shall not be construed to amend or restrict those  
24 provisions. In carrying out the Nebraska Fair Housing Act and sections  
25 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power  
26 to:

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

31 (2) Effectuate the purposes of sections 20-132 to 20-143 by

1 conference, conciliation, and persuasion so that persons may be  
2 guaranteed their civil rights and goodwill may be fostered;

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

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

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

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

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

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

29 (9) Hold hearings, subpoena witnesses and compel their attendance,  
30 administer oaths, take the testimony of any person under oath, and in  
31 connection therewith require for examination any books or papers relating

1 to any matter under investigation or in question before the commission;  
2 and

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

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

9 20-317 Restrictive covenant shall mean any specification limiting  
10 the transfer, rental, or lease of any housing because of race, creed,  
11 religion, color, national origin, sex, disability, familial status, ~~or~~  
12 ancestry, or military or veteran status.

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

15 20-318 Except as exempted by section 20-322, it shall be unlawful  
16 to:

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

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

28 (3) Make, print, publish, or cause to be made, printed, or published  
29 any notice, statement, or advertisement with respect to the sale or  
30 rental of a dwelling that indicates any preference, limitation, or  
31 discrimination based on race, color, religion, national origin,



1 disability, familial status, ~~or sex,~~ or military or veteran status or an  
2 intention to make any such preference, limitation, or discrimination;

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

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

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

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

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

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

24 20-320 (1) Except as exempted by section 20-322, it ~~It~~ shall be  
25 unlawful for any person or other entity whose business includes engaging  
26 in transactions related to residential real estate to discriminate  
27 against any person in making available such a transaction or in the terms  
28 or conditions of such a transaction because of race, color, religion,  
29 sex, disability, familial status, ~~or national origin,~~ or military or  
30 veteran status.

31 (2) For purposes of this section, transaction related to residential

1 real estate shall mean any of the following:

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

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

6 (ii) Secured by residential real estate; or

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

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

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

15 20-321 It shall be unlawful to deny any person access to or  
16 membership or participation in any multiple listing service, real estate  
17 brokers organization, or other service, organization, or facility  
18 relating to the business of selling or renting dwellings or to  
19 discriminate against any person in the terms or conditions of such  
20 access, membership, or participation on account of race, color, religion,  
21 national origin, disability, familial status, ~~or~~ sex, or military or  
22 veteran status.

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

25 20-322 (1) Nothing in the Nebraska Fair Housing Act shall prohibit a  
26 religious organization, association, or society or any nonprofit  
27 institution or organization operated, supervised, or controlled by or in  
28 conjunction with a religious organization, association, or society from  
29 limiting the sale, rental, or occupancy of a dwelling which it owns or  
30 operates for other than commercial purposes to persons of the same  
31 religion or from giving preferences to such persons unless membership in

1 such religion is restricted on account of race, color, national origin,  
2 disability, familial status, ~~or sex,~~ or military or veteran status.

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

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

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

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

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

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

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

31 (A) The existence of significant facilities and services

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

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

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

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

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

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

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

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

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

30 20-325 The commission shall:

31 (1) Make studies with respect to the nature and extent of

1 discriminatory housing practices in representative urban, suburban, and  
2 rural communities throughout the state;

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

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

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

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

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

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

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

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

1 determines to be necessary or appropriate;

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

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

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

17 23-2525 The county personnel officer shall, with the assistance of  
18 two advisory groups, one of classified employees and one of department  
19 heads, prepare and submit to the personnel policy board proposed  
20 personnel rules and regulations for the classified service. He or she  
21 shall give reasonable notice thereof to the heads of all agencies,  
22 departments, county employee associations, and institutions affected  
23 thereby, and they shall be given an opportunity, upon request, to appear  
24 before the board and present their views thereon. The personnel policy  
25 board shall submit the rules and regulations for adoption or amendment  
26 and adoption by resolution of the board of county commissioners.  
27 Amendments thereto shall be made in the same manner. The rules and  
28 regulations shall provide:

29 (1) For a single integrated classification plan covering all  
30 positions in the county service except those expressly exempt from the  
31 County Civil Service Act, which shall group all positions into defined

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

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

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

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

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

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

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

31 (a) Race, national origin, physical disabilities, age, or political



1 or religious opinions or affiliations;

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

5 (c) Military or veteran status, subject to section 88 of this act; ,  
6 or

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

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

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

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

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

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

30 (12) For provisional employment without competitive examination when  
31 there is no appropriate eligible list available. No such provisional

1 employment shall continue longer than six months, nor shall successive  
2 provisional appointments be allowed;

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

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

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

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

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

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

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

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

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

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

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

7           23-2531 (1) Discrimination against any person in recruitment,  
8   examination, appointment, training, promotion, retention, discipline, or  
9   any other aspect of personnel administration because of political or  
10   religious opinions or affiliations or because of race, national origin,  
11   or other nonmerit factors shall be prohibited. Discrimination on the  
12   basis of age or sex or physical disability shall be prohibited unless  
13   specific age, sex, or physical requirements constitute a bona fide  
14   occupational qualification necessary to proper and efficient  
15   administration. Subject to section 88 of this act, discrimination on the  
16   basis of military or veteran status shall be prohibited. The rules and  
17   regulations shall provide for appeals in cases of alleged discrimination  
18   to the personnel policy board whose determination shall be binding upon a  
19   finding of discrimination.

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

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

30          (4) No employee of the personnel office, examiner, or other person  
31   shall defeat, deceive, or obstruct any person in his or her right to

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

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

7 23-2541 The personnel policy board, if created, shall, with the  
8 assistance of two advisory groups, one of classified employees and one of  
9 department heads, adopt proposed personnel rules and regulations for the  
10 classified service and provide reasonable notice of proposed rules and  
11 regulations to the heads of all agencies, departments, county employee  
12 associations, and institutions affected thereby. Any person affected by  
13 such rules and regulations shall be given an opportunity, upon request,  
14 to appear before the personnel policy board and present his or her views  
15 on the rules and regulations. The personnel policy board shall submit  
16 proposed rules and regulations or amendments for adoption by the county  
17 board. The county board may consider and adopt only personnel rules and  
18 regulations or amendments proposed by the personnel policy board and may  
19 not repeal or revoke a rule or regulation except upon the recommendation  
20 of the personnel policy board.

21 The rules and regulations or amendments may provide:

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

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

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

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

1 rules and regulations;

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

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

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

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

18 (b) Military or veteran status, subject to section 88 of this act;  
19 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12          25-1030.01 (1) Upon filing an application for determination of  
13     liability of the garnishee, the plaintiff shall give the garnishee and  
14     the defendant in the original action notice of the filing thereof and of  
15     the time and place of trial thereon. Subject to subsections (2) and (3)  
16     of this section, the ~~The~~ notice shall be given within such time and in  
17     such manner as the court shall direct.

18          (2) For purposes of this section:

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

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

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

29          (b) If service is unable to be accomplished as provided in  
30     subdivision (3)(a) of this section, such notice shall be served in  
31     accordance with section 25-509.01.



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

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

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

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

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

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

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

17       25-1056 (1) In all cases when a judgment has been entered by any  
18       court of record and the judgment creditor or his or her agent or attorney  
19       has filed an affidavit setting forth the amount due on the judgment,  
20       interest, and costs in the office of the clerk of the court where the  
21       judgment has been entered and that he or she has good reason to and does  
22       believe that any person, partnership, limited liability company, or  
23       corporation, naming him, her, or it, has property of and is indebted to  
24       the judgment debtor, the clerk shall issue a summons which shall set  
25       forth the amount due on the judgment, interest, and costs as shown in the  
26       affidavit and require such person, partnership, limited liability  
27       company, or corporation, as garnishee, to answer written interrogatories  
28       to be furnished by the plaintiff and to be attached to such summons  
29       respecting the matters set forth in section 25-1026. The summons shall be  
30       returnable within ten days from the date of its issuance and shall  
31       require the garnishee to answer within ten days from the date of service

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

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

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

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

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

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

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

21 (c) The judgment creditor releases the garnishment;

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

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

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

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

1 ninety-day period.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (c) If service is not made upon the corporate entity's registered

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

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

9       25-1645 The Legislature hereby declares that it is the intent and  
10 purpose of the Jury Selection Act to create a jury system which will  
11 ensure that:

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

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

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

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

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

24       27-413 For purposes of sections 27-414 and 27-415, offense of sexual  
25 assault means sexual assault under section 28-319 or 28-320, sexual abuse  
26 by a school worker employee under section 28-316.01, sexual assault of a  
27 child under section 28-319.01 or 28-320.01, sexual assault by use of an  
28 electronic communication device under section 28-320.02, sexual abuse of  
29 an inmate or parolee under sections 28-322.01 to 28-322.03, sexual abuse  
30 of a protected individual under section 28-322.04, sexual abuse of a  
31 detainee under section 28-322.05, an attempt or conspiracy to commit any

1 of the crimes listed in this section, or the commission of or conviction  
2 for a crime in another jurisdiction that is substantially similar to any  
3 crime listed in this section.

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

6 28-105 (1) For purposes of the Nebraska Criminal Code and any  
7 statute passed by the Legislature after the date of passage of the code,  
8 felonies are divided into ten classes which are distinguished from one  
9 another by the following penalties which are authorized upon conviction:

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



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

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

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

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

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

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

29           (7) Any person who is sentenced to imprisonment for a Class III,  
30   IIIA, or IV felony committed prior to August 30, 2015, and sentenced

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

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

7 **Sec. 26.** Section 28-311.11, Revised Statutes Cumulative Supplement,  
8 2024, is amended to read:

9 28-311.11 (1) Any victim of a sexual assault offense may file a  
10 petition and affidavit for a sexual assault protection order as provided  
11 in subsection (3) of this section. Upon the filing of such a petition and  
12 affidavit in support thereof, the court may issue a sexual assault  
13 protection order without bond enjoining the respondent from (a) imposing  
14 any restraint upon the person or liberty of the petitioner, (b)  
15 harassing, threatening, assaulting, molesting, attacking, or otherwise  
16 disturbing the peace of the petitioner, or (c) telephoning, contacting,  
17 or otherwise communicating with the petitioner. The sexual assault  
18 protection order shall specify to whom relief under this section was  
19 granted.

20 (2) The petition for a sexual assault protection order shall state  
21 the events and dates or approximate dates of acts constituting the sexual  
22 assault offense, including the most recent and most severe incident or  
23 incidents.

24 (3) A petition for a sexual assault protection order shall be filed  
25 with the clerk of the district court and the proceeding may be heard by  
26 the county court or the district court as provided in section 25-2740.

27 (4) A petition for a sexual assault protection order may not be  
28 withdrawn except upon order of the court. A sexual assault protection  
29 order shall specify that it is effective for a period of one year unless  
30 renewed pursuant to subsection (12) of this section or otherwise  
31 dismissed or modified by the court. Any person, except the petitioner,

1 who knowingly violates a sexual assault protection order after service or  
2 notice as described in subdivision (9)(b) of this section shall be guilty  
3 of a Class I misdemeanor, except that any person convicted of violating  
4 such order who has a prior conviction for violating a sexual assault  
5 protection order shall be guilty of a Class IV felony.

6 (5)(a) Fees to cover costs associated with the filing of a petition  
7 for issuance or renewal of a sexual assault protection order or the  
8 issuance or service of a sexual assault protection order seeking only the  
9 relief provided by this section shall not be charged, except that a court  
10 may assess such fees and costs if the court finds, by clear and  
11 convincing evidence, that the statements contained in the petition were  
12 false and that the sexual assault protection order was sought in bad  
13 faith.

14 (b) A court may also assess costs associated with the filing of a  
15 petition for issuance or renewal of a sexual assault protection order or  
16 the issuance or service of a sexual assault protection order seeking only  
17 the relief provided by this section against the respondent.

18 (6) The clerk of the district court shall make available standard  
19 application and affidavit forms for issuance and renewal of a sexual  
20 assault protection order with instructions for completion to be used by a  
21 petitioner. Affidavit forms shall request all relevant information,  
22 including, but not limited to: A description of the most recent incident  
23 that was the basis for the application for a sexual assault protection  
24 order and the date or approximate date of the incident and, if there was  
25 more than one incident, the most severe incident and the date or  
26 approximate date of such incident. The clerk and his or her employees  
27 shall not provide assistance in completing the forms. The State Court  
28 Administrator shall adopt and promulgate the standard application and  
29 affidavit forms provided for in this section as well as the standard  
30 temporary ex parte and final sexual assault protection order forms and  
31 provide a copy of such forms to all clerks of the district courts in this

1 state. Such standard temporary ex parte and final sexual assault  
2 protection order forms shall be the only forms used in this state.

3 (7) A sexual assault protection order may be issued or renewed ex  
4 parte without notice to the respondent if it reasonably appears from the  
5 specific facts shown by affidavit of the petitioner that irreparable  
6 harm, loss, or damage will result before the matter can be heard on  
7 notice. If a sexual assault protection order is not issued ex parte, the  
8 court shall immediately schedule an evidentiary hearing to be held within  
9 fourteen days after the filing of the petition, and the court shall cause  
10 notice of the application to be given to the respondent stating that he  
11 or she may show cause why such order should not be entered. Any notice  
12 provided to the respondent shall include notification that a court may  
13 treat a petition for a sexual assault protection order as a petition for  
14 a harassment protection order or a domestic abuse protection order if it  
15 appears from the facts that such other protection order is more  
16 appropriate and that the respondent shall have an opportunity to show  
17 cause as to why such protection order should not be entered. If such ex  
18 parte order is issued or renewed without notice to the respondent, the  
19 court shall forthwith cause notice of the petition and order and a form  
20 with which to request a show-cause hearing to be given the respondent  
21 stating that, upon service on the respondent, the order shall remain in  
22 effect for a period of one year unless the respondent shows cause why the  
23 order should not remain in effect for a period of one year. If the  
24 respondent wishes to appear and show cause why the order should not  
25 remain in effect for a period of one year, he or she shall affix his or  
26 her current address, telephone number, and signature to the form and  
27 return it to the clerk of the district court within ten business days  
28 after service upon him or her. Upon receipt of a timely request for a  
29 show-cause hearing, the court shall immediately schedule a show-cause  
30 hearing to be held within thirty days after the receipt of the request  
31 for a show-cause hearing and shall notify the petitioner and respondent

1 of the hearing date. The petition and affidavit shall be deemed to have  
2 been offered into evidence at any show-cause hearing. The petition and  
3 affidavit shall be admitted into evidence unless specifically excluded by  
4 the court.

5 (8) A court may treat a petition for a sexual assault protection  
6 order as a petition for a harassment protection order or a domestic abuse  
7 protection order if it appears from the facts in the petition, affidavit,  
8 and evidence presented at a show-cause hearing that such other protection  
9 order is more appropriate and if:

10 (a) The court makes specific findings that such other order is more  
11 appropriate; or

12 (b) The petitioner has requested the court to so treat the petition.

13 (9)(a) Upon the issuance or renewal of any temporary ex parte or  
14 final sexual assault protection order, the clerk of the court shall  
15 forthwith provide the petitioner, without charge, with two certified  
16 copies of such order. The clerk of the court shall also forthwith provide  
17 the local police department or local law enforcement agency and the local  
18 sheriff's office, without charge, with one copy each of such order and  
19 one copy each of the sheriff's return thereon. The clerk of the court  
20 shall also forthwith provide a copy of the sexual assault protection  
21 order to the sheriff's office in the county where the respondent may be  
22 personally served together with instructions for service. Upon receipt of  
23 the order and instructions for service, such sheriff's office shall  
24 forthwith serve the sexual assault protection order upon the respondent  
25 and file its return thereon with the clerk of the court which issued the  
26 sexual assault protection order within fourteen days of the issuance of  
27 the initial or renewed sexual assault protection order. If any sexual  
28 assault protection order is dismissed or modified by the court, the clerk  
29 of the court shall forthwith provide the local police department or local  
30 law enforcement agency and the local sheriff's office, without charge,  
31 with one copy each of the order of dismissal or modification.

1 (b) If the respondent is present at a hearing convened pursuant to  
2 this section and the sexual assault protection order is not dismissed,  
3 such respondent shall be deemed to have notice by the court at such  
4 hearing that the protection order will be granted and remain in effect  
5 and further service of such notice described in this subsection shall not  
6 be required for purposes of prosecution under this section.

7 (c) A temporary ex parte sexual assault protection order shall be  
8 affirmed and deemed the final protection order and service of the  
9 temporary ex parte order shall be notice of the final protection order if  
10 the respondent has been properly served with the ex parte order and:

11 (i) The respondent fails to request a show-cause hearing within ten  
12 business days after service upon him or her and no hearing was requested  
13 by the petitioner or upon the court's own motion;

14 (ii) The respondent has been properly served with notice of any  
15 hearing requested by the respondent or petitioner or upon the court's own  
16 motion and the respondent fails to appear at such hearing; or

17 (iii) The respondent has been properly served with notice of any  
18 hearing requested by the respondent, the petitioner, or upon the court's  
19 own motion and the protection order was not dismissed at the hearing.

20 (10) A peace officer shall, with or without a warrant, arrest a  
21 person if (a) the officer has probable cause to believe that the person  
22 has committed a violation of a sexual assault protection order issued  
23 pursuant to this section or a violation of a valid foreign sexual assault  
24 protection order recognized pursuant to section 28-311.12 and (b) a  
25 petitioner under this section provides the peace officer with a copy of  
26 such order or the peace officer determines that such an order exists  
27 after communicating with the local law enforcement agency.

28 (11) A peace officer making an arrest pursuant to subsection (10) of  
29 this section shall take such person into custody and take such person  
30 before the county court or the court which issued the sexual assault  
31 protection order within a reasonable time. At such time the court shall

1 establish the conditions of such person's release from custody, including  
2 the determination of bond or recognizance, as the case may be. The court  
3 shall issue an order directing that such person shall have no contact  
4 with the alleged victim of the sexual assault offense.

5 (12)(a) An order issued under subsection (1) of this section may be  
6 renewed annually. To request renewal of the order, the petitioner shall  
7 file a petition for renewal and affidavit in support thereof at any time  
8 within forty-five days prior to the date the order is set to expire,  
9 including the date the order expires.

10 (b) A sexual assault protection order may be renewed on the basis of  
11 the petitioner's affidavit stating that there has been no material change  
12 in relevant circumstances since entry of the order and stating the reason  
13 for the requested renewal if:

14 (i) The petitioner seeks no modification of the order; and

15 (ii)(A) The respondent has been properly served with notice of the  
16 petition for renewal and notice of hearing and fails to appear at the  
17 hearing; or

18 (B) The respondent indicates that he or she does not contest the  
19 renewal.

20 (c) The petition for renewal shall state the reasons a renewal is  
21 sought and shall be filed with the clerk of the district court, and the  
22 proceeding thereon may be heard by the county court or the district court  
23 as provided in section 25-2740. A petition for renewal will otherwise be  
24 governed in accordance with the procedures set forth in subsections (4)  
25 through (11) of this section. The renewed order shall specify that it is  
26 effective for one year commencing on the first calendar day after  
27 expiration of the previous order or on the calendar day the court grants  
28 the renewal if such day is subsequent to the first calendar day after  
29 expiration of the previous order.

30 (13) When provided by the petitioner, the court shall make  
31 confidential numeric victim identification information, including social

1 security numbers and dates of birth, available to appropriate criminal  
2 justice agencies engaged in protection order enforcement efforts. Such  
3 agencies shall maintain the confidentiality of this information, except  
4 for entry into state and federal databases for protection order  
5 enforcement.

6 (14) For purposes of this section, sexual assault offense means:

7 (a) Conduct amounting to sexual assault under section 28-319 or  
8 28-320, sexual abuse by a school worker ~~employee~~ under section 28-316.01,  
9 sexual assault of a child under section 28-319.01 or 28-320.01, or an  
10 attempt to commit any of such offenses; or

11 (b) Subjecting or attempting to subject another person to sexual  
12 contact or sexual penetration without his or her consent, as such terms  
13 are defined in section 28-318.

14 **Sec. 27.** Section 28-316.01, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16 28-316.01 (1) For purposes of this section:

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

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

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

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

25 (e) {e} School employee means a person nineteen years of age or  
26 older who is employed by a public, private, denominational, or parochial  
27 school approved or accredited by the State Department of Education; and

28 (f) School worker means a school contract worker or a school  
29 employee; and

30 (g) {d} Student means a person at least sixteen but not more than  
31 nineteen years of age enrolled in or attending a public, private,



1 ~~denominational, or parochial school approved or accredited by the State~~  
2 ~~Department of Education,~~ or who was such a person enrolled in or who  
3 attended ~~such a~~ school within ninety days of any violation of this  
4 section.

5 (2) A person commits the offense of sexual abuse by a school worker  
6 ~~employee~~ if a school worker ~~employee~~ subjects a student in the school to  
7 which such worker ~~employee~~ is assigned for work to sexual penetration or  
8 sexual contact, or engages in a pattern or scheme of conduct to subject a  
9 student in the school to which such worker ~~employee~~ is assigned for work  
10 to sexual penetration or sexual contact. It is not a defense to a charge  
11 under this section that the student consented to such sexual penetration  
12 or sexual contact.

13 (3) Any school worker ~~employee~~ who engages in sexual penetration  
14 with a student is guilty of sexual abuse by a school worker ~~employee~~ in  
15 the first degree. Sexual abuse by a school worker ~~employee~~ in the first  
16 degree is a Class IIA felony.

17 (4) Any school worker ~~employee~~ who engages in sexual contact with a  
18 student is guilty of sexual abuse by a school worker ~~employee~~ in the  
19 second degree. Sexual abuse by a school worker ~~employee~~ in the second  
20 degree is a Class IIIA felony.

21 (5) Any school worker ~~employee~~ who engages in a pattern or scheme of  
22 conduct with the intent to subject a student to sexual penetration or  
23 sexual contact is guilty of sexual abuse by a school worker ~~employee~~ in  
24 the third degree. Sexual abuse by a school worker ~~employee~~ in the third  
25 degree is a Class IV felony.

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

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

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

31 (2) Intimate parts means the genital area, groin, inner thighs,

1 buttocks, or breasts;

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

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

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

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

27 (7) Victim means the person alleging to have been sexually  
28 assaulted;

29 (8) Without consent means:

30 (a)(i) The victim was compelled to submit due to the use of force or  
31 threat of force or coercion, or (ii) the victim expressed a lack of

1 consent through words, or (iii) the victim expressed a lack of consent  
2 through conduct, or (iv) the consent, if any was actually given, was the  
3 result of the actor's deception as to the identity of the actor or the  
4 nature or purpose of the act on the part of the actor;

5 (b) The victim need only resist, either verbally or physically, so  
6 as to make the victim's refusal to consent genuine and real and so as to  
7 reasonably make known to the actor the victim's refusal to consent; and

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

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

16 **Sec. 29.** Section 28-322, Revised Statutes Cumulative Supplement,  
17 2024, is amended to read:

18 28-322 For purposes of sections 28-322 to 28-322.03:

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

22 (2) Person means (a) an individual employed by the Department of  
23 Correctional Services ~~or by the Division of Parole Supervision~~, including  
24 any individual working in central administration of the department, any  
25 individual working under contract with the department, and any  
26 individual, other than an inmate's spouse, to whom the department has  
27 authorized or delegated control over an inmate or an inmate's activities,

28 (b) an individual employed by a city or county correctional or jail  
29 facility, including any individual working in central administration of  
30 the city or county correctional or jail facility, any individual working  
31 under contract with the city or county correctional or jail facility, and

1 any individual, other than an inmate's spouse, to whom the city or county  
2 correctional or jail facility has authorized or delegated control over an  
3 inmate or an inmate's activities, and (c) an individual employed by the  
4 Office of Probation Administration who performs official duties within  
5 any facility operated by the Department of Correctional Services or a  
6 city or county correctional or jail facility.

7 **Sec. 30.** Section 28-519, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 28-519 (1) For purposes of this section:

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

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

20 (2) ~~(1)~~ A person commits criminal mischief if he or she:

21 (a) Damages property of another intentionally or recklessly; or

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

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

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

29 (a) Any rail infrastructure;

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

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

1        ~~(4)~~ (2) Criminal mischief is a Class IV felony if the actor  
2 intentionally or maliciously causes pecuniary loss of five thousand  
3 dollars or more ~~, or a substantial interruption or impairment of public~~  
4 ~~communication, transportation, supply of water, gas, or power, or other~~  
5 ~~public service.~~

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

9        ~~(6)~~ (4) Criminal mischief is a Class II misdemeanor if the actor  
10 intentionally or maliciously causes pecuniary loss of five hundred  
11 dollars or more but less than one thousand five hundred dollars.

12        ~~(7)~~ (5) Criminal mischief is a Class III misdemeanor if the actor  
13 intentionally, maliciously, or recklessly causes pecuniary loss in an  
14 amount of less than five hundred dollars, or if his or her action results  
15 in no pecuniary loss.

16        **Sec. 31.** Section 29-401, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18        29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,  
19 security guard, police officer, or peace officer as defined in  
20 ~~subdivision (15) of~~ section 49-801 shall arrest and detain any person  
21 found violating any law of this state or any legal ordinance of any city  
22 or incorporated village until a legal warrant can be obtained, except  
23 that (1) any such law enforcement officer taking a juvenile under the age  
24 of eighteen years into his or her custody for any violation herein  
25 defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250,  
26 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is  
27 to appear shall not accept a plea from the juvenile until finding that  
28 the parents of the juvenile have been notified or that reasonable efforts  
29 to notify such parents have been made as provided in section 43-250.

30        **Sec. 32.** Section 29-1912, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

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

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

12           (i) Written or recorded statements;

13           (ii) Written summaries of oral statements; and

14           (iii) The substance of oral statements;

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

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

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

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

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

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

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

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

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

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

6 (d) There is no substantial likelihood that the request, if granted,  
7 would preclude a just determination of the issues at the trial of the  
8 offense; or

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

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

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

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

24 (6) (5) This section does not apply to jailhouse informants as  
25 defined in section 29-4701. Sections 29-4701 to 29-4706 govern jailhouse  
26 informants.

27 **Sec. 33.** Section 29-1918, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

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

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

3       (2) The other party previously requested, or the court ordered, the  
4       production of such evidence or material. If, subsequent to compliance  
5       with an order for discovery under the provisions of sections 29-1912 to  
6       29-1921, and prior to or during trial, a party discovers additional  
7       material which the party would have been under a duty to disclose or  
8       produce at the time of such previous compliance, the party shall promptly  
9       notify the other party or the other party's attorney and the court of the  
10       existence of the additional material. Such notice shall be given at the  
11       time of the discovery of such additional material.

12       **Sec. 34.** Section 29-2221, Revised Statutes Cumulative Supplement,  
13       2024, is amended to read:

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

23       (a) If the felony committed is in violation of section 28-303,  
24       28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,  
25       and at least one of the habitual criminal's prior felony convictions was  
26       for a violation of one of the sections listed in this subdivision or of a  
27       similar statute in another state or of the United States, the mandatory  
28       minimum term shall be twenty-five years and the maximum term not more  
29       than sixty years;

30       (b) If the felony committed is in violation of subsection (3) of  
31       section 28-306 and at least one of the prior convictions is in violation



1 of subsection (3) of section 28-306 and the other is in violation of one  
2 of the sections set forth in subdivision (a) of this subsection or if the  
3 felony committed is in violation of one of the sections set forth in  
4 subdivision (a) of this subsection and both of the prior convictions are  
5 in violation of subsection (3) of section 28-306, the mandatory minimum  
6 term shall be twenty-five years and the maximum term not more than sixty  
7 years;

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

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

23 (2) When punishment of an accused as a habitual criminal is sought,  
24 the facts with reference thereto shall be charged in the indictment or  
25 information which contains the charge of the felony upon which the  
26 accused is prosecuted, but the fact that the accused is charged with  
27 being a habitual criminal shall not be an issue upon the trial of the  
28 felony charge and shall not in any manner be disclosed to the jury. If  
29 the accused is convicted of a felony, before sentence is imposed a  
30 hearing shall be had before the court alone as to whether such person has  
31 been previously convicted of prior felonies. The court shall fix a time

1 for the hearing and notice thereof shall be given to the accused at least  
2 three days prior thereto. At the hearing, if the court finds from the  
3 evidence submitted that the accused has been convicted two or more times  
4 of felonies and sentences imposed therefor by the courts of this or any  
5 other state or by the United States, the court shall sentence such person  
6 so convicted as a habitual criminal.

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

12 **Sec. 35.** Section 29-2246, Revised Statutes Cumulative Supplement,  
13 2024, is amended to read:

14 29-2246 For purposes of the Nebraska Probation Administration Act  
15 ~~and sections 43-2,123.01 and 83-1,102 to 83-1,104~~, unless the context  
16 otherwise requires:

17 (1) Association means the Nebraska District Court Judges  
18 Association;

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

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

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

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

30 (6) Probation officer means an employee of the system who supervises  
31 probationers and conducts presentence, predisposition, or other

1 investigations as may be required by law or directed by a court in which  
2 he or she is serving or performs such other duties as authorized pursuant  
3 to section 29-2258, except unpaid volunteers from the community;

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

6 (8) Juvenile intake probation officer means an employee of the  
7 system who is called upon by a law enforcement officer in accordance with  
8 section 43-250 to make a decision regarding the furtherance of a  
9 juvenile's detention;

10 (9) Chief probation officer means the probation officer in charge of  
11 a probation district;

12 (10) System means the Nebraska Probation System;

13 (11) Administrator means the probation administrator;

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

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

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

29 **Sec. 36.** Section 29-2252, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 29-2252 The administrator shall:

1           (1) Supervise and administer the office;

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

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

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

16          (5) Establish and maintain advanced periodic inservice training  
17 requirements for the system;

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

26          (7) Organize and conduct training programs for probation officers.  
27 Training shall include the proper use of a risk and needs assessment,  
28 risk-based supervision strategies, relationship skills, cognitive  
29 behavioral interventions, community-based resources, criminal risk  
30 factors, and targeting criminal risk factors to reduce recidivism and the  
31 proper use of a matrix of administrative sanctions, custodial sanctions,

1 and rewards developed pursuant to subdivision (18) of this section. All  
2 probation officers employed on or after August 30, 2015, shall complete  
3 the training requirements set forth in this subdivision;

4 (8) Collect, develop, and maintain statistical information  
5 concerning probationers, probation practices, and the operation of the  
6 system and provide the Community Corrections Division of the Nebraska  
7 Commission on Law Enforcement and Criminal Justice with the information  
8 needed to compile the report required in section 47-624;

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

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

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

27 (12) Transmit a report during each even-numbered year to the Supreme  
28 Court on the operation of the office for the preceding two calendar years  
29 which shall include a historical analysis of probation officer workload,  
30 including participation in non-probation-based programs and services. The  
31 report shall be transmitted by the Supreme Court to the Governor and the

1 Clerk of the Legislature. The report submitted to the Clerk of the  
2 Legislature shall be submitted electronically;

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

6 (14) Use the funds provided under section 29-2262.07 to augment  
7 operational or personnel costs associated with the development,  
8 implementation, and evaluation of enhanced probation-based programs and  
9 non-probation-based programs and services in which probation personnel or  
10 probation resources are utilized pursuant to an interlocal agreement  
11 authorized by subdivision (16) of this section and to purchase services  
12 to provide such programs aimed at enhancing adult probationer or non-  
13 probation-based program participant supervision in the community and  
14 treatment needs of probationers and non-probation-based program  
15 participants. Enhanced probation-based programs include, but are not  
16 limited to, specialized units of supervision, related equipment purchases  
17 and training, and programs that address a probationer's vocational,  
18 educational, mental health, behavioral, or substance abuse treatment  
19 needs;

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

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

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

31 (18) Develop a matrix of rewards for compliance and positive

1 behaviors and graduated administrative sanctions and custodial sanctions  
2 for use in responding to and deterring substance abuse violations and  
3 technical violations. As applicable under sections 29-2266.02 and  
4 29-2266.03, custodial sanctions of up to thirty days in jail shall be  
5 designated as the most severe response to a violation in lieu of  
6 revocation and custodial sanctions of up to three days in jail shall be  
7 designated as the second most severe response;

8 (19) Adopt and promulgate rules and regulations for the creation of  
9 individualized post-release supervision plans, collaboratively with the  
10 Department of Correctional Services and county jails, for probationers  
11 sentenced to post-release supervision; and

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

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

17 **Sec. 37.** Section 29-2261, Revised Statutes Cumulative Supplement,  
18 2024, is amended to read:

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

1 to a written report of such investigation.

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

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

17 Such investigation shall also include:

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

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

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

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

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

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

30 (5) Before imposing sentence, the court may order the offender to  
31 submit to psychiatric observation and examination for a period of not



1 exceeding sixty days or such longer period as the court determines to be  
2 necessary for that purpose. The offender may be remanded for this purpose  
3 to any available clinic or mental hospital, or the court may appoint a  
4 qualified psychiatrist to make the examination. The report of the  
5 examination shall be submitted to the court.

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

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

29 (7) The court shall permit inspection of the presentence report,  
30 substance abuse evaluation, or psychiatric examination or parts of the  
31 report, evaluation, or examination, as determined by the court, by the

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

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

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

30 **Sec. 38.** Section 29-2935, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

1           29-2935 For purposes of evaluating the treatment process, the  
2 ~~Division of Parole Supervision,~~ the Department of Correctional Services,  
3 the Board of Parole, and the designated aftercare treatment programs  
4 shall allow appropriate access to data and information as requested by  
5 the Department of Health and Human Services.

6           **Sec. 39.** Section 29-4003, Revised Statutes Cumulative Supplement,  
7 2024, is amended to read:

8           29-4003 (1)(a) The Sex Offender Registration Act applies to any  
9 person who on or after January 1, 1997:

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

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

15           (B) False imprisonment of a minor pursuant to section 28-314 or  
16 28-315;

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

18           (D) Sexual abuse by a school worker ~~employee~~ pursuant to section  
19 28-316.01;

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

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

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

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

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

28           (J) Visual depiction of sexually explicit conduct of a child  
29 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section  
30 28-1463.05;

31           (K) Knowingly possessing any visual depiction of sexually explicit

1 conduct which has a child as one of its participants or portrayed  
2 observers pursuant to subsection (1) or (4) of section 28-813.01;

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

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

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

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

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

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

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

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

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

1 (I) Murder in the first degree pursuant to section 28-303;  
2 (II) Murder in the second degree pursuant to section 28-304;  
3 (III) Manslaughter pursuant to section 28-305;  
4 (IV) Assault in the first degree pursuant to section 28-308;  
5 (V) Assault in the second degree pursuant to section 28-309;  
6 (VI) Assault in the third degree pursuant to section 28-310;  
7 (VII) Stalking pursuant to section 28-311.03;  
8 (VIII) Violation of section 28-311.08 requiring registration under  
9 the act pursuant to subsection (6) of section 28-311.08;  
10 (IX) Kidnapping pursuant to section 28-313;  
11 (X) False imprisonment pursuant to section 28-314 or 28-315;  
12 (XI) Sexual abuse of an inmate or parolee in the first degree  
13 pursuant to section 28-322.02;  
14 (XII) Sexual abuse of an inmate or parolee in the second degree  
15 pursuant to section 28-322.03;  
16 (XIII) Sexual abuse of a protected individual pursuant to section  
17 28-322.04;  
18 (XIV) Incest pursuant to section 28-703;  
19 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section  
20 28-707;  
21 (XVI) Enticement by electronic communication device pursuant to  
22 section 28-833; or  
23 (XVII) Attempt, solicitation, aiding or abetting, being an  
24 accessory, or conspiracy to commit an offense listed in subdivisions (1)  
25 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.  
26 (B) In order for the Sex Offender Registration Act to apply to the  
27 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),  
28 (VI), (VII), (IX), and (X) of this section, a court shall have found that  
29 evidence of sexual penetration or sexual contact, as those terms are  
30 defined in section 28-318, was present in the record, which shall include  
31 consideration of the factual basis for a plea-based conviction and

1 information contained in the presentence report;

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

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

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

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

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

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

29 (i) Has ever pled guilty to, pled nolo contendere to, or been found  
30 guilty of human trafficking under subsection (1) or (2) of section  
31 28-831, and the court determines either by notification of sex offender

1 registration responsibilities or notation in the sentencing order that  
2 the human trafficking was sex trafficking or sex trafficking of a minor  
3 and not solely labor trafficking or labor trafficking of a minor; or

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

15 **Sec. 40.** Section 29-4019, Revised Statutes Cumulative Supplement,  
16 2024, is amended to read:

17 29-4019 (1) When sentencing a person convicted of an offense which  
18 requires lifetime community supervision upon release pursuant to section  
19 83-174.03, the sentencing court shall:

20 (a) Provide written notice to the defendant that he or she shall be  
21 subject to lifetime community supervision by the Department of  
22 Correctional Services ~~Division of Parole Supervision~~ upon release from  
23 incarceration or civil commitment. The written notice shall inform the  
24 defendant (i) that he or she shall be subject to lifetime community  
25 supervision by the department ~~division~~ upon release and that the  
26 department ~~division~~ shall conduct a risk assessment and evaluation to  
27 determine the conditions of community supervision which will minimize, in  
28 the least restrictive manner that is compatible with public safety, the  
29 risk of the defendant committing additional offenses, (ii) that a  
30 violation of any of the conditions of community supervision imposed by  
31 the department ~~division~~ may result in the revision of existing

1 conditions, the addition of new conditions, a recommendation that civil  
2 commitment proceedings should be instituted, or criminal prosecution, and  
3 (iii) of his or her right to challenge the determination of the  
4 conditions of community supervision by the department ~~division~~ and the  
5 right to a periodic review of the conditions of community supervision  
6 pursuant to section 83-174.03 to determine if the conditions are still  
7 necessary to protect the public;

8 (b) Require the defendant to read and sign a form stating that the  
9 duty of the defendant to comply with the conditions of community  
10 supervision and his or her rights to challenge the conditions of  
11 community supervision imposed by the department ~~division~~ has been  
12 explained; and

13 (c) Retain a copy of the written notification signed by the  
14 defendant.

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

20 (a) Provide written notice to the person that he or she shall be  
21 subject to lifetime community supervision by the Department of  
22 Correctional Services ~~division~~ upon release from incarceration. The  
23 written notice shall inform the person (i) that he or she shall be  
24 subject to lifetime community supervision by the department ~~division~~ upon  
25 release and that the department ~~division~~ shall conduct a risk assessment  
26 and evaluation of the defendant to determine the conditions of community  
27 supervision which will minimize, in the least restrictive manner that is  
28 compatible with public safety, the risk of the person committing  
29 additional offenses, (ii) that a violation of any of the conditions of  
30 community supervision imposed by the department ~~division~~ may result in  
31 the revision of existing conditions, the addition of new conditions, a



1 recommendation that civil commitment proceedings should be instituted, or  
2 criminal prosecution, and (iii) of his or her right to challenge the  
3 determination of the conditions of community supervision by the  
4 department ~~division~~ and the right to a periodic review of the conditions  
5 of community supervision pursuant to section 83-174.03 to determine if  
6 the conditions are still necessary to protect the public;

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

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

12 **Sec. 41.** Section 32-221, Revised Statutes Cumulative Supplement,  
13 2024, is amended to read:

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

28 (2) Judges and clerks of election may be selected at random from a  
29 cross section of the population of the county. All qualified citizens  
30 shall have the opportunity to be considered for service. All qualified  
31 citizens shall fulfill their obligation to serve as judges or clerks of

1 election as prescribed by the election commissioner. No citizen shall be  
2 excluded from service as a result of discrimination based upon race,  
3 color, religion, sex, national origin, ~~or~~ economic status, or military or  
4 veteran status. No citizen shall be excluded from service unless excused  
5 by reason of ill health or other good and sufficient reason.

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

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

26 **Sec. 42.** Section 32-230, Revised Statutes Cumulative Supplement,  
27 2024, is amended to read:

28 32-230 (1) As provided in subsection (4) of this section, the  
29 precinct committeeman and committeewoman of each political party shall  
30 appoint a receiving board consisting of three judges of election and two  
31 clerks of election. The chairperson of the county central committee of

1 each political party shall send the names of the appointments to the  
2 county clerk no later than February 1 prior to the primary election.

3 (2) If no names are submitted by the chairperson, the county clerk  
4 shall appoint judges or clerks of election from the appropriate political  
5 party. Judges and clerks of election may be selected at random from a  
6 cross section of the population of the county. All qualified citizens  
7 shall have the opportunity to be considered for service. All qualified  
8 citizens shall fulfill their obligation to serve as judges or clerks of  
9 election as prescribed by the county clerk. No citizen shall be excluded  
10 from service as a result of discrimination based upon race, color,  
11 religion, sex, national origin, ~~or~~ economic status, or military or  
12 veteran status. No citizen shall be excluded from service unless excused  
13 by reason of ill health or other good and sufficient reason.

14 (3) The county clerk may allow persons serving on a receiving board  
15 to serve for part of the time the polls are open and appoint other  
16 persons to serve on the same receiving board for the remainder of the  
17 time the polls are open.

18 (4) In each precinct at any one time, one judge and one clerk of  
19 election shall be appointed from the political party casting the highest  
20 number of votes in the county for Governor or for President of the United  
21 States in the immediately preceding general election, one judge and one  
22 clerk shall be appointed from the political party casting the next  
23 highest number of votes in the county for Governor or for President of  
24 the United States in the immediately preceding general election, and one  
25 judge shall be appointed from the political party casting the third  
26 highest number of votes in the county for Governor or for President of  
27 the United States in the immediately preceding general election. If the  
28 political party casting the third highest number of votes cast less than  
29 ten percent of the total vote cast in the county at the immediately  
30 preceding general election, the political party casting the highest  
31 number of votes at the immediately preceding general election shall be

1 entitled to two judges and one clerk.

2 (5) The county clerk may appoint registered voters to serve in case  
3 of a vacancy among any of the judges or clerks of election or in addition  
4 to the judges and clerks in any precinct when necessary to meet any  
5 situation that requires additional judges and clerks. Such appointees may  
6 include registered voters unaffiliated with any political party. Such  
7 appointees shall serve at subsequent or special elections as determined  
8 by the county clerk.

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

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

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

25 **Sec. 43.** Section 39-210, Revised Statutes Cumulative Supplement,  
26 2024, is amended to read:

27 39-210 To qualify to appear on a tourist-oriented directional sign  
28 panel, an activity shall be licensed and approved by the state and local  
29 agencies if required by law and be open to the public at least eight  
30 hours per day, five days per week, including Saturdays or Sundays, during  
31 the normal season of the activity, except that if the activity is a

1 winery, the winery shall be open at least twenty hours per week. The  
2 activity, before qualifying to appear on a sign panel, shall provide to  
3 the Department of Transportation assurance of its conformity with all  
4 applicable laws relating to discrimination based on race, creed, color,  
5 sex, national origin, ancestry, political affiliation, ~~or religion, or~~  
6 military or veteran status. If the activity violates any of such laws, it  
7 shall lose its eligibility to appear on a tourist-oriented directional  
8 sign panel. In addition, the qualifying activity shall be required to  
9 remove any advertising device which was unlawfully erected or which is in  
10 violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215,  
11 39-216, or 39-220, any rule or regulation of the department, or any  
12 federal rule or regulation relating to tourist-oriented directional sign  
13 panels. The tourist-oriented directional sign panels shall conform to the  
14 requirements of the Federal Beautification Act and the Manual on Uniform  
15 Traffic Control Devices as adopted pursuant to section 60-6,118.

16 **Sec. 44.** Section 43-1401, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 43-1401 (1) For purposes of sections 43-1401 to 43-1418:

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

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

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

30 (2) The changes made to this section by this legislative bill apply  
31 to actions under sections 43-1401 to 43-1418 that are pending on the

1 effective date of this act and to cases filed on or after such date.

2       **Sec. 45.** Section 43-1411, Revised Statutes Cumulative Supplement,  
3 2024, is amended to read:

4       43-1411 (1) A civil proceeding to establish the paternity of a child  
5 may be instituted, in the court of the district where the child is  
6 domiciled or found or, for cases under the Uniform Interstate Family  
7 Support Act, where the alleged father is domiciled, by:

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

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

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

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

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

22       (3)(a) {3} Notwithstanding any other provision of law, a person who  
23 has reason to believe he is ~~claiming to be~~ the biological father of a  
24 child over which the juvenile court already has jurisdiction may file a  
25 complaint to intervene in such juvenile proceeding to institute an action  
26 to establish the paternity of the child. The complaint to intervene shall  
27 be accompanied by an affidavit under oath that the complainant ~~affiant~~  
28 believes he is the biological father of the juvenile. No filing fee shall  
29 be charged for filing the complaint and affidavit.

30       (b) Upon filing of the complaint and affidavit, the juvenile court  
31 may ~~shall~~ enter an order pursuant to section 43-1414 to require genetic

1 testing and to require the juvenile to be made available for genetic  
2 testing. The costs of genetic testing shall be paid by the complainant  
3 intervenor, the county, or the state at the discretion of the juvenile  
4 court.

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

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

11 (5) The changes made to this section by this legislative bill apply  
12 to actions under sections 43-1401 to 43-1418 that are pending on the  
13 effective date of this act and to cases filed on or after such date.

14 **Sec. 46.** Section 43-1414, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 43-1414 (1)(a) (1) In any proceeding to establish paternity, the  
17 court may, on its own motion, or shall, on a timely request of a party,  
18 after notice and hearing, require the child, the mother, and the alleged  
19 father to submit to genetic testing to be performed on blood or any other  
20 appropriate genetic testing material. Failure to comply with such  
21 requirement for genetic testing shall constitute contempt and may be  
22 dealt with in the same manner as other contempts. If genetic testing is  
23 required, the court shall direct that inherited characteristics be  
24 determined by appropriate testing procedures and shall appoint an expert  
25 in genetic testing and qualified as an examiner of genetic markers to  
26 analyze and interpret the results and to report to the court. The court  
27 shall determine the number of experts required.

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

31 (2) In any proceeding to establish paternity, the Department of

1 Health and Human Services, county attorneys, and authorized attorneys  
2 have the authority to require the child, the mother, and the alleged  
3 father to submit to genetic testing to be performed on blood or any other  
4 appropriate genetic testing material. All genetic testing shall be  
5 performed by a laboratory accredited by the College of American  
6 Pathologists or any other national accrediting body or public agency  
7 which has requirements that are substantially equivalent to or more  
8 comprehensive than those of the college.

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

12 (4) If an alleged father who is tested as part of an action under  
13 such sections is found to be the child's father, the testing laboratory  
14 shall retain the genetic testing material of the alleged father, mother,  
15 and child for no longer than the period of years prescribed by the  
16 national standards under which the laboratory is accredited. If a man is  
17 found not to be the child's father, the testing laboratory shall destroy  
18 the man's genetic testing material in the presence of a witness after  
19 such material is used in the paternity action. The witness may be an  
20 individual who is a party to the destruction of the genetic testing  
21 material. After the man's genetic testing material is destroyed, the  
22 testing laboratory shall make and keep a written record of the  
23 destruction and have the individual who witnessed the destruction sign  
24 the record. The testing laboratory shall also expunge its records  
25 regarding the genetic paternity testing performed on the genetic testing  
26 material in accordance with the national standards under which the  
27 laboratory is accredited. The testing laboratory shall retain the genetic  
28 testing material of the mother and child for no longer than the period of  
29 years prescribed by the national standards under which the laboratory is  
30 accredited. After a testing laboratory destroys an individual's genetic  
31 testing material as provided in this subsection, it shall notify the



1 adult individual, or the parent or legal guardian of a minor individual,  
2 by certified mail that the genetic testing material was destroyed.

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

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

10 (7) A testing laboratory shall annually have an independent audit  
11 verifying the contracting laboratory's compliance with this section. The  
12 audit shall not disclose the names of, or otherwise identify, the test  
13 subjects required to submit to testing during the previous year. The  
14 testing laboratory shall forward the audit to the department.

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

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

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

24 **Sec. 47.** Section 45-1056, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 45-1056 A licensee shall not refuse to enter into a loan or impose  
27 finance charges or other terms or conditions of credit more onerous than  
28 those regularly extended by that licensee to borrowers of similar  
29 economic backgrounds because of the age, color, creed, national origin,  
30 political affiliation, race, religion, sex, marital status, or  
31 disability, or military or veteran status of the borrower or because the

1 borrower receives public assistance, social security benefits, pension  
2 benefits, or the like.

3 **Sec. 48.** Section 45-1303, Revised Statutes Cumulative Supplement,  
4 2024, is amended to read:

5 45-1303 (1) The Medical Debt Relief Program is established for the  
6 purpose of discharging medical debt of eligible residents by contracting  
7 with a medical debt relief coordinator as described in subsection (3) of  
8 this section. The State Treasurer shall administer the program.

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

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

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

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

28 (i) The medical debt relief coordinator shall review the medical  
29 debt accounts of each health care provider willing to donate or sell  
30 medical debt accounts in this state;

31 (ii) The medical debt relief coordinator may negotiate for and elect

1 to buy the dischargeable medical debt from a health care provider that  
2 identifies the accounts described in subdivision (3)(c)(i) of this  
3 section as a bad debt expense and agrees to sell the debt for less than  
4 the original value;

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

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

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

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

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

26 (e) If a medical debt relief coordinator attempts to seek payment  
27 from an eligible resident for medical debt purchased by the medical debt  
28 relief coordinator or fails to carry out the responsibilities described  
29 in its contract with the State Treasurer, the medical debt relief  
30 coordinator shall be considered in breach of contract and the contract  
31 provisions that apply in the case of a breach of contract shall apply.

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

5 **Sec. 49.** Section 47-624, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 47-624 The division shall:

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

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

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

21 (4) Analyze and promote the consistent use of offender risk  
22 assessment tools;

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

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

28 (7) In order to ensure adequate funding for substance abuse  
29 treatment programs, consult with the probation administrator and the  
30 Director of Correctional ~~Supervision and Services of the Division of~~  
31 ~~Parole Supervision~~ and develop or assist with the development of programs

1 as provided in subdivision (14) of section 29-2252 and subdivision (20)  
2 ~~(8)~~ of section 83-173 ~~83-1,102~~;

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

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

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

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

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

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

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

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

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

28 (b) The progress made in expanding community correctional facilities  
29 and programs statewide and an analysis of the need for additional  
30 community corrections services;

31 (c) An analysis of the impact community correctional facilities and

1 programs have on the number of offenders incarcerated within the  
2 Department of Correctional Services; and

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

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

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

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

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

16 **Sec. 50.** Section 47-624.01, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 47-624.01 (1) The division shall collaborate with the Office of  
19 Probation Administration, ~~the Division of Parole Supervision,~~ and the  
20 Department of Correctional Services in developing a plan for the  
21 implementation and funding of reporting centers in Nebraska.

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

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

31 **Sec. 51.** Section 47-627, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 47-627 The director shall develop and maintain a uniform crime data  
3 analysis system in Nebraska which shall include, but need not be limited  
4 to, the number of offenses, arrests, charges, probation admissions,  
5 probation violations, probation discharges, participants in specialized  
6 community corrections programs, admissions to and discharges from  
7 problem-solving courts, admissions to and discharges from the Department  
8 of Correctional Services, parole reviews, parole hearings, releases on  
9 parole, parole violations, and parole discharges. The data shall be  
10 categorized by statutory crime. The data shall be collected from the  
11 Board of Parole, the State Court Administrator, the Department of  
12 Correctional Services, ~~the Division of Parole Supervision~~, the Office of  
13 Probation Administration, the Nebraska State Patrol, counties, local law  
14 enforcement, and any other entity associated with criminal justice. The  
15 division and the Supreme Court shall have access to such data to  
16 implement the Community Corrections Act.

17 **Sec. 52.** Section 47-629, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 47-629 (1) The Board of Parole may parole an offender to a community  
20 correctional facility or program pursuant to guidelines developed by the  
21 division.

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

25 **Sec. 53.** Section 47-903, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 47-903 For purposes of the Office of Inspector General of the  
28 Nebraska Correctional System Act, the following definitions apply:

29 (1) Administrator means a person charged with administration of a  
30 program, an office, or a division of the department or administration of  
31 a private agency;

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

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

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

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

7 ~~(5)~~ (6) Malfeasance means a wrongful act that the actor has no legal  
8 right to do or any wrongful conduct that affects, interrupts, or  
9 interferes with performance of an official duty;

10 ~~(6)~~ (7) Management means supervision of subordinate employees;

11 ~~(7)~~ (8) Misfeasance means the improper performance of some act that  
12 a person may lawfully do;

13 ~~(8)~~ (9) Obstruction means hindering an investigation, preventing an  
14 investigation from progressing, stopping or delaying the progress of an  
15 investigation, or making the progress of an investigation difficult or  
16 slow;

17 ~~(9)~~ (10) Office means the office of Inspector General of the  
18 Nebraska Correctional System and includes the Inspector General and other  
19 employees of the office;

20 ~~(10)~~ (11) Private agency means an entity that contracts with the  
21 department or contracts to provide services to another entity that  
22 contracts with the department; and

23 ~~(11)~~ (12) Record means any recording in written, audio, electronic  
24 transmission, or computer storage form, including, but not limited to, a  
25 draft, memorandum, note, report, computer printout, notation, or message,  
26 and includes, but is not limited to, medical records, mental health  
27 records, case files, clinical records, financial records, and  
28 administrative records.

29 **Sec. 54.** Section 47-908, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 47-908 All employees of the department , ~~all employees of the~~



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

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

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

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

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

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

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

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

23 **Sec. 55.** Section 47-919, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 47-919 The department ~~Division of Parole Supervision~~ shall provide  
26 the Public Counsel and the Inspector General with direct computer access  
27 to all computerized records, reports, and documents maintained in  
28 connection with administration of the Nebraska parole system, except that  
29 access for the Public Counsel and the Inspector General to a parolee's  
30 medical or mental health records shall be subject to the parolee's  
31 consent.

1           **Sec. 56.** Section 47-1102, Revised Statutes Cumulative Supplement,  
2   2024, is amended to read:

3           47-1102 (1) The Legislature finds that studies have shown that post-  
4   prison outcomes tend to be better for committed offenders who participate  
5   in work release programs prior to discharge from custody. Specifically,  
6   findings indicate that committed offenders who participated in work  
7   release programs had a higher likelihood of obtaining post-release  
8   employment within the first calendar quarter after release and also had a  
9   significantly lower rate of recidivism than committed offenders who did  
10   not participate in work release programs prior to discharge from custody.  
11   In addition, studies indicate that committed offenders who participated  
12   in privately operated work release programs were significantly more  
13   likely to become employed after release.

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

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

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

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

28           **Sec. 57.** Section 47-1103, Revised Statutes Cumulative Supplement,  
29   2024, is amended to read:

30           47-1103 For purposes of the Community Work Release and Reentry  
31   Centers Act:

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

3           (2) Board means the Board of Parole;

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

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

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

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

14           (6) ~~(7)~~ Individualized release plan means a detailed written plan  
15 outlining a committed offender's future vocational goals, training,  
16 employment, and needed treatment services following the committed  
17 offender's release from a community work release and reentry center;

18           (7) ~~(8)~~ Private provider means a partnership, corporation,  
19 association, joint venture, organization, or similar entity which is  
20 operated on a nonprofit basis and which, under a contract with ~~either the~~  
21 ~~division or~~ the department, has agreed to operate a community work  
22 release and reentry center pursuant to the act;

23           (8) ~~(9)~~ Probation administration means the Office of Probation  
24 Administration;

25           (9) ~~(10)~~ Reentering person means an individual who is subject to  
26 supervision by the board ~~division~~ or probation administration, not  
27 including juvenile probation, or who was recently in the custody of the  
28 department or a county jail and was released with no supervision;

29           (10) ~~(11)~~ Reentry housing means temporary housing for reentering  
30 persons, generally in the first year following a period of incarceration;  
31 and

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

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

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

9        **Sec. 58.** Section 47-1104, Revised Statutes Cumulative Supplement,  
10 2024, is amended to read:

11        47-1104 (1) The department ~~division~~ may place a parole-eligible  
12 committed offender at a community work release and reentry center as  
13 provided in the Community Work Release and Reentry Centers Act.

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

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

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

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

27        **Sec. 59.** Section 47-1105, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

29        47-1105 (1) The ~~division and the~~ department may exercise all powers  
30 and perform all duties necessary and proper for carrying out their  
31 responsibilities under the Community Work Release and Reentry Centers

1 Act.

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

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

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

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

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

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

19 (a) Specialized educational or vocational training; and

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

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

26 (a) Regarding the behavior of committed offenders;

27 (b) To ensure that committed offenders seek and retain continuous  
28 employment;

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

30 (d) To ensure that committed offenders only leave the center for  
31 purposes of work or for other specified and approved activities,

1 including, but not limited to, job interviews, medical appointments,  
2 treatment, and outings to visit family;

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

6 (f) To ensure that committed offenders maintain their scheduled work  
7 hours.

8 **Sec. 60.** Section 47-1106, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 47-1106 The ~~division and the~~ department shall set standards for the  
11 appropriate staffing levels of community work release and reentry  
12 centers. The ~~division and the~~ department shall require each center to:

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

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

17 (3) Assign an individual counselor to each committed offender  
18 assigned to the center.

19 **Sec. 61.** Section 47-1107, Revised Statutes Cumulative Supplement,  
20 2024, is amended to read:

21 47-1107 (1) The ~~division and the~~ department shall require each  
22 community work release and reentry center to establish an individualized  
23 release plan for each committed offender assigned to the center. The  
24 staff of a center shall assist the ~~division and the~~ department in making  
25 reasonable advance preparations for the release of such committed  
26 offenders.

27 (2) If a parole-eligible committed offender is released from a  
28 center, the offender shall be subject to parole conditions set by the  
29 board and under the supervision of a district parole officer assigned by  
30 the ~~division~~ pursuant to section 83-1,104. The individualized release  
31 plan for a parole-eligible committed offender shall be developed in

1 coordination with the assigned district parole officer.

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

8 **Sec. 62.** Section 47-1108, Revised Statutes Cumulative Supplement,  
9 2024, is amended to read:

10 47-1108 (1) The ~~division and the~~ department shall set requirements  
11 for the maintenance of the individual records of committed offenders  
12 assigned to a community work release and reentry center.

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

17 **Sec. 63.** Section 47-1109, Revised Statutes Cumulative Supplement,  
18 2024, is amended to read:

19 47-1109 The ~~division and the~~ department shall establish an internal  
20 system for assessing the achievements of community work release and  
21 reentry centers and the effectiveness of the Community Work Release and  
22 Reentry Centers Act as a whole. The ~~division and the~~ department shall  
23 develop and maintain measurable goals and objectives for such assessment.

24 **Sec. 64.** Section 47-1110, Revised Statutes Cumulative Supplement,  
25 2024, is amended to read:

26 47-1110 (1) The department ~~division~~ shall designate a parole officer  
27 to monitor the performance of each parole-eligible committed offender who  
28 is assigned to a community work release and reentry center. The  
29 designated parole officer shall be required to periodically report to the  
30 department ~~division~~ on the progress of the committed offender.

31 (2) The department shall designate a correctional officer to monitor

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

5 **Sec. 65.** Section 47-1111, Revised Statutes Cumulative Supplement,  
6 2024, is amended to read:

7 47-1111 The ~~division and the~~ department shall develop an internal  
8 program to conduct annual reviews of the performance of each community  
9 work release and reentry center. A senior staff person of ~~the division~~  
10 ~~and the~~ department shall visit each center at least twice each year.

11 **Sec. 66.** Section 47-1113, Revised Statutes Cumulative Supplement,  
12 2024, is amended to read:

13 47-1113 The ~~division and the~~ department may allow a community work  
14 release and reentry center to have access to all of the records,  
15 documents, and reports in the custody of ~~the division or the~~ department,  
16 other than presentence investigation reports, that relate to any  
17 committed offender who is assigned to the center.

18 **Sec. 67.** Section 47-1114, Revised Statutes Cumulative Supplement,  
19 2024, is amended to read:

20 47-1114 (1) By July 1, 2026, ~~the division and the~~ department shall  
21 develop a strategic plan and procedure to allow private providers to bid  
22 on agreements to establish community work release and reentry centers  
23 pursuant to the Community Work Release and Reentry Centers Act.

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

27 **Sec. 68.** Section 47-1115, Revised Statutes Cumulative Supplement,  
28 2024, is amended to read:

29 47-1115 (1) The department, with the assistance of the board, shall  
30 establish a program to encourage the development of reentry housing,  
31 coordinate the provisions of reentry services, and provide standards for



1 reentry housing. Through this program, the department shall:

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

5 (b) Monitor compliance with these minimum standards and investigate  
6 suspected violations;

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

9 (d) Communicate with relevant agencies regarding evaluation results  
10 and compliance with minimum standards;

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

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

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

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

29 (2) The department and board may use available funds to encourage  
30 development of quality, safe reentry housing and to assist existing  
31 reentry housing facilities in making improvements for the benefit of

1 reentering persons and public safety.

2       **Sec. 69.** Section 47-1116, Revised Statutes Cumulative Supplement,  
3 2024, is amended to read:

4       47-1116 (1) Reentry housing facilities shall cooperate with  
5 investigations and evaluations conducted pursuant to the Community Work  
6 Release and Reentry Centers Act and shall provide the department, board,  
7 ~~division~~, probation administration, and the Office of Public Counsel with  
8 reasonable access to facilities and records related to the provision of  
9 reentry housing.

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

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

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

27       (5) The department shall work with the board, ~~division~~, probation  
28 administration, and the advisory board to establish a speedy process by  
29 which reentry housing facilities may contest the findings of any  
30 investigation or evaluation pursuant to the Community Work Release and  
31 Reentry Centers Act.

1       **Sec. 70.** Section 47-1117, Revised Statutes Cumulative Supplement,  
2   2024, is amended to read:

3       47-1117 (1) The Reentry Continuity Advisory Board is created. The  
4   board shall include the following members:

5       (a) The Inspector General of the Nebraska Correctional System;  
6       (b) The Director of Correctional Services or his or her designee;  
7       (c) The chairperson of the Board of Parole or his or her designee;  
8       (d) The probation administrator or his or her designee; and  
9       (e) Five additional members to be appointed by the Governor. Such  
10   members shall include:

11       (i) An individual with experience in reentry and restorative justice  
12   service delivery;

13       (ii) A victims' rights representative;

14       (iii) A formerly incarcerated individual;

15       (iv) An individual with expertise in mental or behavioral health;  
16   and

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

18       (2) The advisory board shall select a chairperson from among its  
19   members.

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

26       (4) The advisory board shall:

27       (a) Conduct regular meetings;

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

30       (c) Promote the interests of reentering persons and their families;

31       (d) Promote public safety through effective reintegration into the

1 community;

2 (e) Provide input on the process of evaluating reentry housing  
3 facilities;

4 (f) Engage with neighborhood groups and other stakeholders;

5 (g) Provide reports as requested by the department and board; and

6 (h) Engage in other activities as requested by the department and  
7 board.

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

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

16 (a) The use of evidence-based risk assessments and evidence-based  
17 programming;

18 (b) Participation in rehabilitation and education programs;

19 (c) Treatment and programming offered, including vocational  
20 training, substance abuse treatment, cognitive-behavioral therapy, and  
21 mental health counseling;

22 (d) Population and demographic data;

23 (e) Use of and need for transitional housing and reentry housing;

24 (f) Identified gaps in services;

25 (g) Recidivism;

26 (h) Institutional conduct; and

27 (i) Post-release and reentry planning and services;

28 (7) The advisory board shall conduct periodic evaluations of the  
29 effectiveness of the collaborative efforts and reentry programs offered  
30 by the department, ~~division~~, board, probation administration, and other  
31 criminal justice agencies. Such evaluation shall be accomplished using an

1 integrated reentry and rehabilitation framework, which shall include an  
2 examination of:

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

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

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

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

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

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

1 provide stakeholders with a clear understanding of the progress made,  
2 challenges faced, and strategies employed throughout the reporting  
3 period.

4 **Sec. 71.** Section 47-1119, Revised Statutes Cumulative Supplement,  
5 2024, is amended to read:

6 47-1119 The department ~~,—division,~~ and board may adopt and  
7 promulgate rules and regulations to carry out the Community Work Release  
8 and Reentry Centers Act.

9 **Sec. 72.** Section 48-215, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 48-215 It shall be unlawful for any person, firm, or corporation,  
12 engaged to any extent whatsoever in the State of Nebraska in the  
13 production, manufacture, or distribution of military or naval material,  
14 equipment, or supplies for the State of Nebraska or the government of the  
15 United States, to refuse to employ any person in any capacity, if such  
16 ~~said~~ person is a citizen and is qualified, on account of the race, color,  
17 creed, religion, ~~or~~ national origin, or military or veteran status of  
18 such ~~said~~ person.

19 **Sec. 73.** Section 48-628.13, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 48-628.13 Good cause for voluntarily leaving employment shall  
22 include, but not be limited to, the following reasons:

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

27 (2) An individual left his or her employment voluntarily due to a  
28 bona fide non-work-connected illness or injury that prevented him or her  
29 from continuing the employment or from continuing the employment without  
30 undue risk of harm to the individual;

31 (3) An individual left his or her employment to accompany his or her

1 spouse to the spouse's employment in a different city or new military  
2 duty station;

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

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

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

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

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

26 (6) An individual accepted a voluntary layoff to avoid bumping  
27 another worker;

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

30 (8) An individual left his or her employment because of unlawful  
31 discrimination or workplace harassment on the basis of race, sex, or age,

1 or military or veteran status;

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

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

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

9 (a) Family member means:

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

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

19 (iii) The individual's spouse; or

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

23 (b) Serious health condition has the same meaning as in 29 U.S.C.  
24 2611, as such section existed on January 1, 2021; or

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

26 **Sec. 74.** Section 48-1125, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 ~~48-1125~~ Sections 48-1102 to 48-1126 and sections 74, 75, and 88 of  
29 this act ~~48-1101 to 48-1125~~ shall be known and may be cited as the  
30 Nebraska Fair Employment Practice Act.

31 **Sec. 75.** Section 48-1101, Reissue Revised Statutes of Nebraska, is



1 amended to read:

2 ~~48-1101~~ (1) It is the policy of this state to foster the employment  
3 of all employable persons in the state on the basis of merit regardless  
4 of their race, color, religion, sex, disability, ~~or~~ national origin, or  
5 military or veteran status and to safeguard their right to obtain and  
6 hold employment without discrimination because of their race, color,  
7 religion, sex, disability, ~~or~~ national origin, or military or veteran  
8 status. Denying equal opportunity for employment because of race, color,  
9 religion, sex, disability, ~~or~~ national origin, or military or veteran  
10 status is contrary to the principles of freedom and is a burden on the  
11 objectives of the public policy of this state.

12 (2) Except for the veterans preference provided for in sections  
13 48-225 to 48-231, the The policy of this state does not require any  
14 person to employ an applicant for employment because of his or her race,  
15 color, religion, sex, disability, ~~or~~ national origin, or military or  
16 veteran status, and the policy of this state does not require any  
17 employer, employment agency, labor organization, or joint labor-  
18 management committee to grant preferential treatment to any individual or  
19 to any group because of race, color, religion, sex, disability, ~~or~~  
20 national origin, or military or veteran status.

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

29 **Sec. 76.** Section 48-1104, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 48-1104 It shall be an unlawful employment practice for an employer:

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

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

12 **Sec. 77.** Section 48-1105, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 48-1105 It shall be an unlawful employment practice for an  
15 employment agency to:

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

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

23 **Sec. 78.** Section 48-1106, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 48-1106 It shall be an unlawful employment practice for a labor  
26 organization:

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

31 (2) To limit, segregate, or classify its membership, or to classify

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

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

10 **Sec. 79.** Section 48-1107, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 48-1107 It shall be an unlawful employment practice for any  
13 employer, labor organization, or joint labor-management committee  
14 controlling apprenticeship or other training or retraining, including on-  
15 the-job training programs, to discriminate against any individual because  
16 of race, color, religion, sex, disability, marital status, ~~or~~ national  
17 origin, or military or veteran status, in admission to, or employment in,  
18 any program established to provide apprenticeship or other training.

19 **Sec. 80.** Section 48-1108, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 48-1108 Notwithstanding any other provision of the Nebraska Fair  
22 Employment Practice Act:

23 (1) It shall not be an unlawful employment practice for an employer  
24 to hire and employ employees, for an employment agency to classify or  
25 refer for employment any individual, for a labor organization to classify  
26 its membership or to classify or refer for employment any individual, or  
27 for an employer, labor organization, or joint labor-management committee  
28 controlling apprenticeship or other training or retraining programs to  
29 admit or employ any individual in any such program on the basis of  
30 religion, sex, disability, marital status, ~~or~~ national origin, or  
31 military or veteran status in those certain instances when religion, sex,

1 disability, marital status, ~~or~~ national origin, or military or veteran  
2 status is a bona fide occupational qualification reasonably necessary to  
3 the normal operation of that particular business or enterprise;

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

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

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

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

21 (c) The standard is applied equally; and

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

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

28 **Sec. 81.** Section 48-1111, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 48-1111 (1) Except as otherwise provided in the Nebraska Fair  
31 Employment Practice Act, it shall not be an unlawful employment practice

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

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

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

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

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

30 (4) ~~(2)~~ Except as otherwise provided in the Nebraska Fair Employment  
31 Practice Act, women affected by pregnancy, childbirth, or related medical

1 conditions shall be treated the same for all employment-related purposes,  
2 including receipt of employee benefits, as other persons not so affected  
3 but similar in their ability or inability to work, and nothing in this  
4 section shall be interpreted to provide otherwise.

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

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

11 **Sec. 82.** Section 48-1113, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 48-1113 Nothing in the Nebraska Fair Employment Practice Act shall  
14 be interpreted to require any employer, employment agency, labor  
15 organization, or joint labor-management committee subject to the act to  
16 grant preferential treatment to any individual or to any group because of  
17 the race, color, religion, sex, disability, marital status, ~~or~~ national  
18 origin, or military or veteran status of such individual or group on  
19 account of an imbalance which may exist with respect to the total number  
20 or percentage of persons of any race, color, religion, sex, disability,  
21 marital status, ~~or~~ national origin, or military or veteran status  
22 employed by any employer, referred or classified for employment by any  
23 employment agency or labor organization, admitted to membership or  
24 classified by any labor organization, or admitted to, or employed in, any  
25 apprenticeship or other training program, in comparison with the total  
26 number or percentage of persons of such race, color, religion, sex,  
27 disability, marital status, ~~or~~ national origin, or military or veteran  
28 status in any community, section, or other area, or in the available work  
29 force in any community, section, or other area.

30 **Sec. 83.** Section 48-1115, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1        48-1115 Except as provided in section 88 of this act and except for  
2 the veterans preference provided for in sections 48-225 to 48-231 or  
3 section 48-238, it ~~It~~ shall be an unlawful employment practice for an  
4 employer, labor organization, or employment agency to print or publish or  
5 cause to be printed or published any notice or advertisement relating to  
6 employment by such an employer or membership in or any classification or  
7 referral for employment by such a labor organization, or relating to any  
8 classification or referral for employment by such an employment agency,  
9 indicating any preference, limitation, specification, or discrimination  
10 based on race, color, religion, sex, disability, marital status, ~~or~~  
11 national origin, or military or veteran status, except that such a notice  
12 or advertisement may indicate a preference, limitation, specification or  
13 discrimination based on religion, sex, disability, marital status, ~~or~~  
14 national origin, or military or veteran status when religion, sex,  
15 disability, marital status, ~~or~~ national origin, or military or veteran  
16 status is a bona fide occupational qualification for employment.

17        **Sec. 84.** Section 48-1117, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19        48-1117 The commission shall have the following powers and duties:

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

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

29        (3) To cooperate with the federal government and with local agencies  
30 to effectuate the purposes of the Nebraska Fair Employment Practice Act,  
31 including the sharing of information possessed by the commission on a

1 case that has also been filed with the federal government or local  
2 agencies if both the employer and complainant have been notified of the  
3 filing;

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

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



1 relief;

2 (6) To report, not less than once every two years, to the Clerk of  
3 the Legislature and the Governor, on the hearings it has conducted and  
4 the decisions it has rendered, the other work performed by it to carry  
5 out the purposes of the act, and to make recommendations for such further  
6 legislation concerning abuses and discrimination because of race, color,  
7 religion, sex, disability, marital status, ~~or~~ national origin, or  
8 military or veteran status, as may be desirable. The report shall also  
9 include the number of complaints filed under the act alleging a violation  
10 of subdivision (2) of section 48-1107.01 and the resolution of such  
11 complaints. The report submitted to the Clerk of the Legislature shall be  
12 submitted electronically. Each member of the Legislature shall receive an  
13 electronic copy of the report required by this subdivision by making a  
14 request for it to the chairperson of the commission; and

15 (7) To adopt and promulgate rules and regulations necessary to carry  
16 out the duties prescribed in the act.

17 **Sec. 85.** Section 48-1119, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 48-1119 (1) In case of failure to eliminate any unlawful employment  
20 practice by informal methods of conference, conciliation, persuasion,  
21 mediation, or arbitration, the commission may order a public hearing. If  
22 such hearing is ordered, the commission shall cause to be issued and  
23 served a written notice, together with a copy of the complaint, requiring  
24 the person, employer, labor organization, or employment agency named in  
25 the complaint, hereinafter referred to as respondent, to answer such  
26 charges at a hearing before the commission at a time and place which  
27 shall be specified in such notice. Such hearing shall be within the  
28 county where the alleged unlawful employment practice occurred. The  
29 complainant shall be a party to the proceeding, and in the discretion of  
30 the commission any other person whose testimony has a bearing on the  
31 matter may be allowed to intervene therein. Both the complainant and the

1 respondent, in addition to the commission, may introduce witnesses at the  
2 hearing. The respondent may file a verified answer to the allegations of  
3 the complaint and may appear at such hearing in person and with or  
4 without counsel. Testimony or other evidence may be introduced by either  
5 party. All evidence shall be under oath and a record thereof shall be  
6 made and preserved. Such proceedings shall, so far as practicable, be  
7 conducted in accordance with the rules of evidence applicable in the  
8 district courts of the State of Nebraska, and shall be of public record.

9 (2) No person shall be excused from testifying or from producing any  
10 book, document, paper, or account in any investigation, or inquiry by, or  
11 hearing before the commission when ordered to do so, upon the ground that  
12 the testimony or evidence, book, document, paper, or account required of  
13 such person may tend to incriminate such person in or subject such person  
14 to penalty or forfeiture; but no person shall be prosecuted, punished, or  
15 subjected to any forfeiture or penalty for or on account of any act,  
16 transaction, matter, or thing concerning which such person shall have  
17 been compelled under oath to testify or produce documentary evidence,  
18 except that no person so testifying shall be exempt from prosecution or  
19 punishment for any perjury committed by such person in his or her  
20 testimony. Such immunity shall extend only to a natural person who, in  
21 obedience to a subpoena, gives testimony under oath or produces evidence,  
22 documentary or otherwise, under oath. Nothing in this subsection shall be  
23 construed as precluding any person from claiming any right or privilege  
24 available to such person under the Fifth Amendment ~~fifth amendment~~ to the  
25 Constitution of the United States.

26 (3) After the conclusion of the hearing, the commission shall,  
27 within ten days of the receipt of the transcript or the receipt of the  
28 recommendations from the hearing officer, make and file its findings of  
29 fact and conclusions of law and make and enter an appropriate order. The  
30 hearing officer need not refer to the page and line numbers of the  
31 transcript when making his or her recommendation to the commission. Such

1 findings of fact and conclusions of law shall be in sufficient detail to  
2 enable a court on appeal to determine the controverted questions  
3 presented by the proceedings and whether proper weight was given to the  
4 evidence. If the commission determines that the respondent has  
5 intentionally engaged in or is intentionally engaging in any unlawful  
6 employment practice, it shall issue and cause to be served on such  
7 respondent an order requiring such respondent to cease and desist from  
8 such unlawful employment practice and order such other affirmative action  
9 as may be appropriate which may include, but shall not be limited to,  
10 reinstatement or hiring of employees, with or without backpay. Backpay  
11 liability shall not accrue from a date more than two years prior to the  
12 filing of the charge with the commission. Interim earnings or amounts  
13 earnable with reasonable diligence by the person or persons discriminated  
14 against shall operate to reduce the backpay otherwise allowable.

15 (4) A complainant who has suffered physical, emotional, or financial  
16 harm as a result of a violation of section 48-1104 or 48-1114 may, at any  
17 stage of the proceedings prior to dismissal, file an action directly in  
18 the district court of the county where such alleged violation occurred.  
19 If the complainant files a district court action on the charge, the  
20 complainant shall provide written notice of such filing to the  
21 commission, and such notification shall immediately terminate all  
22 proceedings before the commission. The district court shall file and try  
23 such case as any other civil action, and any successful complainant shall  
24 be entitled to appropriate relief, including temporary or permanent  
25 injunctive relief, general and special damages, reasonable attorney's  
26 fees, and costs.

27 (5) No order of the commission shall require the admission or  
28 reinstatement of an individual as a member of a labor organization or the  
29 hiring, reinstatement, or promotion of an individual as an employee, or  
30 the payment to him or her of any backpay, if such individual was refused  
31 admission, suspended, or expelled, or was refused employment or

1 advancement or was suspended or discharged for any reason other than  
2 discrimination on account of race, color, religion, sex, disability,  
3 marital status, ~~or~~ national origin, or military or veteran status or in  
4 violation of section 48-1114. If the commission finds that a respondent  
5 has not engaged in any unfair employment practice, it shall within thirty  
6 days state its findings of fact and conclusions of law. A copy of any  
7 order shall be served upon the person against whom it runs or his or her  
8 attorney and notice thereof shall be given to the other parties to the  
9 proceedings or their attorneys. Such order shall take effect twenty days  
10 after service thereof unless otherwise provided and shall continue in  
11 force either for a period which may be designated therein or until  
12 changed or revoked by the commission.

13 (6) Except as provided in subsection (4) of this section, until a  
14 transcript of the record of the proceedings is filed in the district  
15 court as provided in section 48-1120, the commission may, at any time  
16 upon reasonable notice and in such a manner it shall deem proper, modify  
17 or set aside, in whole or in part, any finding or order made by it.

18 **Sec. 86.** Section 48-1122, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 48-1122 Every contract to which the state or any of its political  
21 subdivisions is a party shall contain a provision requiring the  
22 contractor and his or her subcontractors not to discriminate against any  
23 employee or applicant for employment, to be employed in the performance  
24 of such contract, with respect to his or her hire, tenure, terms,  
25 conditions, or privileges of employment, because of his or her race,  
26 color, religion, sex, disability, ~~or~~ national origin, or military or  
27 veteran status.

28 **Sec. 87.** Section 48-1124, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 48-1124 Nothing contained in the Nebraska Fair Employment Practice  
31 Act shall be deemed to repeal any of the provisions of the civil rights

1 law, any other law of this state, or any municipal ordinance relating to  
2 discrimination because of race, creed, color, religion, sex, disability,  
3 ~~or national origin, or military or veteran status.~~

4 **Sec. 88.** The inclusion of military or veteran status as a protected  
5 class in the Nebraska Fair Employment Practice Act and sections 23-2525,  
6 23-2531, and 23-2541:

7 (1) Is not intended to duplicate or mirror the protections offered  
8 by the federal Uniformed Services Employment and Reemployment Rights Act  
9 of 1994, 38 U.S.C. 4301 et seq.;

10 (2) Does not require an employer or other covered entity to treat a  
11 servicemember who is absent from work differently than an individual who  
12 is not a servicemember;

13 (3) Does not prohibit the granting of special benefits to veterans  
14 or servicemembers on an otherwise nondiscriminatory basis; and

15 (4) Does not prohibit veterans' preference programs.

16 **Sec. 89.** Section 49-801, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 49-801 Unless the context is shown to intend otherwise, words and  
19 phrases in the statutes of Nebraska hereafter enacted are used in the  
20 following sense:

21 (1) Acquire when used in connection with a grant of power or  
22 property right to any person includes ~~shall include~~ the purchase, grant,  
23 gift, devise, bequest, and obtaining by eminent domain;

24 (2) Action includes ~~shall include~~ any proceeding in any court of  
25 this state;

26 (3) Attorney means ~~shall mean~~ attorney at law;

27 (4) Company includes ~~shall include~~ any corporation, partnership,  
28 limited liability company, joint-stock company, joint venture, or  
29 association;

30 (5) Domestic when applied to corporations means ~~shall mean~~ all those  
31 created by authority of this state;

1 (6) Federal refers ~~shall refer~~ to the United States;

2 (7) Foreign when applied to corporations includes ~~shall include~~ all  
3 those created by authority other than that of this state;

4 (8) Grantee includes ~~shall include~~ every person to whom any estate  
5 or interest passes in or by any conveyance;

6 (9) Grantor includes ~~shall include~~ every person from or by whom any  
7 estate or interest passes in or by any conveyance;

8 (10) Inhabitant shall be construed to mean a resident in the  
9 particular locality in reference to which that word is used;

10 (11) Land or real estate includes ~~shall include~~ lands, tenements,  
11 and hereditaments and all rights thereto and interest therein other than  
12 a chattel interest;

13 (12) Magistrate includes ~~shall include~~ judge of the county court and  
14 clerk magistrate;

15 (13) Military or veteran status means a person:

16 (a) Is serving active duty service in the armed forces of the United  
17 States, including any reserve component or the National Guard;

18 (b) Has served on such active duty and was discharged or otherwise  
19 separated with a characterization of honorable or general (under  
20 honorable conditions); or

21 (c) Is a dependent, as defined in 50 U.S.C. 3911, of a person  
22 described in subdivision (13)(a) or (b) of this section;

23 (14) {13} Month means ~~shall mean~~ calendar month;

24 (15) {14} Oath includes ~~shall include~~ affirmation in all cases in  
25 which an affirmation may be substituted for an oath;

26 (16) {15} Peace officer includes ~~shall include~~ sheriffs, coroners,  
27 jailers, marshals, police officers, state highway patrol officers,  
28 members of the National Guard on active service by direction of the  
29 Governor during periods of emergency, and all other persons with similar  
30 authority to make arrests;

31 (17) {16} Person includes ~~shall include~~ bodies politic and

1 corporate, societies, communities, the public generally, individuals,  
2 partnerships, limited liability companies, joint-stock companies, and  
3 associations;

4 (18) (17) Personal estate includes ~~shall include~~ money, goods,  
5 chattels, claims, and evidences of debt;

6 (19) (18) Process means ~~shall mean~~ a summons, subpoena, or notice to  
7 appear issued out of a court in the course of judicial proceedings;

8 (20) (19) Service animal has ~~shall have~~ the same meaning as in 28  
9 C.F.R. 36.104, as such regulation existed on January 1, 2008;

10 (21) (20) State when applied to different states of the United  
11 States shall be construed to extend to and include the District of  
12 Columbia and the several territories organized by Congress;

13 (22) (21) Sworn includes ~~shall include~~ affirmed in all cases in  
14 which an affirmation may be substituted for an oath;

15 (23) (22) The United States includes ~~shall include~~ territories,  
16 outlying possessions, and the District of Columbia;

17 (24) (23) Violate includes ~~shall include~~ failure to comply with;

18 (25) (24) Writ shall signify an order or citation in writing issued  
19 in the name of the state out of a court or by a judicial officer; and

20 (26) (25) Year means ~~shall mean~~ calendar year.

21 **Sec. 90.** Section 51-211, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 51-211 (1) The library board may erect, lease, or occupy an  
24 appropriate building for the use of a library, appoint a suitable  
25 librarian and assistants, fix the compensation of such appointees, and  
26 remove such appointees at the pleasure of the board. The governing body  
27 of the county, city, or village in which the library is located shall  
28 approve any personnel administrative or compensation policy or procedure  
29 before implementation of such policy or procedure by the library board.

30 (2) The library board may establish rules and regulations for the  
31 government of such library as may be deemed necessary for its

1 preservation and to maintain its usefulness and efficiency. The library  
2 board may fix and impose, by general rules, penalties and forfeitures for  
3 trespasses upon or injury to the library grounds, rooms, books, or other  
4 property, for failure to return any book, or for violation of any bylaw,  
5 rule, or regulation and fix and impose reasonable fees, not to exceed the  
6 library's actual cost, for nonbasic services. The board shall have and  
7 exercise such power as may be necessary to carry out the spirit and  
8 intent of sections 51-201 to 51-219 in establishing and maintaining a  
9 public library and reading room.

10 (3) The public library shall make its basic services available  
11 without charge to all residents of the political subdivision which  
12 supplies its tax support.

13 (4) No service shall be denied to any person because of race, sex,  
14 religion, age, color, national origin, ancestry, physical handicap, ~~or~~  
15 marital status, or military or veteran status.

16 **Sec. 91.** Section 58-216, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 58-216 Low-income or moderate-income person shall mean any person  
19 irrespective of race, religion, creed, national origin, ~~or sex, or~~  
20 military or veteran status determined by the authority to be eligible for  
21 such assistance as is made available by the Nebraska Investment Finance  
22 Authority Act on account of insufficient personal or family income,  
23 taking into consideration without limiting the generality thereof such  
24 factors as:

- 25 (1) The amount of income of such person available for housing needs;  
26 (2) Size of family;  
27 (3) Cost and condition of housing available;  
28 (4) Whether such person is elderly, infirm, or disabled;  
29 (5) The ability of such person to compete successfully in the normal  
30 private housing market and to pay the amounts at which private enterprise  
31 is providing sanitary, safe, and uncrowded housing; and



1           (6) Existing federal guidelines or standards for determining low  
2 income and moderate income.

3           **Sec. 92.** Section 58-808, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5           58-808 Private health care institution means any private not-for-  
6 profit corporation or institution that (1) is licensed under the Health  
7 Care Facility Licensure Act, (2) is described in section 501(c)(3) of the  
8 Internal Revenue Code and is exempt from federal income taxation under  
9 section 501(a) of the Internal Revenue Code, (3) is located within this  
10 state and is not owned or controlled by the state or any political  
11 subdivision, agency, instrumentality, district, or municipality thereof,  
12 and (4) does not violate any Nebraska or federal law against  
13 discrimination on the basis of race, color, creed, national origin,  
14 ancestry, age, gender, ~~or~~ handicap, or military or veteran status.

15           **Sec. 93.** Section 58-809, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17           58-809 Private institution of higher education means a not-for-  
18 profit educational institution located within this state which is not  
19 owned or controlled by the state or any political subdivision, agency,  
20 instrumentality, district, or municipality thereof, which is authorized  
21 by law to provide a program of education beyond the high school level,  
22 and which:

23           (1) Admits as regular students only individuals having a certificate  
24 of graduation from a high school or the recognized equivalent of such a  
25 certificate;

26           (2) Provides an educational program for which it awards a bachelor's  
27 degree; provides an educational program, admission into which is  
28 conditioned upon the prior attainment of a bachelor's degree or its  
29 equivalent, for which it awards a postgraduate degree; provides a program  
30 of not less than two years in length which is acceptable for full credit  
31 toward a bachelor's degree; or offers a two-year program in engineering,

1 mathematics, or the physical or biological sciences which is designed to  
2 prepare the student to work as a technician and at a semiprofessional  
3 level in engineering, research, medicine, or other technological fields  
4 which require the understanding and application of basic engineering,  
5 scientific, or mathematical principles or knowledge;

6 (3) Is accredited by an accrediting agency or association or, if not  
7 so accredited, is an institution whose credits are accepted, on transfer,  
8 by not less than three institutions which are so accredited, for credit  
9 on the same basis as if transferred from an institution so accredited;  
10 and

11 (4) Has a student admissions policy that does not violate any other  
12 Nebraska or federal law against discrimination on the basis of race,  
13 color, creed, national origin, ancestry, age, gender, ~~or~~ handicap, or  
14 military or veteran status.

15 **Sec. 94.** Section 58-810, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 58-810 Private social services institution means any private not-  
18 for-profit corporation or institution that (1) provides health, safety,  
19 and welfare assistance, including emergency, social, housing, and related  
20 support services, to members of the general public in the state, (2) is  
21 described in section 501(c)(3) of the Internal Revenue Code and is exempt  
22 from federal income taxation under section 501(a) of the Internal Revenue  
23 Code, (3) is located within this state and is not owned or controlled by  
24 the state or any political subdivision, agency, instrumentality,  
25 district, or municipality thereof, and (4) does not violate any Nebraska  
26 or federal law against discrimination on the basis of race, color, creed,  
27 national origin, ancestry, age, gender, ~~or~~ handicap, or military or  
28 veteran status.

29 **Sec. 95.** Section 68-1605, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 68-1605 (1) The department shall use the funds in the Homeless

1 Shelter Assistance Trust Fund to finance grants for projects or programs  
2 that provide for persons or families with special housing needs.

3 (2) Projects and programs to which funds shall be provided include  
4 eligible community, neighborhood-based, housing-assistance organizations,  
5 institutions, associations, and societies or corporations that:

6 (a) Are exempt from taxation under section 501(c)(3) of the Internal  
7 Revenue Code as defined in section 49-801.01;

8 (b) Do not discriminate on the basis of age, religion, sex, race,  
9 color, ~~or~~ national origin, or military or veteran status. This  
10 subdivision does not prohibit otherwise nondiscriminatory conduct  
11 designed to benefit veterans or servicemembers or their family members,  
12 such as providing housing limited to veterans or servicemembers or their  
13 family members, or otherwise offering benefits that are limited to  
14 veterans or servicemembers or their family members;

15 (c) Provide residential housing for at least eight hours of every  
16 twenty-four-hour period; and

17 (d) Operate a drug-free premises.

18 (3) The department shall establish an advisory committee consisting  
19 of individuals and groups involved with housing issues, in particular  
20 those pertaining to persons or families with special housing needs, to  
21 advise and assist the department in establishing criteria, priorities,  
22 and guidelines for eligibility requirements, application requirements and  
23 dates, public notification, and monitoring and shall assist the  
24 department in adopting and promulgating rules and regulations for  
25 providing grants from the fund.

26 (4) An application submitted by an organization representing a  
27 number of eligible applicants may be considered even though the  
28 representing organization may itself not qualify under this section.

29 (5) In making grants pursuant to the Homeless Shelter Assistance  
30 Trust Fund Act, the department shall consider, but not be limited to, the  
31 following factors:

1 (a) The number of night-lodging units provided by the applicant as  
2 measured by the number of persons housed per night;

3 (b) Participation by the applicant in community planning processes  
4 and activities aimed at preventing and alleviating homelessness;

5 (c) Other verifiable units of service provided by the applicant; and

6 (d) The geographic distribution of funds.

7 **Sec. 96.** Section 69-2403, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 69-2403 (1) Except as provided in this section ~~and section 69-2409,~~  
10 a person shall not:

11 (a) Purchase purchase, lease, rent, or receive transfer of a handgun  
12 until he or she has obtained a certificate in accordance with section  
13 69-2404; ~~or . Except as provided in this section and section 69-2409, a~~  
14 ~~person shall not sell~~

15 (b) Sell, lease, rent, or transfer a handgun to a person who has not  
16 obtained a certificate.

17 (2) The certificate shall not be required if:

18 (a) The person acquiring the handgun is a licensed firearms dealer  
19 under federal law;

20 (b) The handgun is an antique handgun;

21 (c) The person acquiring the handgun is authorized to do so on  
22 behalf of a law enforcement agency;

23 (d) The transfer is a temporary transfer of a handgun and the  
24 transferee remains (i) in the line of sight of the transferor or (ii)  
25 within the premises of an established shooting facility;

26 (e) The transfer is between a person and his or her spouse, sibling,  
27 parent, child, aunt, uncle, niece, nephew, or grandparent;

28 (f) The person acquiring the handgun is a holder of a valid permit  
29 under the Concealed Handgun Permit Act; or

30 (g) The person acquiring the handgun is a peace officer as defined  
31 in section 69-2429.

1       **Sec. 97.** Section 69-2409.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3       69-2409.01 (1)(a) (1) For purposes of criminal history record  
4 information checks relating to firearms or explosives sections 69-2401 to  
5 69-2425, the Nebraska State Patrol shall be furnished with only such  
6 information as may be necessary for the purposes ~~sole purpose~~ of  
7 determining whether an individual is:

8       (i) Qualified to receive a permit to carry a concealed handgun under  
9 section 69-2433; or

10       (ii) Disqualified ~~disqualified~~ from purchasing or possessing  
11 firearms or explosives a handgun pursuant to state or federal law ~~or is~~  
12 ~~subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4).~~

13       ~~(b) Such information shall be furnished by the Department of Health~~  
14 ~~and Human Services. The clerks of the various courts shall furnish to the~~  
15 Department of Health and Human Services and Nebraska State Patrol, as  
16 soon as practicable but within thirty days after a court order is issued,  
17 in a form and manner prescribed by the Department of Health and Human  
18 Services or the Nebraska State Patrol, as applicable an order of  
19 ~~commitment or discharge is issued or after removal of firearm-related~~  
20 ~~disabilities pursuant to section 71-963, all information necessary to set~~  
21 up and maintain the database required by this section. The clerks of the  
22 various courts shall furnish ~~This information shall include (a)~~  
23 information regarding those persons who:

24       (i) Are disqualified from purchasing or possessing firearms or  
25 explosives pursuant to state or federal law, including, but not limited  
26 to, 18 U.S.C. 922(d)(4) and (g)(4);

27       (ii) Are ~~are~~ currently receiving mental health treatment pursuant to  
28 a commitment order of a mental health board or ~~who~~ have been  
29 discharged; ~~;~~

30       (iii) Have ~~(b) information regarding those persons who have been~~  
31 committed to treatment pursuant to section 29-3702; ~~and~~

1        (iv) Meet the definition of adjudicated as a mental defective or  
2        committed to a mental institution pursuant to 27 C.F.R. 478.11, including  
3        individuals found not responsible by reason of insanity, found not  
4        competent to stand trial, found to lack the mental capacity to manage  
5        their own affairs, or otherwise found by a court to be not competent; and

6        (v) Have ~~(c)~~ information regarding those persons who have had  
7        firearm-related disabilities removed pursuant to section 71-963.

8        (c) The mental health board shall notify the Department of Health  
9        and Human Services and the Nebraska State Patrol when an individual's  
10       firearm-related such disabilities have been removed pursuant to section  
11       71-963.

12       (d) The ~~department~~ Department of Health and Human Services shall  
13       ~~also~~ maintain in the database information provided by the clerks of the  
14       various courts pursuant to this section and a listing of persons  
15       committed to treatment pursuant to section 29-3702.

16       (e) To ensure the accuracy of the database, any information  
17       maintained or disclosed under this subsection shall be updated,  
18       corrected, modified, or removed, as appropriate, and as soon as  
19       practicable, from any database that the state or federal government  
20       maintains and makes available to the National Instant Criminal Background  
21       Check System. The procedures for furnishing the information shall  
22       guarantee that no information is released beyond what is necessary for  
23       purposes of this section.

24       (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408  
25       and this section, the Nebraska State Patrol shall provide to the chief of  
26       police or sheriff of an applicant's place of residence ~~or a licensee in~~  
27       ~~the process of a criminal history record check pursuant to section~~  
28       ~~69-2411~~ only the information regarding whether or not the applicant is  
29       disqualified from purchasing or possessing a handgun.

30       (3) Any person, agency, or mental health board participating in good  
31       faith in the reporting or disclosure of records and communications under

1 this section is immune from any liability, civil, criminal, or otherwise,  
2 that might result by reason of the action.

3 (4) Any person who intentionally causes the Nebraska State Patrol to  
4 request information pursuant to this section without reasonable belief  
5 that the named individual has submitted a written application under  
6 section 69-2404 or 69-2430 or is otherwise subject to a criminal history  
7 record information check pursuant to law ~~has completed a consent form~~  
8 ~~under section 69-2410~~ shall be guilty of a Class II misdemeanor in  
9 addition to other civil or criminal liability under state or federal law.

10 (5) ~~The Nebraska State Patrol and the Department of Health and Human~~  
11 ~~Services shall report electronically to the Clerk of the Legislature on a~~  
12 ~~biannual basis the following information about the database: (a) The~~  
13 ~~number of total records of persons unable to purchase or possess firearms~~  
14 ~~because of disqualification or disability shared with the National~~  
15 ~~Instant Criminal Background Check System; (b) the number of shared~~  
16 ~~records by category of such persons; (c) the change in number of total~~  
17 ~~shared records and change in number of records by category from the~~  
18 ~~previous six months; (d) the number of records existing but not able to~~  
19 ~~be shared with the National Instant Criminal Background Check System~~  
20 ~~because the record was incomplete and unable to be accepted by the~~  
21 ~~National Instant Criminal Background Check System; and (e) the number of~~  
22 ~~hours or days, if any, during which the database was unable to share~~  
23 ~~records with the National Instant Criminal Background Check System and~~  
24 ~~the reason for such inability. The report shall also be published on the~~  
25 ~~websites of the Nebraska State Patrol and the Department of Health and~~  
26 ~~Human Services.~~

27 **Sec. 98.** Section 69-2410, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18  
30 U.S.C. 923 shall sell or deliver any handgun to another person other than  
31 a licensed importer, manufacturer, dealer, or collector until he or she

1 has:

2 ~~(1) (1)(a)~~ Inspected a valid certificate issued to such person  
3 pursuant to sections 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

4 ~~(2) (b)~~ Inspected a valid identification containing a photograph of  
5 such person which appropriately and completely identifies such person. ÷  
6 or

7 ~~(2)(a)~~ Obtained a completed consent form from the potential buyer or  
8 transferee, which form shall be established by the Nebraska State Patrol  
9 and provided by the licensed importer, manufacturer, or dealer. The form  
10 shall include the name, address, date of birth, gender, race, and country  
11 of citizenship of such potential buyer or transferee. If the potential  
12 buyer or transferee is not a United States citizen, the completed consent  
13 form shall contain the potential buyer's or transferee's place of birth  
14 and his or her alien or admission number;

15 ~~(b)~~ Inspected a valid identification containing a photograph of the  
16 potential buyer or transferee which appropriately and completely  
17 identifies such person;

18 ~~(c)~~ Requested by toll-free telephone call or other electromagnetic  
19 communication that the Nebraska State Patrol conduct a criminal history  
20 record check; and

21 ~~(d)~~ Received a unique approval number for such inquiry from the  
22 Nebraska State Patrol indicating the date and number on the consent form.

23 **Sec. 99.** Section 69-2420, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 69-2420 Any person who, in connection with the purchase, transfer,  
26 or attempted purchase of a handgun pursuant to section sections 69-2410  
27 ~~to 69-2423~~, knowingly and intentionally makes any materially false oral  
28 or written statement or knowingly and intentionally furnishes any false  
29 identification intended or likely to deceive the licensee shall be guilty  
30 of a Class IV felony.

31 **Sec. 100.** Section 71-901, Revised Statutes Cumulative Supplement,



1 2024, is amended to read:

2 71-901 Sections 71-901 to 71-964 and sections 103 and 104 of this  
3 act shall be known and may be cited as the Nebraska Mental Health  
4 Commitment Act.

5 **Sec. 101.** Section 71-903, Revised Statutes Cumulative Supplement,  
6 2024, is amended to read:

7 71-903 For purposes of the Nebraska Mental Health Commitment Act,  
8 unless the context otherwise requires, the definitions found in sections  
9 71-904 to 71-914.02 and sections 103 and 104 of this act shall apply.

10 **Sec. 102.** Section 71-904, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 71-904 Administrator means the administrator or other chief  
13 administrative officer of a treatment facility, medical facility, jail,  
14 or Department of Correctional Services facility or his or her designee.

15 **Sec. 103.** Dangerous sex offender has the same meaning as in section  
16 83-174.01.

17 **Sec. 104.** Videoconferencing means conducting or participating in a  
18 hearing or evaluation electronically or telephonically with audiovisual  
19 interaction among the participants.

20 **Sec. 105.** Section 71-915, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 71-915 (1) The presiding judge in each district court judicial  
23 district shall create at least one but not more than three mental health  
24 boards in such district and shall appoint sufficient members and  
25 alternate members to such boards. Members and alternate members of a  
26 mental health board shall be appointed for four-year terms. The presiding  
27 judge may remove members and alternate members of the board at his or her  
28 discretion. Vacancies shall be filled for the unexpired term in the same  
29 manner as provided for the original appointment. Members of the mental  
30 health board shall have the same immunity as judges of the district  
31 court.

1           (2) Each mental health board shall consist of an attorney licensed  
2 to practice law in this state and any two of the following but not more  
3 than one from each category: A physician, a psychologist, a psychiatric  
4 nurse, a licensed clinical social worker or a licensed independent  
5 clinical social worker, a licensed independent mental health practitioner  
6 who is not a social worker, or a layperson with a demonstrated interest  
7 in mental health and substance dependency issues. The attorney shall be  
8 chairperson of the board. Members and alternate members of a mental  
9 health board shall take and subscribe an oath to support the United  
10 States Constitution and the Constitution of Nebraska and to faithfully  
11 discharge the duties of the office according to law.

12           (3) The mental health board shall have the power to issue subpoenas,  
13 to administer oaths, and to do any act necessary and proper for the board  
14 to carry out its duties. No mental health board hearing shall be  
15 conducted unless three members or alternate members are present and able  
16 to vote. Any action taken at any mental health board hearing shall be by  
17 majority vote. Upon the agreement of all parties, any hearing before the  
18 mental health board may be conducted by videoconferencing.

19           (4) The mental health board shall prepare and file an annual  
20 inventory statement with the county board of its county of all county  
21 personal property in its custody or possession. Members of the mental  
22 health board shall be compensated and shall be reimbursed for their  
23 actual and necessary expenses by the county or counties being served by  
24 such board. Compensation shall be at an hourly rate to be determined by  
25 the presiding judge of the district court, except that such compensation  
26 shall not be less than fifty dollars for each hearing of the board.  
27 Members shall also be reimbursed for their actual and necessary expenses,  
28 not including charges for meals. Mileage shall be determined pursuant to  
29 section 23-1112.

30           **Sec. 106.** Section 71-919, Revised Statutes Cumulative Supplement,  
31 2024, is amended to read:

1           71-919 (1)(a) A law enforcement officer may take a person into  
2 emergency protective custody, cause him or her to be taken into emergency  
3 protective custody, or continue his or her custody if he or she is  
4 already in custody if the officer has probable cause to believe:

5           (i) Such person is mentally ill and dangerous or a dangerous sex  
6 offender and that the harm described in section 71-908 or subdivision (1)  
7 of section 83-174.01 is likely to occur before mental health board  
8 proceedings under the Nebraska Mental Health Commitment Act or the Sex  
9 Offender Commitment Act may be initiated to obtain custody of the person;  
10 or

11           (ii) For a person domiciled within Indian country in Nebraska, that  
12 such person is mentally ill and dangerous or a dangerous sex offender  
13 under tribal law and that harm comparable to that described in section  
14 71-908 or subdivision (1) of section 83-174.01 or the equivalent under  
15 tribal law is likely to occur before mental health proceedings under  
16 tribal law may be initiated to obtain custody of the person.

17           (b) Such person shall be admitted to an appropriate and available  
18 medical facility, jail, or Department of Correctional Services facility  
19 as provided in subsection (2) of this section.

20           (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,  
21 each county shall make arrangements with appropriate facilities inside or  
22 outside the county for such purpose and shall pay the cost of the  
23 emergency protective custody of persons from such county in such  
24 facilities.

25           (ii) For a subject domiciled within Indian country in Nebraska for  
26 whom emergency protective custody is initiated under tribal law, the  
27 tribe shall make arrangements with appropriate facilities inside or  
28 outside the tribe for such purpose and shall make arrangements for  
29 payment of the cost of the emergency protective custody of persons from  
30 such tribe in such facilities.

31           (d) A mental health professional who has probable cause to believe

1 that a person is mentally ill and dangerous or a dangerous sex offender  
2 may cause such person to be taken into custody and shall have a limited  
3 privilege to hold such person until a law enforcement officer or other  
4 authorized person arrives to take custody of such person.

5 (2)(a) For purposes of this subsection, convicted sex offender means  
6 a person with a prior conviction for an offense listed in section  
7 29-4003.

8 (b) A person taken into emergency protective custody under this  
9 section who is not a convicted sex offender shall be admitted to an  
10 appropriate and available medical facility, except that such person may  
11 instead be admitted to a jail or other facility with an available mental  
12 health bed under the Regional Mental Health Expansion Pilot Program Act  
13 until an appropriate medical facility is available unless such person has  
14 a prior conviction for a sex offense listed in section 29-4003.

15 (c) ~~(b)~~ A person taken into emergency protective custody under this  
16 section who is not a convicted sex offender ~~has a prior conviction for a~~  
17 ~~sex offense listed in section 29-4003~~ shall be admitted to a jail or  
18 Department of Correctional Services facility unless a medical or  
19 psychiatric emergency exists for which treatment at a medical facility is  
20 required. The person in emergency protective custody shall remain at the  
21 medical facility until the medical or psychiatric emergency has passed  
22 and it is safe to transport such person, at which time the person shall  
23 be transferred to an available jail or Department of Correctional  
24 Services facility.

25 (3)(a) Except as provided in subdivision (3)(b) of this section,  
26 upon admission to a facility or jail of a person taken into emergency  
27 protective custody by a law enforcement officer under this section, such  
28 officer shall execute a written certificate prescribed and provided by  
29 the Department of Health and Human Services. The certificate shall allege  
30 the officer's belief that the person in custody is mentally ill and  
31 dangerous or a dangerous sex offender and shall contain a summary of the

1 person's behavior supporting such allegations. A copy of such certificate  
2 shall be immediately forwarded to the county attorney.

3 (b) 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, upon admission to a facility or jail, such officer  
6 shall execute written documentation in a format provided by the tribe. At  
7 a minimum, such documentation shall clearly identify the subject,  
8 identify the relevant tribe, allege the officer's belief that the person  
9 in custody is mentally ill and dangerous or a dangerous sex offender  
10 under tribal law, and contain a summary of the subject's behavior  
11 supporting such allegations. A copy of such documentation shall be  
12 immediately forwarded to the appropriate tribal prosecutor or tribal  
13 official.

14 ~~(4)(a) (4)~~ The administrator of the facility or jail shall have such  
15 person evaluated by a mental health professional as soon as reasonably  
16 possible but not later than thirty-six hours after admission. The mental  
17 health professional shall not be the mental health professional who  
18 causes such person to be taken into custody under this section and shall  
19 not be a member or alternate member of the mental health board that will  
20 preside over any hearing under the Nebraska Mental Health Commitment Act  
21 or the Sex Offender Commitment Act with respect to such person. Upon the  
22 agreement of all parties, the evaluation may be conducted by  
23 videoconferencing if the mental health professional thinks it appropriate  
24 under the circumstances.

25 (b) A person shall be released from emergency protective custody  
26 after completion of such evaluation unless the mental health professional  
27 determines, in his or her clinical opinion, that such person is mentally  
28 ill and dangerous or a dangerous sex offender. In the case of a subject  
29 domiciled within Indian country who is taken into emergency protective  
30 custody under tribal law, the mental health professional shall notify an  
31 appropriate tribal prosecutor or official of such release.

1       **Sec. 107.** Section 71-920, Revised Statutes Cumulative Supplement,  
2   2024, is amended to read:

3       71-920 (1) Except as provided in subsection (3) of this section, a  
4   mental health professional who, upon evaluation of a person admitted for  
5   emergency protective custody under section 71-919, determines that such  
6   person is mentally ill and dangerous shall execute a written certificate  
7   as provided in subsection (2) of this section not later than twenty-four  
8   hours after the completion of such evaluation. A copy of such certificate  
9   shall be immediately forwarded to the county attorney.

10       (2) The certificate shall be in writing and shall include the  
11   following information:

12       (a) The subject's name and address, if known;

13       (b) The name and address of the subject's spouse, legal counsel,  
14   guardian or conservator, and next-of-kin, if known;

15       (c) The name and address of anyone providing psychiatric or other  
16   care or treatment to the subject, if known;

17       (d) The name and address of any other person who may have knowledge  
18   of the subject's mental illness or substance dependence who may be called  
19   as a witness at a mental health board hearing with respect to the  
20   subject, if known;

21       (e) The name and address of the ~~medical~~ facility or jail in which  
22   the subject is being held for emergency protective custody and  
23   evaluation;

24       (f) The name and work address of the certifying mental health  
25   professional;

26       (g) A statement by the certifying mental health professional that he  
27   or she has evaluated the subject since the subject was admitted for  
28   emergency protective custody and evaluation; and

29       (h) A statement by the certifying mental health professional that,  
30   in his or her clinical opinion, the subject is mentally ill and dangerous  
31   and the clinical basis for such opinion.

1           (3) In the case of a subject domiciled within Indian country who is  
2 taken into emergency protective custody by a law enforcement officer  
3 under tribal law, a mental health professional who, upon evaluation of  
4 such person, determines that such person is mentally ill and dangerous  
5 shall execute appropriate written documentation in a format provided by  
6 the tribe not later than twenty-four hours after the completion of such  
7 evaluation. A copy of such certificate shall be immediately forwarded to  
8 the person designated by the tribe.

9           **Sec. 108.** Section 71-922, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11           71-922 (1) Mental health board proceedings shall be deemed to have  
12 commenced upon the earlier of (a) the filing of a petition under section  
13 71-921 or (b) notification by the county attorney to the law enforcement  
14 officer who took the subject into emergency protective custody under  
15 section 71-920 or the administrator of the ~~treatment center or medical~~  
16 facility or jail having charge of the subject of his or her intention to  
17 file such petition. The county attorney shall file such petition as soon  
18 as reasonably practicable after such notification.

19           (2) A petition filed by the county attorney under section 71-921 may  
20 contain a request for the emergency protective custody and evaluation of  
21 the subject prior to commencement of a mental health board hearing  
22 pursuant to such petition with respect to the subject. Upon receipt of  
23 such request and upon a finding of probable cause to believe that the  
24 subject is mentally ill and dangerous as alleged in the petition, the  
25 court or chairperson of the mental health board may issue a warrant  
26 directing the sheriff to take custody of the subject. If the subject is  
27 already in emergency protective custody under a certificate filed under  
28 section 71-919, a copy of such certificate shall be filed with the  
29 petition. The subject in such custody shall be held in the nearest  
30 appropriate and available medical facility and shall not be placed in a  
31 jail or other correctional facility except as required or authorized by

1 subsection (2) of section 71-919. Each county shall make arrangements  
2 with appropriate medical facilities inside or outside the county for such  
3 purpose and shall pay the cost of the emergency protective custody of  
4 persons from such county in such facilities.

5 (3) The petition and all subsequent pleadings and filings in the  
6 case shall be entitled In the Interest of ....., Alleged to be  
7 Mentally Ill and Dangerous. The county attorney may dismiss the petition  
8 at any time prior to the commencement of the hearing of the mental health  
9 board under section 71-924, and upon such motion by the county attorney,  
10 the mental health board shall dismiss the petition.

11 **Sec. 109.** Section 71-924, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 71-924 (1) A hearing shall be held by the mental health board to  
14 determine whether there is clear and convincing evidence that the subject  
15 is mentally ill and dangerous as alleged in the petition.

16 (2) At the commencement of the hearing, the board shall inquire  
17 whether the subject has received a copy of the petition and list of  
18 rights accorded him or her by sections 71-943 to 71-960 and whether he or  
19 she has read and understood them. The board shall explain to the subject  
20 any part of the petition or list of rights which he or she has not read  
21 or understood. The board shall inquire of the subject whether he or she  
22 admits or denies the allegations of the petition. If the subject admits  
23 the allegations, the board shall proceed to enter a treatment order  
24 pursuant to section 71-925. If the subject denies the allegations of the  
25 petition, the board shall proceed with a hearing on the merits of the  
26 petition.

27 (3) Upon the agreement of all parties, a hearing before the mental  
28 health board under this section may be conducted by videoconferencing.

29 **Sec. 110.** Section 71-926, Revised Statutes Cumulative Supplement,  
30 2024, is amended to read:

31 71-926 (1) At the conclusion of a mental health board hearing under



1 section 71-924 and prior to the entry of a treatment order by the board  
2 under section 71-925, the board may (a) order that the subject be  
3 retained in custody until the entry of such order and the subject may be  
4 admitted for treatment pursuant to such order or (b) order the subject  
5 released from custody under such conditions as the board deems necessary  
6 and appropriate to prevent the harm described in section 71-908 and to  
7 assure the subject's appearance at a later disposition hearing by the  
8 board. A subject shall be retained in custody under this section at the  
9 nearest appropriate and available medical facility and shall not be  
10 placed in a jail or other correctional facility except as required or  
11 authorized by subsection (2) of section 71-919. Each county shall make  
12 arrangements with appropriate medical facilities inside or outside the  
13 county for such purpose and shall pay the cost of the emergency  
14 protective custody of persons from such county in such facilities.

15 (2) A subject who has been ordered to receive inpatient or  
16 outpatient treatment by a mental health board may be provided treatment  
17 while being retained in emergency protective custody and pending  
18 admission of the subject for treatment pursuant to such order.

19 (3)(a) In the case of a subject domiciled within Indian country who  
20 is taken into emergency protective custody by a law enforcement officer  
21 under tribal law, at the conclusion of a mental health hearing under  
22 tribal law and prior to entry of a treatment order by the tribal court,  
23 the tribal court may order that the subject be:

24 (i) Retained in custody until entry of such order and the subject  
25 may be admitted for treatment pursuant to such order; or

26 (ii) Released from custody under such conditions as the tribal court  
27 deems necessary and appropriate to prevent harm comparable to that  
28 described in section 71-908 or the equivalent under tribal law and to  
29 assure the subject's appearance at a later disposition hearing. A subject  
30 shall be retained in custody under this section at the nearest  
31 appropriate and available medical facility and shall not be placed in a

1    jail or other correctional facility except as required or authorized by  
2    subsection (2) of section 71-919.

3            (b) Each tribe shall make arrangements with appropriate medical  
4    facilities inside or outside the tribe for such purpose and shall make  
5    arrangements for payment of the cost of the emergency protective custody  
6    of persons from such tribe in such facilities.

7            (c) A subject who has been ordered to receive inpatient or  
8    outpatient treatment pursuant to tribal law may be provided treatment  
9    while being retained in emergency protective custody and pending  
10   admission of the subject for treatment pursuant to such order.

11           **Sec. 111.** Section 71-939, Revised Statutes Cumulative Supplement,  
12   2024, is amended to read:

13           71-939 (1)(a) When any person receiving treatment at a treatment  
14   facility or program for persons with mental illness or substance  
15   dependence pursuant to an order of a court or mental health board is  
16   absent without authorization from such treatment facility or program, the  
17   administrator or program director of such treatment facility or program  
18   shall immediately notify the Nebraska State Patrol and the court or clerk  
19   of the mental health board of the judicial district from which such  
20   person was committed.

21           (b) The clerk shall issue the warrant of the board directed to the  
22   sheriff of the county for the arrest and detention of such person. Such  
23   warrant may be executed by the sheriff or any other peace officer.

24           (2)(a) When any person receiving treatment at a treatment facility  
25   or program for persons with mental illness or substance dependence  
26   pursuant to an order of a tribal court as provided in section 71-964 is  
27   absent without authorization from such treatment facility or program, the  
28   administrator or program director of such treatment facility or program  
29   shall immediately notify the Nebraska State Patrol and the appropriate  
30   tribal prosecutor or official.

31           (b) The appropriate tribal official may issue a warrant directed to

1 a peace officer or sheriff of any county for the arrest and detention of  
2 such person. Such warrant may be executed by the sheriff or any other  
3 peace officer.

4 (3) The notification required by subdivision (1)(a) or (2)(a) of  
5 this section shall include the person's name and description and a  
6 determination by a psychiatrist, clinical director, administrator, or  
7 program director as to whether the person is believed to be currently  
8 dangerous to others.

9 (4) Pending the issuance of such warrant, any peace officer may  
10 seize and detain such person when the peace officer has probable cause to  
11 believe that the person is reported to be absent without authorization as  
12 described in this section. Such person shall be returned to the treatment  
13 facility or program or shall be taken to a facility or jail as described  
14 in section 71-919 until he or she can be returned to such treatment  
15 facility or program.

16 **Sec. 112.** Section 71-941, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 71-941 (1) A person arrested upon a warrant pursuant to section  
19 71-940 shall not be delivered to a demanding state until he or she is  
20 notified of the demand for his or her surrender and has had an  
21 opportunity to apply for a writ of habeas corpus. If an application is  
22 filed, notice of the time and place for hearing on the writ shall be  
23 given to the county attorney of the county where the arrest was made. The  
24 person arrested shall have the right to counsel and the right to have  
25 counsel appointed for him or her if the person is indigent. Pending the  
26 determination of the court upon the application for the writ, the person  
27 detained shall be maintained in a suitable facility or jail as described  
28 in section 71-919 or a hospital for persons with mental illness.

29 (2) At a hearing on a writ of habeas corpus, the State of Nebraska  
30 shall show that there is probable cause to believe that (a) such person  
31 is absent without authorization from a treatment facility or program for

1 persons with mental illness or substance dependence to which he or she  
2 was committed located in the demanding state, (b) the demanding state has  
3 reason to believe that such person is currently dangerous to himself,  
4 herself, or others, and (c) the demanding state is willing to accept the  
5 person back for further treatment.

6 **Sec. 113.** Section 71-951, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 71-951 All mental health board hearings under the Nebraska Mental  
9 Health Commitment Act shall be closed to the public except at the request  
10 of the subject and shall be held in a courtroom or at any convenient and  
11 suitable place designated by the mental health board. The board shall  
12 have the right to conduct the proceeding where the subject is currently  
13 residing if the subject is unable to travel. Upon the agreement of all  
14 parties, any hearing before the mental health board may be conducted by  
15 videoconferencing.

16 **Sec. 114.** Section 71-952, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 71-952 A subject shall appear personally or by videoconferencing and  
19 be afforded the opportunity to testify in his or her own behalf and to  
20 present witnesses and tangible evidence in defending against the petition  
21 at the hearing.

22 **Sec. 115.** Section 71-954, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 71-954 (1) Except as provided in subsection (2) of this section, a A  
25 subject shall have the right at a hearing held under the Nebraska Mental  
26 Health Commitment Act or the Sex Offender Commitment Act to confront and  
27 cross-examine adverse witnesses and evidence equivalent to the rights of  
28 confrontation granted by Amendments VI and XIV of the United States  
29 Constitution and Article I, section 11, of the Constitution of Nebraska.

30 (2) This section does not prohibit a mental health board from  
31 conducting a hearing using videoconferencing.

1           **Sec. 116.** Section 71-958, Revised Statutes Cumulative Supplement,  
2   2024, is amended to read:

3           71-958 Any qualified mental health professional, upon being  
4   authorized by the administrator of the ~~treatment~~ facility or jail having  
5   custody of the subject, may provide appropriate medical treatment for the  
6   subject while in custody, except that a subject shall not be subjected to  
7   such quantities of medication or other treatment within such period of  
8   time prior to any hearing held under the Nebraska Mental Health  
9   Commitment Act or the Sex Offender Commitment Act or, for a subject who  
10   is domiciled in Indian country and committed for treatment as provided in  
11   section 71-964, a hearing held under the equivalent tribal law, as will  
12   substantially impair his or her ability to assist in his or her defense  
13   at such hearing.

14          **Sec. 117.** Section 71-961, Revised Statutes Cumulative Supplement,  
15   2024, is amended to read:

16          71-961 (1) All records kept on any subject shall remain confidential  
17   except as otherwise provided by law. Such records shall be accessible to  
18   (a) the subject, except as otherwise provided in subsection (2) of this  
19   section, (b) the subject's legal counsel, (c) the subject's guardian or  
20   conservator, if any, (d) the mental health board having jurisdiction over  
21   the subject, (e) persons authorized by an order of a judge or court, (f)  
22   persons authorized by written permission of the subject, (g) agents or  
23   employees of the Department of Health and Human Services upon delivery of  
24   a subpoena from the department in connection with a licensing or  
25   licensure investigation by the department, (h) individuals authorized to  
26   receive notice of the release of a sex offender pursuant to section  
27   83-174, (i) the Nebraska State Patrol or the department pursuant to  
28   section 69-2409.01, (j) the Department of Correctional Services ~~Division~~  
29   ~~of Parole Supervision~~ if the subject meets the requirements for lifetime  
30   community supervision pursuant to section 83-174.03, and (k) any tribal  
31   court having jurisdiction over a subject who is domiciled in Indian

1 country and committed for treatment as provided in section 71-964.

2 (2) Upon application by the county attorney or by the administrator  
3 of the treatment facility where the subject is in custody and upon a  
4 showing of good cause therefor, a judge of the district court of the  
5 county where the mental health board proceedings were held or of the  
6 county where the treatment facility is located may order that the records  
7 not be made available to the subject if, in the judgment of the court,  
8 the availability of such records to the subject will adversely affect his  
9 or her mental illness or personality disorder and the treatment thereof.

10 (3) When a subject is absent without authorization from a treatment  
11 facility or program described in section 71-939 or 71-1223 and is  
12 considered to be dangerous to others, the subject's name and description  
13 and a statement that the subject is believed to be considered dangerous  
14 to others may be disclosed in order to aid in the subject's apprehension  
15 and to warn the public of such danger.

16 **Sec. 118.** Section 71-1203, Revised Statutes Cumulative Supplement,  
17 2024, is amended to read:

18 71-1203 For purposes of the Sex Offender Commitment Act:

19 (1) The definitions found in sections 71-904.02, 71-905, 71-906,  
20 71-907, 71-910, 71-911, 71-914.01, 71-914.02, and 83-174.01 and sections  
21 103 and 104 of this act apply;

22 (2) Administrator means the administrator or other chief  
23 administrative officer of a treatment facility, medical facility, jail,  
24 or Department of Correctional Services facility or his or her designee;

25 (3) Outpatient treatment means treatment ordered by a mental health  
26 board directing a subject to comply with specified outpatient treatment  
27 requirements, including, but not limited to, (a) taking prescribed  
28 medication, (b) reporting to a mental health professional or treatment  
29 facility for treatment or for monitoring of the subject's condition, or  
30 (c) participating in individual or group therapy or educational,  
31 rehabilitation, residential, or vocational programs;

1           (4)(a) Subject means any person concerning whom (i) a certificate  
2 has been filed under section 71-1204, (ii) a certificate has been filed  
3 under section 71-919 and such person is held pursuant to subdivision (2)  
4 (b) of section 71-919, or (iii) a petition has been filed under the Sex  
5 Offender Commitment Act.

6           (b) Subject also includes a person who is a member of a tribe or  
7 eligible for membership in a tribe, who is domiciled within Indian  
8 country in Nebraska, and concerning whom sex offender involuntary  
9 commitment or emergency protective custody proceedings have been  
10 initiated under tribal law. Subject does not include any person under  
11 eighteen years of age unless such person is an emancipated minor; and

12           (5) Treatment facility means a facility which provides services for  
13 persons who are dangerous sex offenders.

14           **Sec. 119.** Section 71-1204, Revised Statutes Cumulative Supplement,  
15 2024, is amended to read:

16           71-1204 (1) Except as provided in subsection (3) of this section, a  
17 mental health professional who, upon evaluation of a person admitted for  
18 emergency protective custody under section 71-919, determines that such  
19 person is a dangerous sex offender shall execute a written certificate as  
20 provided in subsection (2) of this section not later than twenty-four  
21 hours after the completion of such evaluation. A copy of such certificate  
22 shall be immediately forwarded to the county attorney.

23           (2) The certificate shall be in writing and shall include the  
24 following information:

25           (a) The subject's name and address, if known;

26           (b) The name and address of the subject's spouse, legal counsel,  
27 guardian or conservator, and next of kin, if known;

28           (c) The name and address of anyone providing psychiatric or other  
29 care or treatment to the subject, if known;

30           (d) The name and address of any other person who may have knowledge  
31 of the subject's mental illness or personality disorder who may be called

1 as a witness at a mental health board hearing with respect to the  
2 subject, if known;

3 (e) The name and address of the ~~medical~~ facility or jail in which  
4 the subject is being held for emergency protective custody and  
5 evaluation;

6 (f) The name and work address of the certifying mental health  
7 professional;

8 (g) A statement by the certifying mental health professional that he  
9 or she has evaluated the subject since the subject was admitted for  
10 emergency protective custody and evaluation; and

11 (h) A statement by the certifying mental health professional that,  
12 in his or her clinical opinion, the subject is a dangerous sex offender  
13 and the clinical basis for such opinion.

14 (3) In the case of a subject domiciled within Indian country who is  
15 taken into emergency protective custody by a law enforcement officer  
16 under tribal law, a mental health professional who, upon evaluation of  
17 such person, determines that such person is a dangerous sex offender  
18 shall execute appropriate written documentation in a format provided by  
19 the tribe not later than twenty-four hours after the completion of such  
20 evaluation. A copy of such certificate shall be immediately forwarded to  
21 the person designated by the tribe.

22 **Sec. 120.** Section 71-1206, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 71-1206 (1) Mental health board proceedings shall be deemed to have  
25 commenced upon the earlier of (a) the filing of a petition under section  
26 71-1205 or (b) notification by the county attorney to the law enforcement  
27 officer who took the subject into emergency protective custody under  
28 section 71-919 or the administrator of the ~~treatment~~ facility or jail  
29 having charge of the subject of the intention of the county attorney to  
30 file such petition. The county attorney shall file such petition as soon  
31 as reasonably practicable after such notification.



1           (2) A petition filed by the county attorney under section 71-1205  
2 may contain a request for the emergency protective custody and evaluation  
3 of the subject prior to commencement of a mental health board hearing  
4 pursuant to such petition with respect to the subject. Upon receipt of  
5 such request and upon a finding of probable cause to believe that the  
6 subject is a dangerous sex offender as alleged in the petition, the court  
7 or chairperson of the mental health board may issue a warrant directing  
8 the sheriff to take custody of the subject. If the subject is already in  
9 emergency protective custody under a certificate filed under section  
10 71-919, a copy of such certificate shall be filed with the petition. The  
11 subject in such custody, including pursuant to tribal law as provided in  
12 section 71-1226.01, shall be held in an appropriate and available medical  
13 facility, jail, or Department of Correctional Services facility. A  
14 dangerous sex offender shall not be admitted to a medical facility for  
15 emergency protective custody unless a medical or psychiatric emergency  
16 exists requiring treatment not available at a jail or correctional  
17 facility.

18           (3)(a) Except as provided in subdivision (3)(b) of this section,  
19 each county shall make arrangements with appropriate facilities inside or  
20 outside the county for such purpose and shall pay the cost of the  
21 emergency protective custody of persons from such county in such  
22 facilities.

23           (b) For a subject domiciled within Indian country in Nebraska for  
24 whom emergency protective custody is initiated under tribal law, the  
25 tribe shall make arrangements with appropriate facilities inside or  
26 outside the tribe for such purpose and shall make arrangements for the  
27 payment of the cost of the emergency protective custody of persons from  
28 such tribe in such facilities.

29           (4) The petition and all subsequent pleadings and filings in the  
30 case shall be entitled In the Interest of . . . . . , Alleged to be a  
31 Dangerous Sex Offender. The county attorney may dismiss the petition at

1 any time prior to the commencement of the hearing of the mental health  
2 board under section 71-1208, and upon such motion by the county attorney,  
3 the mental health board shall dismiss the petition.

4 **Sec. 121.** Section 71-1208, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 71-1208 (1) A hearing shall be held by the mental health board to  
7 determine whether there is clear and convincing evidence that the subject  
8 is a dangerous sex offender as alleged in the petition.

9 (2) At the commencement of the hearing, the board shall inquire  
10 whether the subject has received a copy of the petition and list of  
11 rights accorded him or her by sections 71-943 to 71-960 and whether he or  
12 she has read and understood them. The board shall explain to the subject  
13 any part of the petition or list of rights which he or she has not read  
14 or understood. The board shall inquire of the subject whether he or she  
15 admits or denies the allegations of the petition. If the subject admits  
16 the allegations, the board shall proceed to enter a treatment order  
17 pursuant to section 71-1209. If the subject denies the allegations of the  
18 petition, the board shall proceed with a hearing on the merits of the  
19 petition.

20 (3) Upon the agreement of all parties, a hearing before the mental  
21 health board under this section may be conducted by videoconferencing.

22 **Sec. 122.** Section 71-1223, Revised Statutes Cumulative Supplement,  
23 2024, is amended to read:

24 71-1223 (1)(a) When any person receiving treatment at a treatment  
25 facility or program for dangerous sex offenders pursuant to an order of a  
26 court or mental health board is absent without authorization from such  
27 treatment facility or program, the administrator or program director of  
28 such treatment facility or program shall immediately notify the Nebraska  
29 State Patrol and the court or clerk of the mental health board of the  
30 judicial district from which such person was committed.

31 (b) The clerk shall issue the warrant of the board directed to the

1 sheriff of the county for the arrest and detention of such person. Such  
2 warrant may be executed by the sheriff or any other peace officer.

3 (2)(a) When any person receiving treatment at a treatment facility  
4 or program for persons with mental illness pursuant to an order of a  
5 tribal court as provided in section 71-1226.01 is absent without  
6 authorization from such treatment facility or program, the administrator  
7 or program director of such treatment facility or program shall  
8 immediately notify the Nebraska State Patrol and the appropriate tribal  
9 prosecutor or official.

10 (b) The appropriate tribal official may issue a warrant directed to  
11 a peace officer or sheriff of any county for the arrest and detention of  
12 such person. Such warrant may be executed by the sheriff or any other  
13 peace officer.

14 (3) The notification required by subdivision (1)(a) or (2)(a) of  
15 this section shall include the person's name and description and a  
16 determination by a psychiatrist, clinical director, administrator, or  
17 program director as to whether the person is believed to be currently  
18 dangerous to others.

19 (4) Pending the issuance of such warrant, any peace officer may  
20 seize and detain such person when the peace officer has probable cause to  
21 believe that the person is reported to be absent without authorization as  
22 described in this section. Such person shall be returned to the treatment  
23 facility or program or shall be taken to a facility or jail as described  
24 in section 71-919 until he or she can be returned to such treatment  
25 facility or program.

26 **Sec. 123.** Section 71-3426, Revised Statutes Cumulative Supplement,  
27 2024, is amended to read:

28 71-3426 (1) A lead organization may establish a local team for the  
29 lead organization's jurisdiction or for a group of cities, counties, or  
30 districts, pursuant to an agreement between multiple lead organizations.  
31 If multiple lead organizations decide to form a local team, only one

1 shall fulfill the role of lead organization. The lead organization shall  
2 select the members of the local team.

3 (2) A local team shall consist of the core members that may include  
4 one or more members from the following backgrounds:

5 (a) Officials from the lead organization or from another local  
6 public health department or such officials' designees;

7 (b) Behavioral health providers or officials;

8 (c) Law enforcement personnel;

9 (d) Representatives of jails or detention centers;

10 (e) The coroner or the coroner's designee;

11 (f) Health care providers who specialize in the prevention,  
12 diagnosis, and treatment of substance use disorders;

13 (g) Mental health providers who specialize in substance use  
14 disorders;

15 (h) Representatives of emergency medical services providers in the  
16 county;

17 (i) The Director of Children and Family Services of the Division of  
18 Children and Family Services of the Department of Health and Human  
19 Services or the director's designee; and

20 (j) Representatives from the Board of Parole, the Office of  
21 Probation Administration, the Department of Correctional Services  
22 ~~Division of Parole Supervision~~, or the Community Corrections Division of  
23 the Nebraska Commission on Law Enforcement and Criminal Justice.

24 (3) A local team may also include, either as permanent or temporary  
25 members:

26 (a) A local school superintendent or the superintendent's designee;

27 (b) A representative of a local hospital;

28 (c) A health care provider who specializes in emergency medicine;

29 (d) A health care provider who specializes in pain management;

30 (e) A pharmacist with a background in prescription drug misuse and  
31 diversion;

1 (f) A substance use disorder treatment provider from a licensed  
2 substance use disorder treatment program;

3 (g) A poison control center representative;

4 (h) A mental health provider who is a generalist;

5 (i) A prescription drug monitoring program administrator or such  
6 administrator's designee;

7 (j) A representative from a harm reduction provider;

8 (k) A recovery coach, peer support worker, or other representative  
9 of the recovery community;

10 (l) A representative from the local drug court; and

11 (m) Any other individual necessary for the work of the local team.

12 (4) The lead organization shall select a chairperson for the local  
13 team. The chairperson shall be an official of the lead organization or  
14 such official's designee. The chairperson shall:

15 (a) Solicit and recruit members and appoint replacement members to  
16 fill vacancies that may arise on the team. In carrying out this  
17 responsibility, the chairperson shall, at a minimum, attempt to appoint  
18 at least one member from each of the backgrounds or positions described  
19 in subsection (2) of this section;

20 (b) Facilitate local team meetings and implement the protocols and  
21 procedures of the local team;

22 (c) Request and collect the records and information needed for the  
23 local team's case review. The chairperson shall remove all personal  
24 identifying information from any records or information prior to  
25 providing it to the local team;

26 (d) Gather, store, and distribute the necessary records and  
27 information for reviews conducted by the team. The chairperson shall  
28 carry out such duties in compliance with all local, state, and federal  
29 confidentiality laws and regulations;

30 (e) Ensure that team members receive timely notification of upcoming  
31 meetings;

1 (f) Ensure the team fulfills the requirements of section 71-3427 to  
2 publish an annual report, including recommendations to prevent future  
3 drug overdose deaths;

4 (g) Ensure that all members of the local team and all guest  
5 observers and participants sign confidentiality forms as required under  
6 section 71-3433;

7 (h) Oversee compliance with the Overdose Fatality Review Teams Act  
8 and the protocols developed by the team;

9 (i) Serve as a liaison for the local team; and

10 (j) Perform such other duties as the team deems appropriate.

11 (5) Members of the local team shall not receive compensation for  
12 their services as team members.

13 **Sec. 124.** Section 71-3430, Revised Statutes Cumulative Supplement,  
14 2024, is amended to read:

15 71-3430 (1) Except as provided in subsection (4) of this section, on  
16 written request of the lead organization, and as necessary to carry out  
17 the purpose and duties of the local team, the lead organization shall be  
18 provided with the following information:

19 (a) Nonprivileged information and records regarding the physical  
20 health, mental health, and treatment for any substance use disorder  
21 maintained by a health care provider, substance use disorder treatment  
22 provider, hospital, or health system for an individual whose death is  
23 being reviewed by the local team; and

24 (b) Information and records maintained by a state or local  
25 government agency or entity, including, but not limited to, death  
26 investigative information, coroner investigative information, law  
27 enforcement investigative information, emergency medical services  
28 reports, fire department records, prosecutorial records, parole and  
29 probation information and records, court records, school records, and  
30 information and records of a social services agency, including the  
31 department, if the agency or entity provided services to an individual

1 whose death is being reviewed by the local team.

2 (2) Except as provided in subsection (4) of this section, the  
3 following persons shall comply with a records request by the lead  
4 organization made pursuant to subsection (1) of this section:

5 (a) A coroner;

6 (b) A fire department;

7 (c) A health system;

8 (d) A hospital;

9 (e) A law enforcement agency;

10 (f) A local or state governmental agency, including, but not limited  
11 to, the department, local public health authorities, the Attorney  
12 General, county attorneys, public defenders, the Commission on Public  
13 Advocacy, the Department of Correctional Services, and the Office of  
14 Probation Administration ~~, and the Division of Parole Supervision;~~

15 (g) A mental health provider;

16 (h) A health care provider;

17 (i) A substance use disorder treatment provider;

18 (j) A school, including a public or private elementary, secondary,  
19 or postsecondary institution;

20 (k) An emergency medical services provider;

21 (l) A social services provider; and

22 (m) Any other person who is in possession of records pertinent to  
23 the local team's investigation of an overdose fatality.

24 (3) A person subject to a records request by a lead organization  
25 under subsection (1) of this section may charge the lead organization a  
26 reasonable fee for the service of duplicating any records requested by  
27 the lead organization, not to exceed the actual cost of duplication.

28 (4)(a) Compliance with any records request under this section is  
29 subject to the federal Health Insurance Portability and Accountability  
30 Act of 1996, Public Law 104-191, and regulations promulgated thereunder;  
31 42 U.S.C. 290dd-2; 42 C.F.R. part 2; and the Child Protection and Family

1 Safety Act.

2 (b) The department is not required to comply with a records request  
3 under subsection (2) of this section to the extent the information  
4 requested:

5 (i) Was obtained by the prescription drug monitoring program created  
6 under section 71-2454;

7 (ii) Is covered by section 68-313; or

8 (iii) Is covered by 42 C.F.R. 431.300 et seq.

9 (c) The disclosure or redisclosure of a medical record developed in  
10 connection with the provision of substance abuse treatment services,  
11 without the authorization of a person in interest, is subject to any  
12 limitations that exist under the federal Health Insurance Portability and  
13 Accountability Act of 1996, Public Law 104-191, and regulations  
14 promulgated thereunder; 42 U.S.C. 290dd-2; and 42 C.F.R. part 2.

15 (5) Information requested by the lead organization shall be provided  
16 within thirty calendar days after receipt of the written request, unless  
17 an extension is granted by the chairperson. Written request includes a  
18 request submitted via email or facsimile transmission.

19 (6)(a) A county attorney or the Attorney General may, upon request  
20 by a lead organization, issue subpoenas to compel production of any of  
21 the records and information specified in this section.

22 (b) Any willful failure to comply with such a subpoena may be  
23 certified by the county attorney or Attorney General to the district  
24 court for enforcement or punishment for contempt of court.

25 **Sec. 125.** Section 75-325, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 75-325 (1) Every transportation network company shall:

28 (a) Provide the commission with its email address and customer  
29 service telephone number;

30 (b) Display for the passenger either a picture of the driver's  
31 personal vehicle and a picture of the driver or the license plate number



1 of the driver's personal vehicle on the online-enabled application or  
2 platform that a transportation network company uses to connect drivers  
3 and passengers;

4 (c) Maintain an agent for service of process in Nebraska;

5 (d) Maintain accurate and up-to-date records of all drivers  
6 providing services on behalf of the transportation network company,  
7 including the vehicle identification number for all personal vehicles to  
8 be operated in connection with the transportation network company;

9 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on  
10 the use of drugs or alcohol applicable to any driver providing service  
11 for the transportation network company that prohibits a driver from using  
12 any amount of drugs or alcohol while the driver is providing service,  
13 (ii) provide a copy of the policy to the commission promptly upon  
14 adoption, and (iii) provide a copy of any revision to the policy promptly  
15 upon adoption;

16 (f) Implement an anti-discrimination policy that prohibits  
17 discrimination by any driver providing service for the company on the  
18 basis of race, national origin, religion, gender, physical or mental  
19 disability, medical condition, marital status, ~~or~~ age, or military or  
20 veteran status and file the policy with the commission;

21 (g) Maintain a website that provides a customer service telephone  
22 number or email address of the transportation network company and that  
23 provides the telephone number and email address of the commission;

24 (h) Establish a driver training program designed to ensure that each  
25 driver safely operates his or her personal vehicle prior to the driver  
26 being able to offer services on the transportation network company's  
27 online-enabled application or platform;

28 (i) Maintain records required under sections 75-301 to 75-343 to be  
29 collected by the transportation network company, including records  
30 regarding participating drivers; and

31 (j) Cooperate with the commission and any employees, investigators,

1 or duly authorized agents of the commission in the investigation of  
2 complaints received by the commission from the public or in  
3 investigations initiated by the commission.

4 (2) A transportation network company shall not allow a driver to  
5 provide service if the company finds the driver to be in violation of its  
6 zero-tolerance policy required pursuant to subdivision (1)(e) of this  
7 section or if the driver has not successfully completed driver training  
8 pursuant to subdivision (1)(h) of this section. The transportation  
9 network company shall provide on its website and its online-enabled  
10 application or platform notice of the zero-tolerance policy and the  
11 procedures to report a complaint about a driver with whom the passenger  
12 was matched when the passenger reasonably suspects the driver was under  
13 the influence of drugs or alcohol during the course of the prearranged  
14 ride. Upon receiving a complaint, a transportation network company shall  
15 immediately suspend the driver against whom the complaint was issued and  
16 conduct an investigation of the alleged violation. The suspension shall  
17 last for the duration of the investigation.

18 (3) If the commission has reasonable cause to believe a  
19 transportation network company is not enforcing the zero-tolerance policy  
20 filed with the commission, the commission shall investigate and, after  
21 notice and hearing, may enter an order requiring the transportation  
22 network company to enforce such policy, which may include suspension of  
23 the participating driver.

24 **Sec. 126.** Section 76-1495, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 76-1495 A landlord may not:

27 (1) Deny rental on the basis of race, color, religion, sex, or  
28 national origin, or military or veteran status;

29 (2) Require any person, as a precondition to renting, leasing, or  
30 otherwise occupying or removing from a mobile home space in a mobile home  
31 park, to pay an entrance or exit fee of any kind unless for services

1 actually rendered or pursuant to a written agreement. A landlord may  
2 restrict the movement of mobile homes to reasonable hours and may require  
3 that all work in connection with the removal or installation of a mobile  
4 home, including, but not limited to, the hookup or disconnection of  
5 utilities, be done in a good and workmanlike manner;

6 (3) Deny any resident of a mobile home park the right to sell that  
7 person's mobile home at a price of his or her own choosing. The tenant  
8 shall, prior to selling the mobile home, give notice to the landlord,  
9 including, but not limited to, the name of the prospective purchaser.  
10 Unless otherwise agreed in writing, the landlord may reserve the right to  
11 approve or disapprove the prospective purchaser of the mobile home as a  
12 tenant within ten days after receiving notice of the intended sale. Any  
13 disapproval shall be in writing and shall be delivered to such tenant  
14 pursuant to section 76-1474. The landlord shall not unreasonably refuse  
15 or restrict the sale by a tenant of a mobile home located in his or her  
16 mobile home park, but the landlord may consider the size, ages, and  
17 composition of the prospective purchaser's family in determining if the  
18 mobile home purchaser may leave the home in the park. The landlord may  
19 also, in order to upgrade the quality of the mobile home park, prescribe  
20 reasonable requirements governing the age, physical appearance, size, or  
21 quality of the mobile home. In the event of a sale to a third party or  
22 mutual termination of the rental agreement, the landlord may within ten  
23 days after receiving written notice of the pending sale or mutual  
24 termination require that any mobile home that is no longer appropriate  
25 for the mobile home park or that is in disrepair be repaired to the  
26 landlord's satisfaction or removed from the park within sixty days. The  
27 landlord shall specify in writing the reasons for disapproval of the  
28 mobile home;

29 (4) Exact a commission or fee with respect to the price realized by  
30 the tenant selling the mobile home, unless the park owner or operator has  
31 acted as agent for the mobile home owner pursuant to a written agreement;

1 or

2 (5) Require a tenant to furnish permanent improvements which cannot  
3 be removed by the tenant without damage to the mobile home or mobile home  
4 space at the expiration of the rental agreement.

5 **Sec. 127.** Section 81-885.24, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7 81-885.24 The commission may, upon its own motion, and shall, upon  
8 the sworn complaint in writing of any person, investigate the actions of  
9 any broker, associate broker, salesperson, or subdivider, may censure the  
10 licensee or certificate holder, revoke or suspend any license or  
11 certificate issued under the Nebraska Real Estate License Act, or enter  
12 into consent orders, and, alone or in combination with such disciplinary  
13 actions, may impose a civil fine on a licensee pursuant to section  
14 81-885.10, whenever the license or certificate has been obtained by false  
15 or fraudulent representation or the licensee or certificate holder has  
16 been found guilty of any of the following unfair trade practices:

17 (1) Refusing because of religion, race, color, national origin,  
18 ethnic group, sex, familial status, ~~or~~ disability, or military or veteran  
19 status to show, sell, or rent any real estate for sale or rent to  
20 prospective purchasers or renters;

21 (2) Intentionally using advertising which is misleading or  
22 inaccurate in any material particular or in any way misrepresents any  
23 property, terms, values, policies, or services of the business conducted;

24 (3) Failing to account for and remit any money coming into his or  
25 her possession belonging to others;

26 (4) Commingling the money or other property of his or her principals  
27 with his or her own;

28 (5) Failing to maintain and deposit in a separate trust account all  
29 money received by a broker acting in such capacity, or as escrow agent or  
30 the temporary custodian of the funds of others, in a real estate  
31 transaction unless all parties having an interest in the funds have

1 agreed otherwise in writing;

2 (6) Accepting, giving, or charging any form of undisclosed  
3 compensation, consideration, rebate, or direct profit on expenditures  
4 made for a principal;

5 (7) Representing or attempting to represent a real estate broker,  
6 other than the employer, without the express knowledge and consent of the  
7 employer;

8 (8) Accepting any form of compensation or consideration by an  
9 associate broker or salesperson from anyone other than his or her  
10 employing broker without the consent of his or her employing broker;

11 (9) Acting in the dual capacity of agent and undisclosed principal  
12 in any transaction;

13 (10) Guaranteeing or authorizing any person to guarantee future  
14 profits which may result from the resale of real property;

15 (11) Placing a sign on any property offering it for sale or rent  
16 without the written consent of the owner or his or her authorized agent;

17 (12) Offering real estate for sale or lease without the knowledge  
18 and consent of the owner or his or her authorized agent or on terms other  
19 than those authorized by the owner or his or her authorized agent;

20 (13) Inducing any party to a contract of sale or lease to break such  
21 contract for the purpose of substituting, in lieu thereof, a new contract  
22 with another principal;

23 (14) Negotiating a sale, exchange, listing, or lease of real estate  
24 directly with an owner or lessor if he or she knows that such owner has a  
25 written outstanding listing contract in connection with such property  
26 granting an exclusive agency or an exclusive right to sell to another  
27 broker or negotiating directly with an owner to withdraw from or break  
28 such a listing contract for the purpose of substituting, in lieu thereof,  
29 a new listing contract;

30 (15) Discussing or soliciting a discussion of, with an owner of a  
31 property which is exclusively listed with another broker, the terms upon

1 which the broker would accept a future listing upon the expiration of the  
2 present listing unless the owner initiates the discussion;

3 (16) Violating any provision of sections 76-2401 to 76-2430;

4 (17) Soliciting, selling, or offering for sale real estate by  
5 offering free lots or conducting lotteries for the purpose of influencing  
6 a purchaser or prospective purchaser of real estate;

7 (18) Providing any form of compensation or consideration to any  
8 person for performing the services of a broker, associate broker, or  
9 salesperson who has not first secured his or her license under the  
10 Nebraska Real Estate License Act unless such person is (a) a nonresident  
11 who is licensed in his or her resident regulatory jurisdiction or (b) a  
12 citizen and resident of a foreign country which does not license persons  
13 conducting the activities of a broker and such person provides reasonable  
14 written evidence to the Nebraska broker that he or she is a resident  
15 citizen of that foreign country, is not a resident of this country, and  
16 conducts the activities of a broker in that foreign country;

17 (19) Failing to include a fixed date of expiration in any written  
18 listing agreement and failing to leave a copy of the agreement with the  
19 principal;

20 (20) Failing to deliver within a reasonable time a completed and  
21 dated copy of any purchase agreement or offer to buy or sell real estate  
22 to the purchaser and to the seller;

23 (21) Failing by a broker to deliver to the seller in every real  
24 estate transaction, at the time the transaction is consummated, a  
25 complete, detailed closing statement showing all of the receipts and  
26 disbursements handled by such broker for the seller, failing to deliver  
27 to the buyer a complete statement showing all money received in the  
28 transaction from such buyer and how and for what the same was disbursed,  
29 and failing to retain true copies of such statements in his or her files;

30 (22) Making any substantial misrepresentations;

31 (23) Acting for more than one party in a transaction without the

1 knowledge of all parties for whom he or she acts;

2 (24) Failing by an associate broker or salesperson to place, as soon  
3 after receipt as practicable, in the custody of his or her employing  
4 broker any deposit money or other money or funds entrusted to him or her  
5 by any person dealing with him or her as the representative of his or her  
6 licensed broker;

7 (25) Filing a listing contract or any document or instrument  
8 purporting to create a lien based on a listing contract for the purpose  
9 of casting a cloud upon the title to real estate when no valid claim  
10 under the listing contract exists;

11 (26) Violating any rule or regulation adopted and promulgated by the  
12 commission in the interest of the public and consistent with the Nebraska  
13 Real Estate License Act;

14 (27) Failing by a subdivider, after the original certificate has  
15 been issued, to comply with all of the requirements of the Nebraska Real  
16 Estate License Act;

17 (28) Conviction of a felony or entering a plea of guilty or nolo  
18 contendere to a felony charge by a broker or salesperson;

19 (29) Demonstrating negligence, incompetency, or unworthiness to act  
20 as a broker, associate broker, or salesperson, whether of the same or of  
21 a different character as otherwise specified in this section;

22 (30) Inducing or attempting to induce a person to transfer an  
23 interest in real property, whether or not for monetary gain, or  
24 discouraging another person from purchasing real property, by  
25 representing that (a) a change has occurred or will or may occur in the  
26 composition with respect to religion, race, color, national origin,  
27 ethnic group, sex, familial status, or disability of the owners or  
28 occupants in the block, neighborhood, or area or (b) such change will or  
29 may result in the lowering of property values, an increase in criminal or  
30 antisocial behavior, or a decline in the quality of schools in the block,  
31 neighborhood, or area;

1 (31) Failing by a team leader to provide a current list of all team  
2 members to his or her designated broker;

3 (32) Failing by a designated broker to maintain a record of all team  
4 leaders and team members working under him or her;

5 (33) Utilizing advertising which does not prominently display the  
6 name under which the designated broker does business as filed with the  
7 commission;

8 (34) Utilizing team advertising or a team name suggesting the team  
9 is an independent real estate brokerage;

10 (35) Charging or collecting, as part or all of his or her  
11 compensation or consideration, any part of the earnest money or other  
12 money paid to him or her or the entity under which he or she does  
13 business in connection with any real estate transaction until the  
14 transaction has been consummated or terminated. However, a payment for  
15 goods or services rendered by a third party on behalf of the client shall  
16 not be considered compensation or consideration if such payment does not  
17 include any profit, compensation, or payment for services rendered by the  
18 broker and the broker retains a record of the payment to the third party  
19 for such goods or services;

20 (36) Failing to provide a copy of section 81-885.04 or written  
21 instructions explaining the provisions of the exemption from licensure as  
22 set forth in subdivision (9) of section 81-885.04 to any unlicensed  
23 person who assists in procuring a potential client or customer as defined  
24 in sections 76-2407 and 76-2409, respectively, for the purpose of the  
25 listing, sale, purchase, exchange, renting, leasing, or optioning of any  
26 real estate; or

27 (37) Offering or entering into a right-to-list home sale agreement.

28 **Sec. 128.** Section 81-1401, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the  
31 context otherwise requires:



1 (1) Class I railroad means a rail carrier classified as Class I  
2 pursuant to 49 C.F.R. part 1201 1-1;

3 (2) Commission means the Nebraska Commission on Law Enforcement and  
4 Criminal Justice;

5 (3) Council means the Nebraska Police Standards Advisory Council;

6 (4) Director means the director of the Nebraska Law Enforcement  
7 Training Center;

8 (5) Felony means a crime punishable by imprisonment for a term of  
9 more than one year or a crime committed outside of Nebraska which would  
10 be punishable by imprisonment for a term of more than one year if  
11 committed in Nebraska;

12 (6) Handgun means any firearm with a barrel less than sixteen inches  
13 in length or any firearm designed to be held and fired by the use of a  
14 single hand;

15 (7) Law enforcement agency means the police department or the town  
16 marshal in incorporated municipalities, the office of sheriff in  
17 unincorporated areas, the Nebraska State Patrol, and Class I railroad  
18 police departments;

19 (8)(a) Law enforcement officer means any person who has successfully  
20 completed an entry-level law enforcement certification from a training  
21 academy and who is responsible for the prevention or detection of crime  
22 or the enforcement of the penal, traffic, or highway laws of the state or  
23 any political subdivision of the state for more than one hundred hours  
24 per year and is authorized by law to make arrests and includes, but is  
25 not limited to:

26 (i) A full-time or part-time member of the Nebraska State Patrol;

27 (ii) A county sheriff;

28 (iii) A full-time or part-time employee of a county sheriff's  
29 office;

30 (iv) A full-time or part-time employee of a municipal or village  
31 police agency;

1 (v) A full-time or part-time Game and Parks Commission conservation  
2 officer;

3 (vi) A full-time or part-time deputy state sheriff;

4 (vii) A full-time employee of an organized and paid fire department  
5 of any city of the metropolitan class who is an authorized arson  
6 investigator and whose duties consist of determining the cause, origin,  
7 and circumstances of fires or explosions while on duty in the course of  
8 an investigation;

9 (viii) A member of a law enforcement reserve force appointed in  
10 accordance with section 81-1438; or

11 (ix) A full-time Class I railroad police officer;

12 (b) Law enforcement officer includes a noncertified conditional  
13 officer;

14 (c) Law enforcement officer does not include employees of the  
15 Department of Correctional Services, probation officers under the  
16 Nebraska Probation System, parole officers appointed by the Director of  
17 Correctional Supervision and Services of the ~~Division of Parole~~  
18 ~~Supervision~~, or employees of the Department of Revenue under section  
19 77-366; and

20 (d) Except for a noncertified conditional officer, a law enforcement  
21 officer shall possess a valid law enforcement officer certificate or  
22 diploma, as established by the council, in order to be vested with the  
23 authority of this section;

24 (9) Misdemeanor crime of domestic violence has the same meaning as  
25 in section 28-1206;

26 (10) Noncertified conditional officer means a person appointed  
27 pursuant to subsection (6) of section 81-1414;

28 (11) Serious misconduct means improper or illegal actions taken by a  
29 law enforcement officer that have a rational connection with the person's  
30 fitness or capacity to serve as a law enforcement officer and includes,  
31 but is not limited to:

1 (a) Conviction of a felony or misdemeanor crime of domestic  
2 violence;

3 (b) Fabrication of evidence;

4 (c) Repeated substantiated allegations of the use of excessive  
5 force;

6 (d) Acceptance of a bribe;

7 (e) Commission of fraud or perjury; or

8 (f) Sexual assault;

9 (12) Training academy means:

10 (a) The training center; or

11 (b) Another council-approved law enforcement training facility  
12 which:

13 (i) Offers certification training that meets or exceeds the  
14 certification training curriculum of the training center; and

15 (ii) Is operated and maintained by a law enforcement agency or by  
16 multiple law enforcement agencies pursuant to the Interlocal Cooperation  
17 Act;

18 (13) Training center means the Nebraska Law Enforcement Training  
19 Center; and

20 (14) Training school means a public or private institution of higher  
21 education, including the University of Nebraska, the Nebraska state  
22 colleges, and the community colleges of this state, that offers training  
23 in a council-approved pre-certification course.

24 **Sec. 129.** Section 83-170, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 83-170 As used in the Nebraska Treatment and Corrections Act, unless  
27 the context otherwise requires:

28 (1) Board means the Board of Parole;

29 (2) Committed offender means any person who, under any provision of  
30 law, is sentenced or committed to a facility operated by the department  
31 or is sentenced or committed to the department other than a person

1 adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of  
2 section 43-247 by a juvenile court;

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

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

5 ~~(5) Director of Supervision and Services means the Director of~~  
6 ~~Supervision and Services appointed pursuant to section 83-1,101;~~

7 ~~(5) (6)~~ Facility means any prison, reformatory, training school,  
8 reception center, community guidance center, group home, or other  
9 institution operated by the department;

10 ~~(6) (7)~~ Good time means any reduction of sentence granted pursuant  
11 to sections 83-1,107 and 83-1,108;

12 ~~(7) (8)~~ Maximum term means the maximum sentence provided by law or  
13 the maximum sentence imposed by a court, whichever is shorter;

14 ~~(8) (9)~~ Minimum term means the minimum sentence provided by law or  
15 the minimum sentence imposed by a court, whichever is longer;

16 ~~(9) (10)~~ Pardon authority means the power to remit fines and  
17 forfeitures and to grant respites, reprieves, pardons, or commutations;

18 ~~(10) (11)~~ Parole term means the time from release on parole to the  
19 completion of the maximum term, reduced by good time;

20 ~~(11) (12)~~ Person committed to the department means any person  
21 sentenced or committed to a facility within the department;

22 ~~(12) (13)~~ Restrictive housing means conditions of confinement that  
23 provide limited contact with other offenders, strictly controlled  
24 movement while out of cell, and out-of-cell time of less than twenty-four  
25 hours per week; and

26 ~~(13) (14)~~ Solitary confinement means the status of confinement of an  
27 inmate in an individual cell having solid, soundproof doors and which  
28 deprives the inmate of all visual and auditory contact with other  
29 persons.

30 **Sec. 130.** Section 83-171, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           83-171 There is hereby created a Department of Correctional Services  
2 which shall:

3           (1) Maintain and administer facilities required for the custody,  
4 control, correctional treatment, and rehabilitation of persons committed  
5 to the department and for the safekeeping of such other persons as may be  
6 remanded to the department in accordance with law;

7           (2) Develop policies and programs for the correctional treatment and  
8 rehabilitation of persons committed to the department;

9           (3) Supervise parolees who have been committed to the department;  
10 and

11           (4) Administer parole services in the facilities and in the  
12 community; and -

13           (5) Maintain all records and files associated with the Board of  
14 Parole, including relating to individuals subject to lifetime community  
15 supervision under section 83-174.03. This section shall not be construed  
16 to prohibit the department from maintaining daily records and files  
17 associated with the Board of Pardons.

18           **Sec. 131.** Section 83-171.01, Reissue Revised Statutes of Nebraska,  
19 is amended to read:

20           83-171.01 The department ~~and the Division of Parole Supervision~~  
21 shall establish performance metrics for corrections and parole staff.  
22 Such metrics shall measure staff efficacy in providing rehabilitative and  
23 reentry services to committed offenders and parolees. Such metrics shall:

24           (1) Reflect a balanced approach that considers both compliance and  
25 enforcement measures as well as outcomes related to rehabilitation,  
26 reintegration, and public safety;

27           (2) Include indicators of progress for committed offenders and  
28 parolees, such as successful completion of treatment programs,  
29 educational attainment, employment status, and compliance with conditions  
30 of supervision;

31           (3) Emphasize the importance of providing supportive services,

1 fostering positive relationships with committed offenders and parolees,  
2 and promoting successful community reentry; and

3 (4) Be aligned with best practices, stakeholder input, and the  
4 evolving goals and priorities of the criminal justice system.

5 **Sec. 132.** Section 83-173, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 83-173 The Director of Correctional Services shall:

8 (1) Supervise and be responsible for the administration of the  
9 Department of Correctional Services;

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

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

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

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

20 (6) Adopt and promulgate rules and regulations for the management,  
21 correctional treatment, and rehabilitation of persons committed to the  
22 department, the administration of facilities, and the conduct of officers  
23 and employees under his or her jurisdiction;

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

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

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

5           (10) Provide training programs designed to equip employees for duty  
6 in the facilities and related services of the department and to raise and  
7 maintain the educational standards, level of performance, and safety of  
8 such employees;

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

11           (12) Issue or authorize the issuance of a warrant for the arrest of  
12 any person committed to the department who has escaped from the custody  
13 of the department; and

14           (13) Supervise and be responsible for administration of parole  
15 services in the community, including administration of the Community Work  
16 Release and Reentry Centers Act;

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

20           (15) Divide the state into parole districts and appoint district  
21 parole officers and such other employees as may be required to carry out  
22 adequate parole supervision of all parolees, prescribe their powers and  
23 duties, and obtain division offices for staff in each district as may be  
24 necessary;

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

29           (17) Provide the Board of Parole and district judges with any record  
30 of a parolee that the board or such judges may require;

31           (18) Make recommendations to the Board of Parole or district judge

1 in cases of violation of the conditions of parole, issue warrants for the  
2 arrest of parole violators when so instructed by the board or district  
3 judge, and upon instruction of the board, issue certificates of parole  
4 and of parole revocation to the facilities and certificates of discharge  
5 from parole to parolees;

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

8 (20) Use the funds provided under section 83-1,107.02 to augment  
9 operational or personnel costs associated with the development,  
10 implementation, and evaluation of enhanced parole-based programs and  
11 purchase services to provide such programs aimed at enhancing adult  
12 parolee supervision in the community and treatment needs of parolees.  
13 Such enhanced parole-based programs include, but are not limited to,  
14 specialized units of supervision, related equipment purchases and  
15 training, and programs that address a parolee's vocational, educational,  
16 mental health, behavioral, or substance abuse treatment needs, including  
17 evidence-based peer and family support programs;

18 (21) Ensure that any risk or needs assessment instrument utilized by  
19 the department be periodically validated;

20 (22) Each January 1, report to the Governor and electronically to  
21 the Clerk of the Legislature the number of parole revocations and the  
22 number of technical violations of parole;

23 (23) Take all actions necessary to assist the board in carrying out  
24 its duties under section 83-962 during a correctional system overcrowding  
25 emergency;

26 (24) Administer the Interstate Compact for Adult Offender  
27 Supervision; and

28 (25) ~~(13)~~ Exercise all powers and perform all duties necessary and  
29 proper in carrying out his or her responsibilities.

30 **Sec. 133.** Section 83-174.03, Reissue Revised Statutes of Nebraska,  
31 is amended to read:



1           83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is  
2 convicted of or completes a term of incarceration for a registrable  
3 offense under section 29-4003 and has a previous conviction for a  
4 registrable offense under such section, (b) is convicted of sexual  
5 assault of a child in the first degree pursuant to section 28-319.01, or  
6 (c) is convicted of or completes a term of incarceration for an  
7 aggravated offense as defined in section 29-4001.01, shall, upon  
8 completion of his or her term of incarceration or release from civil  
9 commitment, be supervised in the community by the department ~~Division of~~  
10 ~~Parole Supervision~~ for the remainder of his or her life.

11           (2) Notice shall be provided to the department ~~division~~ by an agency  
12 or political subdivision which has custody of an individual required to  
13 be supervised in the community pursuant to subsection (1) of this section  
14 at least sixty days prior to the release of such individual from custody.

15           (3) Individuals required to be supervised in the community pursuant  
16 to subsection (1) of this section shall undergo a risk assessment and  
17 evaluation by the department ~~division~~ to determine the conditions of  
18 community supervision to be imposed to best protect the public from the  
19 risk that the individual will reoffend.

20           (4) Conditions of community supervision imposed on an individual by  
21 the department ~~division~~ may include the following:

22           (a) Drug and alcohol testing if the conviction resulting in the  
23 imposition of community supervision involved the use of drugs or alcohol;

24           (b) Restrictions on employment and leisure activities necessary to  
25 minimize interaction with potential victims;

26           (c) Requirements to report regularly to the individual's community  
27 supervision officer;

28           (d) Requirements to reside at a specified location and notify the  
29 individual's community supervision officer of any change in address or  
30 employment;

31           (e) A requirement to allow the department ~~division~~ access to medical

1 records from the individual's current and former providers of treatment;

2 (f) A requirement that the individual submit himself or herself to  
3 available medical, psychological, psychiatric, or other treatment,  
4 including, but not limited to, polygraph examinations; or

5 (g) Any other conditions designed to minimize the risk of  
6 recidivism, including, but not limited to, the use of electronic  
7 monitoring, which are not unduly restrictive.

8 **Sec. 134.** Section 83-174.04, Reissue Revised Statutes of Nebraska,  
9 is amended to read:

10 83-174.04 An individual who violates one or more of the conditions  
11 of community supervision established for him or her pursuant to section  
12 83-174.03 shall undergo a review by the department ~~Division of Parole~~  
13 ~~Supervision~~ to evaluate the risk posed to the public by the violation in  
14 question. The department ~~division~~ may take any of the following actions  
15 in response to a violation of conditions of community supervision:

16 (1) Revise or impose additional conditions of community supervision  
17 in order to minimize the risk to the public from the continued presence  
18 of the individual in the community;

19 (2) Forward to the Attorney General or the county attorney in the  
20 county where the individual resides a request to initiate a criminal  
21 prosecution for failure to comply with the terms of community  
22 supervision; or

23 (3) Forward to the county attorney or Attorney General a  
24 recommendation that civil commitment proceedings be instituted with  
25 respect to the individual.

26 **Sec. 135.** Section 83-174.05, Reissue Revised Statutes of Nebraska,  
27 is amended to read:

28 83-174.05 Failure to comply with the conditions of community  
29 supervision imposed by the department ~~Division of Parole Supervision~~ is a  
30 Class IV felony for the first offense and a Class III felony for any  
31 subsequent offense.

1           **Sec. 136.** Section 83-192, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           83-192 (1) The Board of Parole shall:

4           (a) Determine the time of release on parole of committed offenders  
5 eligible for such release;

6           (b) Fix the conditions of parole, revoke parole, issue or authorize  
7 the issuance of warrants for the arrest of parole violators, and impose  
8 other sanctions short of revocation for violation of conditions of  
9 parole;

10          (c) Determine the time of mandatory discharge from parole;

11          (d) Visit and inspect any facility, state or local, for the  
12 detention of persons charged with or convicted of an offense and for the  
13 safekeeping of such other persons as may be remanded to such facility in  
14 accordance with law;

15          (e) ~~Implement within two years after July 1, 2006, implement~~ the  
16 utilization of a validated risk and needs assessment in coordination with  
17 the Department of Correctional Services ~~and the Division of Parole~~  
18 ~~Supervision~~. The assessment shall be prepared and completed by the  
19 department ~~or the division~~ for use by the board in determining release on  
20 parole;

21          (f) Review the record of every parole-eligible committed offender  
22 annually when he or she is within three years of his or her earliest  
23 parole eligibility date.

24          The review schedule shall be based on court-imposed sentences or  
25 statutory minimum sentences, whichever are greater. The board is not  
26 required to review the record of a committed offender when the committed  
27 offender's parole eligibility date is within one month of his or her  
28 mandatory discharge date. Nothing in such schedule shall prohibit the  
29 board from reviewing a committed offender's case at any time;

30          (g) Appoint and remove all employees of the board as prescribed by  
31 the State Personnel System and delegate appropriate powers and duties to

1     them;

2           (h) Carry out its duties under section 83-962 during a correctional  
3     system overcrowding emergency;

4           (i) Adopt and promulgate rules and regulations; and

5           (j) Exercise all powers and perform all duties necessary and proper  
6     in carrying out its responsibilities under the Nebraska Treatment and  
7     Corrections Act.

8           (2) The chairperson of the board shall:

9           (a) Supervise the administration and operation of the board;

10          (b) Serve in an advisory capacity to the director in administering  
11     parole services within any facility;

12          (c) Interpret the parole program to the public with a view toward  
13     developing a broad base of public support;

14          (d) Conduct research for the purpose of evaluating and improving the  
15     effectiveness of the parole system;

16          (e) Recommend parole legislation to the Governor;

17          (f) Adopt and promulgate rules and regulations for the  
18     administration and operation of the board;

19          (g) Take all actions necessary to assist the board in carrying out  
20     its duties under section 83-962 during a correctional system overcrowding  
21     emergency; and

22          (h) Exercise all other powers and perform all other duties necessary  
23     and proper in carrying out his or her responsibilities as chairperson.

24          (3) This section does not prohibit a committed offender from  
25     requesting that the board review his or her record. The board is not  
26     required to review a committed offender's record more than once a year,  
27     except as otherwise required by statute, including section 83-962.

28          **Sec. 137.** Section 83-1,100, Reissue Revised Statutes of Nebraska, is  
29     amended to read:

30           83-1,100   ~~(1) There is hereby created the Division of Parole~~  
31     ~~Supervision within the department. The employees of the division shall~~

1 ~~consist of the Director of Supervision and Services, the field parole~~  
2 ~~service officers, and all other division staff. The division shall be~~  
3 ~~responsible for the following:~~

4 ~~(a) The administration of parole services in the community,~~  
5 ~~including administration of the Community Work Release and Reentry~~  
6 ~~Centers Act;~~

7 ~~(b) The maintenance of all records and files associated with the~~  
8 ~~Board of Parole;~~

9 ~~(c) The daily supervision and training of staff members of the~~  
10 ~~division, including training regarding evidence-based practices in~~  
11 ~~supervision pursuant to section 83-1,100.02; and~~

12 ~~(d) The assessment, evaluation, and supervision of individuals who~~  
13 ~~are subject to parole supervision, including lifetime community~~  
14 ~~supervision pursuant to section 83-174.03.~~

15 ~~(2) Parole officers shall be compensated with salaries substantially~~  
16 ~~equal to other state employees who have similar responsibilities,~~  
17 ~~including employees of the Office of Probation Administration. This~~  
18 ~~section subsection shall apply only to field parole service officers and~~  
19 ~~support staff and shall not apply to the director Director of Supervision~~  
20 ~~and Services or any other management-level position.~~

21 ~~(3) This section does not prohibit the division from maintaining~~  
22 ~~daily records and files associated with the Board of Pardons.~~

23 **Sec. 138.** Section 83-1,100.02, Reissue Revised Statutes of Nebraska,  
24 is amended to read:

25 83-1,100.02 (1) For purposes of this section:

26 (a) Levels of supervision means the determination of the following  
27 for each person on parole:

28 (i) Supervision contact requirements, including the frequency,  
29 location, methods, and nature of contact with the parole officer;

30 (ii) Substance abuse testing requirements and frequency;

31 (iii) Contact restrictions;

1 (iv) Curfew restrictions;

2 (v) Access to available programs and treatment, with priority given  
3 to moderate-risk and high-risk parolees; and

4 (vi) Severity of graduated responses to violations of supervision  
5 conditions;

6 (b) Responsivity factors means characteristics of a parolee that  
7 affect the parolee's ability to respond favorably or unfavorably to any  
8 treatment goals; and

9 (c) Risk and needs assessment means an actuarial tool that has been  
10 validated in Nebraska to determine the likelihood of the parolee engaging  
11 in future criminal behavior.

12 (2) The department ~~Division of Parole Supervision~~ shall establish an  
13 evidence-based process that utilizes a risk and needs assessment to  
14 measure criminal risk factors, specific individual needs, and  
15 responsivity factors.

16 (3) The risk and needs assessment shall be performed at the  
17 commencement of the parole term and every six months thereafter by  
18 department ~~division~~ staff trained and certified in the use of the risk  
19 and needs assessment.

20 (4) The validity of the risk and needs assessment shall be tested at  
21 least every five years.

22 (5) Based on the results of the risk and needs assessment, the  
23 department ~~division~~ shall target parolee criminal risk and need factors  
24 by focusing sanction, program, and treatment resources on moderate-risk  
25 and high-risk parolees.

26 (6) The department ~~division~~ shall provide training to its parole  
27 officers on (a) use of a risk and needs assessment, (b) risk-based  
28 supervision strategies, (c) relationship skills, (d) cognitive behavioral  
29 interventions, (e) community-based resources, (f) criminal risk factors,  
30 (g) targeting criminal risk factors to reduce recidivism, (h) proper use  
31 of a matrix of administrative sanctions, custodial sanctions, and rewards

1 developed pursuant to section 83-1,119, and (i) addressing responsivity  
2 factors. Each parole officer shall complete the training requirements set  
3 forth in this subsection within one year after his or her hire date or  
4 September 1, 2024, whichever is later.

5 (7) The department ~~division~~ shall provide training for chief parole  
6 officers to become trainers so as to ensure long-term and self-sufficient  
7 training capacity in the state.

8 **Sec. 139.** Section 83-1,103, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 83-1,103 The field parole service, consisting of district parole  
11 officers working under the direction of the director ~~Director of~~  
12 ~~Supervision and Services~~ or district judge, shall be responsible for the  
13 investigation, supervision, and assistance of parolees, probationers, or  
14 individuals subject to community supervision under section 83-174.03. The  
15 field parole service shall be sufficient in size to assure that no  
16 district parole officer carries a case load larger than is compatible  
17 with adequate parole investigation or supervision.

18 **Sec. 140.** Section 83-1,103.01, Reissue Revised Statutes of Nebraska,  
19 is amended to read:

20 83-1,103.01 A parole officer assigned by the director ~~Director of~~  
21 ~~Supervision and Services~~ to supervise individuals subject to lifetime  
22 community supervision pursuant to section 83-174.03 shall:

23 (1) Make investigations, prior to an individual subject to community  
24 supervision being released from incarceration, in cooperation with  
25 institutional caseworkers at prisons, mental health facilities, and  
26 county jails, to determine the community supervision conditions necessary  
27 to protect the public and make reasonable advance preparation for release  
28 into the community;

29 (2) Assist individuals subject to community supervision to comply  
30 with the conditions of supervision and to make a successful adjustment in  
31 the community;

1 (3) Supervise individuals subject to community supervision by  
2 keeping informed of their conduct and condition;

3 (4) Make reports as required by the director ~~Director of Supervision~~  
4 ~~and Services~~ to determine the effectiveness of community supervision in  
5 protecting the public or the progress of an individual subject to  
6 community supervision;

7 (5) Cooperate with social welfare agencies and treatment providers  
8 to ensure that individuals subject to community supervision receive any  
9 necessary services or treatment;

10 (6) Inform the director ~~Director of Supervision and Services~~ when,  
11 in the opinion of the community supervision officer, an individual is in  
12 violation of the conditions of his or her community supervision, and  
13 whenever necessary exercise the power of arrest as provided in section  
14 83-173 ~~83-1,102~~;

15 (7) Conduct periodic reviews of the conditions of community  
16 supervision imposed on an individual as required by the director ~~Director~~  
17 ~~of Supervision and Services~~; and

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

20 **Sec. 141.** Section 83-1,103.02, Reissue Revised Statutes of Nebraska,  
21 is amended to read:

22 83-1,103.02 (1) Prior to the release from incarceration of an  
23 individual subject to lifetime community supervision pursuant to section  
24 83-174.03, the department ~~Division of Parole Supervision~~ shall:

25 (a) Notify the individual in writing that he or she is subject to  
26 community supervision upon completion of his or her criminal sentence;

27 (b) Inform the individual subject to community supervision of the  
28 process by which conditions of community supervision are determined and  
29 his or her right to submit relevant information to the department  
30 ~~division~~ for consideration when establishing the conditions of  
31 supervision;



1 (c) Determine the individual's risk of recidivism if released into  
2 the community, utilizing a validated risk assessment tool;

3 (d) After considering the information required in subdivision (e) of  
4 this subsection, determine the conditions of supervision which will most  
5 effectively minimize the risk of the individual committing another sex  
6 offense. The conditions shall be the least restrictive conditions  
7 available, in terms of the effect on the individual's personal freedom,  
8 which minimize the risk of recidivism and are compatible with public  
9 safety; and

10 (e) In determining the conditions of supervision to be imposed, the  
11 department ~~division~~ shall consider the following:

12 (i) A report prepared by the institutional caseworkers relating to  
13 the individual's personality, social history, and adjustment to authority  
14 and including any recommendations which the staff of the facility may  
15 make;

16 (ii) All official reports of the individual's prior criminal record,  
17 including reports and records of earlier probation and parole  
18 experiences;

19 (iii) The presentence investigation report;

20 (iv) The reports of any physical, mental, and psychiatric  
21 examinations of the individual;

22 (v) Any relevant information which may be submitted by the  
23 individual, his or her attorney, the victim of the crime, or other  
24 persons; and

25 (vi) Such other relevant information concerning the individual as  
26 may be reasonably available.

27 (2) Upon completion of the risk assessment and the determination of  
28 the conditions of community supervision and no later than thirty days  
29 prior to the completion of the individual's criminal sentence, the  
30 department ~~division~~ shall issue a certificate of community supervision to  
31 the individual containing the conditions of community supervision he or

1 she will be required to comply with upon the completion of his or her  
2 criminal sentence. The director ~~Director of Supervision and Services~~  
3 shall include with the certificate written information on how to appeal  
4 the determination of the conditions of community supervision.

5 **Sec. 142.** Section 83-1,103.03, Reissue Revised Statutes of Nebraska,  
6 is amended to read:

7 83-1,103.03 (1) The department ~~Division of Parole Supervision~~ shall  
8 review the conditions of community supervision imposed on an individual  
9 pursuant to section 83-174.03 on an annual basis and shall provide the  
10 individual the opportunity to submit written materials to the department  
11 ~~division~~ for consideration during such review.

12 (2) If the department ~~division~~ determines, after reviewing the  
13 individual's conduct while under supervision and any other relevant  
14 facts, that one or more of the conditions of community supervision  
15 imposed upon the individual is no longer necessary to reduce the risk of  
16 the individual reoffending or is no longer the least restrictive  
17 condition compatible with public safety, the department ~~division~~ shall  
18 revise the conditions of community supervision so that the individual's  
19 freedom is not unnecessarily restricted.

20 **Sec. 143.** Section 83-1,103.04, Reissue Revised Statutes of Nebraska,  
21 is amended to read:

22 83-1,103.04 (1) Whenever a determination or revision of the  
23 conditions of community supervision is made by the department ~~Division of~~  
24 ~~Parole Supervision~~, the individual subject to the conditions shall be  
25 entitled to an appeal. The appeal shall be heard by the district court in  
26 the county where the individual resides. The individual shall be informed  
27 of his or her right to request counsel, and if counsel is requested the  
28 court shall determine if the individual is indigent. If the court finds  
29 the individual to be indigent, it shall appoint counsel from the public  
30 defender's office to represent the individual during the appeal.

31 (2) In an appeal contesting the determination or revision of the

1 conditions of community supervision, the burden of proof shall be on the  
2 individual subject to community supervision to show by clear and  
3 convincing evidence (a) that the conditions in question will not reduce  
4 the risk of the individual reoffending or otherwise protect the public or  
5 (b) that the condition is overly restrictive of the individual's freedom  
6 and a less restrictive condition is available which is equally or more  
7 effective in reducing the risk of the individual reoffending.

8 **Sec. 144.** Section 83-1,104, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 83-1,104 A district parole officer shall:

11 (1) Make investigations, prior to a committed offender's release on  
12 parole, in cooperation with institutional caseworkers and the Board of  
13 Parole to determine the adequacy of parole plans and make reasonable  
14 advance preparation for release on parole;

15 (2) Assist a committed offender who requests assistance prior to  
16 release or a parolee to comply with the conditions of parole and to make  
17 a successful adjustment in the community, including facilitating the  
18 transitional needs of housing and employment, access to and participation  
19 in job training services in the community, access to mental health  
20 services, assisting with applications for health care coverage or  
21 ensuring that the committed offender or parolee knows how to apply for  
22 and obtain health care coverage, and assisting with enrollment in the  
23 medical assistance program established pursuant to the Medical Assistance  
24 Act, if eligible, to ensure that the committed offender or parolee has  
25 access to such program close to the time of release or soon thereafter;

26 (3) Supervise parolees by keeping informed of their conduct and  
27 condition, utilizing global positioning systems and other monitoring  
28 technology as needed during the period of supervision;

29 (4) Make such reports as required by the director ~~Director~~ of  
30 ~~Supervision and Services~~ or district judge to determine the effectiveness  
31 of the parole system or the progress of an individual parolee;

1 (5) Cooperate with social welfare agencies;

2 (6) Observe the work of any parole officer under his or her  
3 supervision from time to time;

4 (7) Inform the director ~~Director of Supervision and Services~~ when,  
5 in his or her opinion, any eligible parolee's conduct and attitude  
6 warrant his or her discharge from active supervision, or when any  
7 parolee's violation of the conditions of parole is of sufficient  
8 seriousness to require action by the Board of Parole or district judge  
9 and whenever necessary exercise the power of arrest as provided in  
10 section 83-1,119;

11 (8) Delegate in his or her discretion any of the above  
12 responsibilities to a parole officer under his or her supervision; and

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

15 **Sec. 145.** Section 83-1,107, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 83-1,107 (1)(a) Within sixty days after initial classification and  
18 assignment of any offender committed to the department, all available  
19 information regarding such committed offender shall be reviewed and a  
20 committed offender department-approved personalized program plan document  
21 shall be drawn up. The document shall specifically describe the  
22 department-approved personalized program plan and the specific goals the  
23 department expects the committed offender to achieve. The document shall  
24 also contain a realistic schedule for completion of the department-  
25 approved personalized program plan. The department-approved personalized  
26 program plan shall be developed with the active participation of the  
27 committed offender. The department shall provide programs to allow  
28 compliance by the committed offender with the department-approved  
29 personalized program plan.

30 Programming may include, but is not limited to:

31 (i) Academic and vocational education, including teaching such

1 classes by qualified offenders;  
2 (ii) Substance abuse treatment;  
3 (iii) Mental health and psychiatric treatment, including criminal  
4 personality programming;  
5 (iv) Constructive, meaningful work programs; and  
6 (v) Any other program deemed necessary and appropriate by the  
7 department.

8 (b) A modification in the department-approved personalized program  
9 plan may be made to account for the increased or decreased abilities of  
10 the committed offender or the availability of any program. Any  
11 modification shall be made only after notice is given to the committed  
12 offender. The department may not impose disciplinary action upon any  
13 committed offender solely because of the committed offender's failure to  
14 comply with the department-approved personalized program plan, but such  
15 failure may be considered by the board in its deliberations on whether or  
16 not to grant parole to a committed offender.

17 (2)(a) The department shall reduce the term of a committed offender  
18 by six months for each year of the offender's term and pro rata for any  
19 part thereof which is less than a year.

20 (b) In addition to reductions granted in subdivision (2)(a) of this  
21 section, the department shall reduce the term of a committed offender by  
22 three days on the first day of each month following a twelve-month period  
23 of incarceration within the department during which the offender has not  
24 been found guilty of (i) a Class I or Class II offense or (ii) more than  
25 three Class III offenses under the department's disciplinary code.  
26 Reductions earned under this subdivision shall not be subject to forfeit  
27 or withholding by the department.

28 (c) The total reductions under this subsection shall be credited  
29 from the date of sentence, which shall include any term of confinement  
30 prior to sentence and commitment as provided pursuant to section  
31 83-1,106, and shall be deducted from the maximum term, to determine the

1 date when discharge from the custody of the state becomes mandatory.

2 (3) While the offender is in the custody of the department,  
3 reductions of terms granted pursuant to subdivision (2)(a) of this  
4 section may be forfeited, withheld, and restored by the chief executive  
5 officer of the facility with the approval of the director after the  
6 offender has been notified regarding the charges of misconduct.

7 (4) The department, in consultation with the board, shall ensure  
8 that a release or reentry plan is complete or near completion when the  
9 offender has served at least eighty percent of his or her sentence. For  
10 purposes of this subsection, release or reentry plan means a  
11 comprehensive and individualized strategic plan to ensure an individual's  
12 safe and effective transition or reentry into the community to which he  
13 or she resides with the primary goal of reducing recidivism. At a  
14 minimum, the release or reentry plan shall include, but not be limited  
15 to, consideration of the individual's housing needs, medical or mental  
16 health care needs, and transportation and job needs and shall address an  
17 individual's barriers to successful release or reentry in order to  
18 prevent recidivism. The release or reentry plan does not include an  
19 individual's programming needs included in the individual's personalized  
20 program plan for use inside the prison. However, the department shall  
21 include in the release or reentry plan information regarding the  
22 individual's progress on the individual's personalized program plan for  
23 use inside the prison.

24 (5)(a) The department shall make treatment programming available to  
25 committed offenders as provided in section 83-1,110.01 and shall include  
26 continuing participation in such programming as part of each offender's  
27 department-approved personalized program plan developed under subsection  
28 (1) of this section.

29 (b) Any committed offender with a mental illness shall be provided  
30 with the community standard of mental health care. The mental health care  
31 shall utilize evidence-based therapy models that include an evaluation

1 component to track the effectiveness of interventions.

2 (c) Any committed offender with a mental illness shall be evaluated  
3 before release to ensure that adequate monitoring and treatment of the  
4 committed offender will take place or, if appropriate, that a commitment  
5 proceeding under the Nebraska Mental Health Commitment Act or the Sex  
6 Offender Commitment Act will take place.

7 (6)(a) Within thirty days after any committed offender has been  
8 paroled, all available information regarding such parolee shall be  
9 reviewed and a case plan document shall be drawn up and approved by the  
10 department ~~Division of Parole Supervision~~. The document shall  
11 specifically describe the approved case plan and the specific goals the  
12 department ~~division~~ expects the parolee to achieve. The document shall  
13 also contain a realistic schedule for completion of the approved case  
14 plan. The approved case plan shall be developed with the active  
15 participation of the parolee. During the term of parole, the parolee  
16 shall comply with the approved case plan and the department ~~division~~  
17 shall provide programs to allow compliance by the parolee with the  
18 approved case plan.

19 Programming may include, but is not limited to:

20 (i) Academic and vocational education;  
21 (ii) Substance abuse treatment;  
22 (iii) Mental health and psychiatric treatment, including criminal  
23 personality programming;  
24 (iv) Constructive, meaningful work programs;  
25 (v) Community service programs; and  
26 (vi) Any other program deemed necessary and appropriate by the  
27 department ~~division~~.

28 (b) A modification in the approved case plan may be made to account  
29 for the increased or decreased abilities of the parolee or the  
30 availability of any program. Any modification shall be made only after  
31 notice is given to the parolee. Intentional failure to comply with the

1 approved case plan by any parolee as scheduled for any year, or pro rata  
2 part thereof, shall cause disciplinary action to be taken by the  
3 department ~~division~~ resulting in the forfeiture of up to a maximum of  
4 three months' good time for the scheduled year.

5 (7) While the offender is in the custody of the board, reductions of  
6 terms granted pursuant to subdivision (2)(a) of this section may be  
7 forfeited, withheld, and restored by the director upon the recommendation  
8 of the board after the offender has been notified regarding the charges  
9 of misconduct or breach of the conditions of parole.

10 (8) Good time or other reductions of sentence granted under the  
11 provisions of any law prior to July 1, 1996, may be forfeited, withheld,  
12 or restored in accordance with the terms of the Nebraska Treatment and  
13 Corrections Act.

14 (9) Pursuant to rules and regulations adopted by the probation  
15 administrator and the director, an individualized post-release  
16 supervision plan shall be collaboratively prepared by the Office of  
17 Probation Administration and the department and provided to the court to  
18 prepare individuals under custody of the department for post-release  
19 supervision. All records created during the period of incarceration shall  
20 be shared with the Office of Probation Administration and considered in  
21 preparation of the post-release supervision plan.

22 **Sec. 146.** Section 83-1,107.01, Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 83-1,107.01 (1) Unless otherwise provided by this section, whenever  
25 an adult offender is paroled, the board shall require a parolee to pay a  
26 monthly parole programming fee.

27 (2) Parolees under the supervision of the department ~~Division~~ of  
28 ~~Parole Supervision~~ shall pay a monthly parole programming fee of twenty-  
29 five dollars, not later than the tenth day of each month, beginning the  
30 second month of parole supervision and continuing for the duration of the  
31 parole.



1           (3) The board shall waive payment of the monthly parole programming  
2 fee in whole or in part if after a hearing a determination is made that  
3 such payment would constitute an undue hardship on the parolee due to  
4 limited income, employment or school status, or physical or mental  
5 handicap. Such waiver shall be in effect only during the period of time  
6 that the parolee is unable to pay his or her monthly parole programming  
7 fee.

8           (4) When monthly parole programming fees are waived, in whole or in  
9 part, the parole officer, pursuant to rules and regulations adopted by  
10 the board, may contract with the parolee to perform approved community  
11 service at the rate of five dollars per hour in lieu of payment of  
12 monthly parole programming fees. A parolee may be required to pay a  
13 participation fee in order to take advantage of community service  
14 programs. A parolee may not accumulate more than three months' advance  
15 credit for community service. The use of community service alternatives  
16 does not preclude the imposition of other intermediate measures.

17           (5) The department, ~~division~~ with the approval of the Board of  
18 Parole, shall implement sanctions if a parolee defaults in the payment of  
19 monthly parole programming fees or any installment thereof as established  
20 by subsection (2) of this section, except that parole shall not be  
21 revoked nor shall the parolee be imprisoned for such nonpayment if the  
22 parolee is financially unable to make the payment.

23           (6) If the board determines that the default in payment described in  
24 subsection (5) of this section was not attributable to a deliberate  
25 refusal to obey the order of the board or to failure on the parolee's  
26 part to make a good faith effort to obtain the funds required for  
27 payment, the board may allow the parolee additional time for payment,  
28 reduce the amount of each installment, or revoke the fees or the unpaid  
29 portion in whole or in part.

30           (7) No parolee shall be required to pay more than one monthly parole  
31 programming fee per month.

1 (8) The imposition of monthly parole programming fees in this  
2 section shall be considered separate and apart from specific service  
3 delivery fees.

4 (9) Any adult offender received for supervision pursuant to section  
5 29-2637 or the Interstate Compact for Adult Offender Supervision shall be  
6 assessed a monthly parole programming fee during the period of time the  
7 offender is actively supervised by Nebraska parole authorities.

8 (10) A parolee shall pay the fees described in this section to the  
9 department ~~division~~. The department ~~division~~ shall remit all fees to the  
10 State Treasurer for credit to the Parole Program Cash Fund.

11 (11) The board and the department ~~division~~ shall adopt and  
12 promulgate rules and regulations to carry out this section.

13 **Sec. 147.** Section 83-1,107.02, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15 83-1,107.02 The Parole Program Cash Fund is created. All funds  
16 collected pursuant to section 83-1,107.01 shall be remitted to the State  
17 Treasurer for credit to the fund. The fund shall be utilized by the  
18 department ~~Division of Parole Supervision~~ for the purposes stated in  
19 subdivision (20) ~~(8)~~ of section 83-173 ~~83-1,102~~. Any money in the fund  
20 available for investment shall be invested by the state investment  
21 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
22 State Funds Investment Act.

23 **Sec. 148.** Section 83-1,109, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 83-1,109 The chief executive officer of a facility shall regularly  
26 report all good time and all forfeitures, withholdings, and restorations  
27 of good time to the director. On the basis of such report, the director  
28 shall inform the board ~~and the Director of Supervision and Services~~ of  
29 all committed offenders who are expected to become eligible for release  
30 on parole within the next three months.

31 **Sec. 149.** Section 83-1,118, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 83-1,118 (1) If, in the opinion of the board, upon receipt of  
3 information from the director ~~Director of Supervision and Services~~, a  
4 parolee has shown suitable compliance with his or her parole programming  
5 plan, the board may reduce the level of supervision for a parolee that is  
6 commensurate with the best interests of the parolee and is compatible  
7 with the protection of the public.

8 (2) The board shall discharge a parolee from parole when the time  
9 served in the custody of the department and the time served on parole  
10 equal the maximum term less good time.

11 (3) The department shall discharge a committed offender from the  
12 custody of the department when the time served in the facility equals the  
13 maximum term less good time.

14 (4) Upon completion of the lawful requirements of the sentence, the  
15 department shall provide the parolee or committed offender with a written  
16 notice regarding his or her civil rights. The notice shall inform the  
17 parolee or committed offender that voting rights are restored upon  
18 completion of the sentence. The notice shall also include information on  
19 restoring other civil rights through the pardon process, including  
20 application to and hearing by the Board of Pardons.

21 (5) The Board of Parole may discharge a parolee from parole when  
22 such parolee is under the supervision of another state's correctional  
23 institution and such offender has reached the expiration date of his or  
24 her Nebraska parole term.

25 **Sec. 150.** Section 83-1,119, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 83-1,119 (1) For purposes of this section:

28 (a) Absconding parole supervision means a parolee has purposely  
29 avoided supervision for a period of at least two weeks and reasonable  
30 efforts by a parole officer and staff to locate the parolee in person  
31 have proven unsuccessful;

1 (b) Administrative sanction means additional parole requirements  
2 imposed upon a parolee by his or her parole officer, with the full  
3 knowledge and consent of the parolee, designed to hold the parolee  
4 accountable for substance abuse or technical violations of conditions of  
5 parole, including, but not limited to:

6 (i) Counseling or reprimand by the department ~~Division of Parole~~  
7 ~~Supervision~~;

8 (ii) Increased supervision contact requirements;

9 (iii) Increased substance abuse testing;

10 (iv) Referral for substance abuse or mental health evaluation or  
11 other specialized assessment, counseling, or treatment;

12 (v) Imposition of a designated curfew for a period to be determined  
13 by the department ~~division~~; and

14 (vi) Travel restrictions to stay within his or her county of  
15 residence or employment unless otherwise permitted by the department  
16 ~~division~~;

17 (c) Contract facility means a county jail that contracts with the  
18 department to house parolees or other offenders under the jurisdiction of  
19 the department;

20 (d) Substance abuse violation means a parolee's activities or  
21 behaviors associated with the use of chemical substances or related  
22 treatment services resulting in a violation of an original condition of  
23 parole, including:

24 (i) Positive breath test for the consumption of alcohol if the  
25 parolee is required to refrain from alcohol consumption;

26 (ii) Positive urinalysis for the illegal use of drugs;

27 (iii) Failure to report for alcohol testing or drug testing; and

28 (iv) Failure to appear for or complete substance abuse or mental  
29 health treatment evaluations or inpatient or outpatient treatment; and

30 (e) Technical violation means a parolee's activities or behaviors  
31 which create the opportunity for re-offending or diminish the

1 effectiveness of parole supervision resulting in a violation of an  
2 original condition of parole and includes:

- 3 (i) Moving traffic violations;  
4 (ii) Failure to report to his or her parole officer;  
5 (iii) Leaving the state without the permission of the Board of  
6 Parole;  
7 (iv) Failure to work regularly or attend training or school;  
8 (v) Failure to notify his or her parole officer of change of address  
9 or employment;  
10 (vi) Frequenting places where controlled substances are illegally  
11 sold, used, distributed, or administered; and  
12 (vii) Failure to pay fines, court costs, restitution, or any fees  
13 imposed pursuant to section 83-1,107.01 as directed.

14 Technical violation does not include absconding parole supervision.

15 (2) The department ~~division~~ shall develop a matrix of rewards for  
16 compliance and positive behaviors and graduated administrative sanctions  
17 and custodial sanctions for use in responding to and deterring substance  
18 abuse violations and technical violations. A custodial sanction of thirty  
19 days in a correctional facility or a contract facility shall be  
20 designated as the most severe response to a violation in lieu of  
21 revocation.

22 (3) Whenever a parole officer has reasonable cause to believe that a  
23 parolee has committed or is about to commit a substance abuse violation  
24 or technical violation while on parole, but that the parolee will not  
25 attempt to leave the jurisdiction and will not place lives or property in  
26 danger, the parole officer shall either:

27 (a) Impose one or more administrative sanctions based upon the  
28 parolee's risk level, the severity of the violation, and the parolee's  
29 response to the violation. If administrative sanctions are to be imposed,  
30 the parolee shall acknowledge in writing the nature of the violation and  
31 agree upon the administrative sanction. The parolee has the right to

1 decline to acknowledge the violation. If he or she declines to  
2 acknowledge the violation, the parole officer shall take action pursuant  
3 to subdivision (3)(b) of this section. A copy of the report shall be  
4 submitted to the Board of Parole; or

5 (b) Submit a written report to the Board of Parole, outlining the  
6 nature of the parole violation, and request the imposition of a custodial  
7 sanction of up to thirty days in a correctional facility or a contract  
8 facility. On the basis of the report and such further investigation as  
9 the board may deem appropriate, the board shall determine whether and how  
10 the parolee violated the conditions of parole and may:

11 (i) Dismiss the charge of violation; or

12 (ii) If the board finds a violation justifying a custodial sanction,  
13 issue a warrant if necessary and impose a custodial sanction of up to  
14 thirty days in a correctional facility or a contract facility.

15 (4) Whenever a parole officer has reasonable cause to believe that a  
16 parolee has violated or is about to violate a condition of parole by a  
17 violation other than a substance abuse violation or a technical violation  
18 and the parole officer has reasonable cause to believe that the parolee  
19 will not attempt to leave the jurisdiction and will not place lives or  
20 property in danger, the parole officer shall submit a written report to  
21 the Board of Parole which may, on the basis of such report and such  
22 further investigation as it may deem appropriate:

23 (a) Dismiss the charge of violation;

24 (b) Determine whether the parolee violated the conditions of his or  
25 her parole;

26 (c) Impose a custodial sanction of up to thirty days in a  
27 correctional facility or a contract facility;

28 (d) Revoke his or her parole in accordance with the Nebraska  
29 Treatment and Corrections Act; or

30 (e) Issue a warrant for the arrest of the parolee.

31 (5) Whenever a parole officer has reasonable cause to believe that a

1 parolee has violated or is about to violate a condition of parole and  
2 that the parolee will attempt to leave the jurisdiction or will place  
3 lives or property in danger, the parole officer shall arrest the parolee  
4 without a warrant and call on any peace officer to assist him or her in  
5 doing so.

6 (6) Whenever a parolee is arrested with or without a warrant, he or  
7 she shall be detained in a local jail or other detention facility  
8 operated by the department ~~Department of Correctional Services~~ pending  
9 completion of review of parole proceedings by the Board of Parole.  
10 Immediately after such arrest and detention, the parole officer shall  
11 notify the Board of Parole and submit a written report of the reason for  
12 such arrest. A complete investigation shall be made by the department  
13 ~~Division of Parole Supervision~~ and submitted to the board. After prompt  
14 consideration of such written report, the board shall order the parolee's  
15 release from detention or continued confinement to await a final decision  
16 on imposition of a custodial sanction or the revocation of parole.

17 (7) The Board of Parole shall adopt and promulgate rules and  
18 regulations necessary to carry out this section.

19 **Sec. 151.** Section 83-1,122.02, Reissue Revised Statutes of Nebraska,  
20 is amended to read:

21 83-1,122.02 (1) The department ~~Division of Parole Supervision~~ shall  
22 create a pilot program to establish a technical parole violation  
23 residential housing program. The purpose of the program is to provide  
24 accountability and intensive support for individuals on parole who commit  
25 technical violations, without revoking them fully back to prison.

26 (2) The program shall provide a structured environment for selected  
27 individuals on parole who have committed technical violations. The  
28 program shall be based upon a therapeutic community model. Participants  
29 in the program shall, at a minimum, be required to take part in  
30 counseling, educational, and other programs as the department ~~Division of~~  
31 ~~Parole Supervision~~ deems appropriate, to provide community service, and

1 to submit to drug and alcohol screening.

2 (3) An individual on parole shall not be placed in the pilot program  
3 until the ~~department~~ Division of Parole Supervision has determined the  
4 individual is a suitable candidate in accordance with policies and  
5 guidelines developed by the division.

6 ~~(4) On or before June 1, 2024, the Division of Parole Supervision~~  
7 ~~shall electronically submit a report to the Judiciary Committee of the~~  
8 ~~Legislature regarding the pilot program. The report shall evaluate~~  
9 ~~effects of the pilot program on recidivism and make recommendations~~  
10 ~~regarding expansion of or changes to the program.~~

11 ~~(4)~~ (5) For purposes of this section, technical violation has the  
12 same meaning as in section 83-1,119.

13 **Sec. 152.** Section 83-1,125, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 83-1,125 (1) If a warrant or detainer is placed against a committed  
16 offender by a court, parole agency, or other authority of this or any  
17 other jurisdiction, the ~~director~~ Director of Supervision and Services  
18 shall inquire before such offender becomes eligible for parole whether  
19 the authority concerned intends to execute or withdraw the warrant or  
20 detainer when the offender is released.

21 (2) If the authority notifies the ~~director~~ Director of Supervision  
22 ~~and Services~~ that it intends to execute the warrant or detainer when the  
23 offender is released, the ~~director~~ Director of Supervision and Services  
24 shall advise the authority concerned of the sentence under which the  
25 offender is held, the time of parole eligibility, any decision of the  
26 board relating to the offender, and the nature of the offender's  
27 adjustment during imprisonment and shall give reasonable notice to such  
28 authority of the offender's release date.

29 (3) The board may parole an offender who is eligible for release to  
30 a warrant or detainer. If an offender is paroled to such a warrant or  
31 detainer, the board may provide, as a condition of release, that if the



1 charge or charges on which the warrant or detainer is based are  
2 dismissed, or are satisfied after conviction and sentence, prior to the  
3 expiration of the offender's parole term, the authority to whose warrant  
4 or detainer the offender is released shall return the offender to serve  
5 the remainder of the parole term or such part as the board may determine.

6 (4) If a person paroled to a warrant or detainer is thereafter  
7 sentenced and placed on probation, or released on parole in another  
8 jurisdiction, prior to the expiration of the parole term less good time  
9 in this state, the board may permit the person to serve the remainder of  
10 the parole term or such part as the board may determine concurrently with  
11 the person's new probation or parole term. Such concurrent terms may be  
12 served in either of the two jurisdictions, and supervision shall be  
13 administered in accordance with the Interstate Compact for Adult Offender  
14 Supervision.

15 **Sec. 153.** Section 83-1,125.01, Reissue Revised Statutes of Nebraska,  
16 is amended to read:

17 83-1,125.01 (1) The Board of Parole and the department ~~Division of~~  
18 ~~Parole Supervision~~ may maintain an individual file for each person who is  
19 under the jurisdiction of the Board of Parole. Such file may be  
20 maintained electronically and shall include, when available and  
21 appropriate, the following information on such person:

- 22 (a) Admission summary;
- 23 (b) Presentence investigation report;
- 24 (c) Classification reports and recommendations;
- 25 (d) Official records of conviction and commitment along with any  
26 earlier criminal records;
- 27 (e) Progress reports and admission-orientation reports;
- 28 (f) Reports of any disciplinary infractions and their disposition;
- 29 (g) Risk and needs assessments;
- 30 (h) Parole plan and parole placement and investigation worksheets;
- 31 (i) Decision guideline scores;

1 (j) Parole case plan;  
2 (k) Parole progress reports and contact notes;  
3 (l) Arrest and violation reports, including disposition;  
4 (m) Parole proceedings orders and notices;  
5 (n) Other documents related to parole supervision;  
6 (o) Correspondence; and  
7 (p) Other pertinent data concerning his or her background, conduct,  
8 associations, and family relationships.

9 (2) Any decision concerning release on or revocation of parole or  
10 imposition of sanctions shall be made only after the individual file has  
11 been reviewed. The contents of the individual file shall be confidential  
12 unless disclosed in connection with a public hearing and shall not be  
13 subject to public inspection except by court order for good cause shown.  
14 The contents of the file shall not be accessible to any person under the  
15 jurisdiction of the Board of Parole. A person under the jurisdiction of  
16 the board may obtain access to his or her medical records by request to  
17 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the  
18 fact that such medical records may be a part of his or her parole file.  
19 The board and the department ~~Division of Parole Supervision~~ have the  
20 authority to withhold decision guideline scores, risk and needs  
21 assessment scores, and mental health and psychological records of a  
22 person under the jurisdiction of the board when appropriate.

23 (3) Nothing in this section limits in any manner the authority of  
24 the Public Counsel to inspect and examine the records and documents of  
25 the board and the department ~~Division of Parole Supervision~~ pursuant to  
26 sections 81-8,240 to 81-8,254, except that the Public Counsel's access to  
27 the medical or mental health records of a person under the jurisdiction  
28 of the board shall be subject to his or her consent. The office of Public  
29 Counsel shall not disclose the medical or mental health records of a  
30 person under the jurisdiction of the board to anyone else, including any  
31 other person under the jurisdiction of the board, except as authorized by

1 law.

2 (4) For any person under the jurisdiction of the Board of Parole,  
3 the board shall provide such person's (a) name, (b) parole officer, and  
4 (c) conditions of parole to the Nebraska Commission on Law Enforcement  
5 and Criminal Justice which shall provide access to such information to  
6 law enforcement agencies through the state's criminal justice information  
7 system.

8 **Sec. 154.** Section 83-962, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 83-962 (1) A correctional system overcrowding emergency shall exist  
11 whenever the director certifies that the department's inmate population  
12 is over one hundred forty percent of operational design capacity. The  
13 director shall so certify within thirty days after the date on which the  
14 population first exceeds one hundred forty percent of operational design  
15 capacity.

16 (2) During a correctional system overcrowding emergency, the board  
17 shall immediately consider or reconsider committed offenders eligible for  
18 parole who have not been released on parole.

19 (3) Upon such consideration or reconsideration, and for all other  
20 consideration of committed offenders eligible for parole while the  
21 correctional system overcrowding emergency is in effect, the board shall  
22 order the release of each committed offender unless it is of the opinion  
23 that such release should be deferred because:

24 (a) The board has determined that it is more likely than not that  
25 the committed offender will not conform to the conditions of parole; or

26 (b) The board has determined that the committed offender's continued  
27 correctional treatment, medical care, or vocational or other training in  
28 the facility will substantially enhance the offender's capacity to lead a  
29 law-abiding life when released at a later date. ~~release of the committed~~  
30 ~~offender would have a very significant and quantifiable effect on~~  
31 ~~institutional discipline; or~~

1       ~~(c) The board has determined that there is a very substantial risk~~  
2       ~~that the committed offender will commit a violent act against a person.~~

3       (4) In making the determination regarding the risk that a committed  
4       offender will not conform to the conditions of parole, the board shall  
5       take into account the factors set forth in subsection (2) of section  
6       83-1,114 and shall comply with the requirements of subsection (3) of  
7       section 83-1,114 and section 83-196.01.

8       (5) The board shall continue granting parole to offenders under this  
9       section until the director certifies that the population is at  
10      operational capacity. The director shall so certify within thirty days  
11      after the date on which the population first reaches operational  
12      capacity.

13       **Sec. 155.**     Original sections 18-1724, 20-113, 20-132, 20-134,  
14      20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531,  
15      23-2541, 25-1030.01, 25-1056, 28-519, 29-401, 43-1401, 43-1414, 45-1056,  
16      47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 48-215,  
17      48-628.13, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111,  
18      48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125, 49-801,  
19      51-211, 58-216, 58-808, 58-809, 58-810, 68-1605, 69-2403, 69-2409.01,  
20      69-2410, 69-2420, 71-904, 71-915, 71-922, 71-924, 71-941, 71-951, 71-952,  
21      71-954, 71-1208, 75-325, 76-1495, 81-885.24, 81-1401, 83-170, 83-171,  
22      83-171.01, 83-173, 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,100,  
23      83-1,100.02,     83-1,103,     83-1,103.01,     83-1,103.02,     83-1,103.03,  
24      83-1,103.04, 83-1,104, 83-1,107, 83-1,107.01, 83-1,107.02, 83-1,109,  
25      83-1,118, 83-1,119, 83-1,122.02, 83-1,125, 83-1,125.01, and 83-962,  
26      Reissue Revised Statutes of Nebraska, and sections 25-1645, 27-413,  
27      28-105, 28-311.11, 28-316.01, 28-318, 28-322, 29-1912, 29-1918, 29-2221,  
28      29-2246, 29-2252, 29-2261, 29-2935, 29-4003, 29-4019, 32-221, 32-230,  
29      39-210, 43-1411, 45-1303, 47-1102, 47-1103, 47-1104, 47-1105, 47-1106,  
30      47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114, 47-1115,  
31      47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920, 71-926,

1 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223, 71-3426, and  
2 71-3430, Revised Statutes Cumulative Supplement, 2024, are repealed.

3 **Sec. 156.** The following sections are outright repealed: Sections  
4 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417,  
5 69-2418, 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised  
6 Statutes of Nebraska.

7 2. On page 1, strike beginning with "criminal" in line 1 through  
8 line 4 and insert "law; to amend sections 18-1724, 20-113, 20-132,  
9 20-134, 20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525,  
10 23-2531, 23-2541, 25-1030.01, 25-1056, 28-519, 29-401, 43-1401, 43-1414,  
11 45-1056, 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919,  
12 48-215, 48-628.13, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108,  
13 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125,  
14 49-801, 51-211, 58-216, 58-808, 58-809, 58-810, 68-1605, 69-2403,  
15 69-2409.01, 69-2410, 69-2420, 71-904, 71-915, 71-922, 71-924, 71-941,  
16 71-951, 71-952, 71-954, 71-1208, 75-325, 76-1495, 81-885.24, 81-1401,  
17 83-170, 83-171, 83-171.01, 83-173, 83-174.03, 83-174.04, 83-174.05,  
18 83-192, 83-1,100, 83-1,100.02, 83-1,103, 83-1,103.01, 83-1,103.02,  
19 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107, 83-1,107.01, 83-1,107.02,  
20 83-1,109, 83-1,118, 83-1,119, 83-1,122.02, 83-1,125, 83-1,125.01, and  
21 83-962, Reissue Revised Statutes of Nebraska, and sections 25-1645,  
22 27-413, 28-105, 28-311.11, 28-316.01, 28-318, 28-322, 29-1912, 29-1918,  
23 29-2221, 29-2246, 29-2252, 29-2261, 29-2935, 29-4003, 29-4019, 32-221,  
24 32-230, 39-210, 43-1411, 45-1303, 47-1102, 47-1103, 47-1104, 47-1105,  
25 47-1106, 47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114,  
26 47-1115, 47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920,  
27 71-926, 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223,  
28 71-3426, and 71-3430, Revised Statutes Cumulative Supplement, 2024; to  
29 adopt the Regional Mental Health Expansion Pilot Program Act; to provide  
30 for a pilot program for mental health professional involvement in law  
31 enforcement emergency response; to provide powers and duties for the

1 Nebraska Commission on Law Enforcement and Criminal Justice; to prohibit  
2 discrimination based upon military or veteran status as prescribed; to  
3 change provisions relating to service of garnishment summons, continuing  
4 liens, garnishee liability, and notices upon corporate garnishees; to  
5 define and redefine terms; to remove a minimum period of post-release  
6 supervision for Class III and IIIA felonies; to change the offense of  
7 sexual abuse by a school employee to sexual abuse by a school worker; to  
8 change provisions relating to the offense of criminal mischief, discovery  
9 in criminal cases, the habitual criminal sentencing enhancement, and  
10 paternity proceedings; to transfer provisions; to change and eliminate  
11 provisions relating to handgun purchase requirements and criminal history  
12 record information; to provide for videoconferencing of hearings and  
13 mental health evaluations under the Nebraska Mental Health Commitment Act  
14 and Sex Offender Commitment Act; to provide for detention of certain  
15 persons and mental health beds at jails as prescribed; to change  
16 provisions relating to hearings and rights of confrontation; to eliminate  
17 the Division of Parole Supervision and the position of Director of  
18 Supervision and Services; to provide powers and duties for the Department  
19 of Correctional Services and the Director of Correctional Services; to  
20 change provisions relating to correctional system overcrowding  
21 emergencies; to eliminate obsolete provisions; to harmonize provisions;  
22 to repeal the original sections; and to outright repeal sections 69-2409,  
23 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418,  
24 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised Statutes of  
25 Nebraska.".