

ENGROSSED LEGISLATIVE BILL 150

Introduced by Bosn, 25.

A BILL FOR AN ACT relating to law; to amend sections 18-1724, 20-113, 20-132, 20-134, 20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531, 23-2541, 25-1030.01, 25-1056, 28-519, 29-401, 43-1401, 43-1414, 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 48-215, 48-628.13, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125, 49-801, 51-211, 58-216, 58-808, 58-809, 58-810, 68-1605, 69-2403, 69-2409.01, 69-2410, 69-2420, 71-904, 71-915, 71-922, 71-924, 71-941, 71-951, 71-952, 71-954, 71-1208, 75-325, 76-1495, 81-885.24, 81-1401, 83-170, 83-171, 83-171.01, 83-173, 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,100, 83-1,100.02, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02, 83-1,125, 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska, sections 25-1645, 27-413, 28-105, 28-316.01, 28-318, 28-322, 29-1912, 29-1918, 29-2221, 29-2246, 29-2252, 29-2261, 29-2935, 29-4003, 29-4019, 29-4803, 29-4807, 32-221, 32-230, 39-210, 43-1411, 45-1303, 47-1102, 47-1103, 47-1104, 47-1105, 47-1106, 47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114, 47-1115, 47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920, 71-926, 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223, 71-3426, and 71-3430, Revised Statutes Cumulative Supplement, 2024, section 2, Legislative Bill 80, One Hundred Ninth Legislature, First Session, 2025, and section 93, Legislative Bill 474, One Hundred Ninth Legislature, First Session, 2025; to adopt the Regional Mental Health Expansion Pilot Program Act; to provide for a pilot program for mental health professional involvement in law enforcement emergency response; to provide powers and duties for the Nebraska Commission on Law Enforcement and Criminal Justice; to prohibit

discrimination based upon military or veteran status as prescribed; to change provisions relating to service of garnishment summons, continuing liens, garnishee liability, and notices upon corporate garnishees; to define and redefine terms; to remove a minimum period of post-release supervision for Class III and IIIA felonies; to change the offense of sexual abuse by a school employee to sexual abuse by a school worker; to change provisions relating to the offense of criminal mischief, discovery in criminal cases, the habitual criminal sentencing enhancement, the applicability of sections relating to veteran justice programs and sentencing of veterans, and paternity proceedings; to transfer provisions; to change and eliminate provisions relating to handgun purchase requirements and criminal history record information; to provide for videoconferencing of hearings and mental health evaluations under the Nebraska Mental Health Commitment Act and Sex Offender Commitment Act; to provide for detention of certain persons and mental health beds at jails as prescribed; to change provisions relating to hearings and rights of confrontation; to eliminate the Division of Parole Supervision and the position of Director of Supervision and Services; to provide powers and duties for the Department of Correctional Services and the Director of Correctional Services; to change provisions relating to correctional system overcrowding emergencies; to eliminate obsolete provisions; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418, 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

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

Sec. 2. The Legislature finds and declares that:

(1) The State of Nebraska is facing serious issues in its current mental

health system, including a shortage of mental health care professionals and long travel distances to receive care. These issues have had a negative impact on those suffering from mental health issues and their communities, particularly in rural parts of the state;

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

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

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

(5) There is an opportunity to adapt the existing method of cooperation and apply it in a way that helps reduce the impact on those suffering from mental health issues and the law enforcement agencies that interact with them.

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

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

(3) The commission shall select one county law enforcement agency for the

pilot program. The selected agency shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

20-113 (1) Any incorporated city may enact ordinances and any county may adopt resolutions which are substantially equivalent to the Age Discrimination in Employment Act, the Nebraska Fair Employment Practice Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and 48-1219 to 48-1227 or which are more comprehensive than such acts and sections in the protection of civil rights. No such ordinance or resolution shall place a duty or liability on any person, other than an employer, employment agency, or labor organization, for acts similar to those prohibited by section 48-1115. Such ordinance or resolution may include authority for a local agency to seek an award of damages or other equitable relief on behalf of the complainant by the filing of a petition in the district court in the county with appropriate jurisdiction. The local agency shall have within its authority jurisdiction substantially equivalent to or more comprehensive than the Equal Opportunity Commission or other enforcement agencies provided under such acts and sections and shall have authority to order backpay and other equitable relief or to enforce such orders or relief in the district court with appropriate jurisdiction. Certified copies of such ordinances or resolutions shall be transmitted to the commission. When

the commission determines that any such city or county has enacted an ordinance or adopted a resolution that is substantially equivalent to such acts and sections or is more comprehensive than such acts and sections in the protection of civil rights and has established a local agency to administer such ordinance or resolution, the commission may thereafter refer all complaints arising in such city or county to the appropriate local agency. All complaints arising within a city shall be referred to the appropriate agency in such city when both the city and the county in which the city is located have established agencies pursuant to this section. When the commission refers a complaint to a local agency, it shall take no further action on such complaint if the local agency proceeds promptly to handle such complaint pursuant to the local ordinance or resolution. If the commission determines that a local agency is not handling a complaint with reasonable promptness or that the protection of the rights of the parties or the interests of justice require such action, the commission may regain jurisdiction of the complaint and proceed to handle it in the same manner as other complaints which are not referred to local agencies. In cases of conflict between this section and section 20-332, for complaints subject to the Nebraska Fair Housing Act, section 20-332 shall control.

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

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

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

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

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

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

20-134 (1) Any person who directly or indirectly refuses, withholds from, denies, or attempts to refuse, withhold, or deny, to any other person any of the accommodations, advantages, facilities, services, or privileges, or who segregates any person in a place of public accommodation on the basis of race, creed, color, sex, religion, national origin, disability, ancestry, or military or veteran status, shall be guilty of discriminatory practice and shall be subject to the penalties of sections 20-132 to 20-143.

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

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

20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143 shall be administered by the Equal Opportunity Commission, except that the State Fire Marshal shall administer the act and sections as they relate to accessibility standards and specifications set forth in sections 81-5,147 and 81-5,148. The county attorneys are granted the authority to enforce such act and sections 20-123, 20-124, and 20-132 to 20-143 and shall possess the same powers and duties with respect thereto as the commission. If a complaint is filed with the county attorney, the commission shall be notified.

Powers granted to and duties imposed upon the commission pursuant to such act and sections shall be in addition to the provisions of the Nebraska Fair Employment Practice Act and shall not be construed to amend or restrict those provisions. In carrying out the Nebraska Fair Housing Act and sections 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power to:

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

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

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

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

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

(6) Determine that probable cause exists for crediting the allegations of

a complaint;

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

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

(9) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, take the testimony of any person under oath, and in connection therewith require for examination any books or papers relating to any matter under investigation or in question before the commission; and

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

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

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

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

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

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

(2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national

origin, disability, familial status, sex, or military or veteran status;

(3) Make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, disability, familial status, sex, or military or veteran status or an intention to make any such preference, limitation, or discrimination;

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

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

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

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

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

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

20-320 (1) Except as exempted by section 20-322, it shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making

available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, disability, familial status, national origin, or military or veteran status.

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

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

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

(ii) Secured by residential real estate; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) The existence of significant facilities and services specifically

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

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

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

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

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

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

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

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

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

20-325 The commission shall:

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

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

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

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

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

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

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

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

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

(5) Adopt and promulgate rules and regulations, subject to the approval of the members of the commission, regarding the investigative and conciliation

process that provide for testing standards, fundamental due process, and notice to the parties of their rights and responsibilities; and

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

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

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

(1) For a single integrated classification plan covering all positions in the county service except those expressly exempt from the County Civil Service Act, which shall group all positions into defined classes containing a descriptive class title and a code identifying each class, and which shall be based on similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required and the same schedule of pay may be equitably applied to all positions in the same class. After the classification plan has been approved by the personnel policy board, the county

personnel officer shall be responsible for the administration and maintenance of the plan and for the allocation of each classified position. Any employee affected by the allocation of a position to a class shall, upon request, be given a reasonable opportunity to be heard thereon by the personnel policy board who shall issue an advisory opinion to the personnel officer;

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

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. Competitive examination shall not be required for transferred employees transferring from positions in the state or a political subdivision to positions in the county pursuant to a merger of services or transferred employees transferring from positions in the state or a political subdivision to positions in the county due to the assumption of functions of the state or a political subdivision by the county. The rules and regulations shall provide for the public announcement of the holding of examinations and shall authorize the personnel officer to prescribe examination procedures and to place the names of successful candidates on eligible lists in accordance with their respective ratings. Examinations may be assembled or unassembled and may include various job-related examining techniques, such as rating training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations, and any other

measures of ability to perform the duties of the position. Examinations shall be scored objectively and employment registers shall be established in the order of final score. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates, but which also permits selective certification under appropriate conditions as prescribed in the rules and regulations;

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

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

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

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

(b) Sex, unless it constitutes a bona fide occupational qualification;

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

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

(7) For a period of probation not to exceed one year before appointment or promotion may be made complete, and during which period a probationer may be separated from his or her position without the right of appeal or hearing except as provided in section 23-2531. After a probationer has been separated, he or she may again be placed on the eligible list at the discretion of the personnel officer. The rules shall provide that a probationer shall be dropped

from the payroll at the expiration of his or her probationary period if, within ten days prior thereto, the appointing authority has notified the personnel officer in writing that the services of the employee have been unsatisfactory;

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

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

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

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

(12) For provisional employment without competitive examination when there is no appropriate eligible list available. No such provisional employment shall continue longer than six months, nor shall successive provisional appointments be allowed;

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

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

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

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

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

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

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

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

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

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

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

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

binding upon a finding of discrimination.

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

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

(4) No employee of the personnel office, examiner, or other person shall defeat, deceive, or obstruct any person in his or her right to examination, eligibility, certification, or appointment under the act, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any persons with respect to employment in the classified service.

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

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

The rules and regulations or amendments may provide:

(1) For a single integrated classification plan covering all positions in the county service except those expressly exempt from sections 23-2534 to 23-2544, which shall (a) group all positions into defined classes containing a descriptive class title and a code identifying each class and (b) be based on similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required and the same schedule of pay may be equitably applied to all positions in the same class. After the classification plan has been approved by the personnel policy board, the county personnel officer shall be responsible for the administration and maintenance of the plan and for the allocation of each classified position. Any employee affected by the allocation of a position to a class shall, upon request, be given a reasonable opportunity to be heard on such allocation by the personnel policy board which shall issue an advisory opinion to the county personnel officer;

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

(3) For open competitive examinations to test the relative fitness of applicants for the respective positions. The rules and regulations shall provide for the public announcement of the holding of examinations and shall authorize the county personnel officer to prescribe examination procedures and to place the names of successful candidates on eligible lists in accordance with their respective ratings. Examinations may be assembled or unassembled and may include various job-related examining techniques, such as rating training and experience, written tests, oral interviews, recognition of professional

licensing, performance tests, investigations, and any other measures of ability to perform the duties of the position. Examinations shall be scored objectively and employment registers shall be established in the order of final score. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the highest ranking available and eligible candidates, but which also permits selective certification under appropriate conditions as prescribed in the rules and regulations;

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

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

(6) For prohibiting disqualification of any person from taking an examination, promotion, or holding a position, solely because of:

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

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

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

(7) For a period of probation, not to exceed one year, before appointment or promotion may be made complete and during which period a probationer may be separated from his or her position without the right of appeal or hearing. After a probationer has been separated, he or she may again be placed on the eligible list at the discretion of the county personnel officer. The rules and regulations shall provide that a probationer shall be dropped from the payroll

at the expiration of his or her probationary period if, within ten days prior thereto, the appointing authority has notified the county personnel officer in writing that the services of the employee have been unsatisfactory;

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

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

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

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

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

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

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

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

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

(17) For a procedure whereby an appointing authority may suspend, reduce, demote, or dismiss an employee for misconduct, inefficiency, incompetence,

insubordination, malfeasance, or other unfitness to render effective service and for the investigation and public hearing of appeals of such suspended, reduced, demoted, or dismissed employee;

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

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

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

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

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

(2) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

25-1056 (1) In all cases when a judgment has been entered by any court of record and the judgment creditor or his or her agent or attorney has filed an affidavit setting forth the amount due on the judgment, interest, and costs in the office of the clerk of the court where the judgment has been entered and that he or she has good reason to and does believe that any person, partnership, limited liability company, or corporation, naming him, her, or it, has property of and is indebted to the judgment debtor, the clerk shall issue a summons which shall set forth the amount due on the judgment, interest, and costs as shown in the affidavit and require such person, partnership, limited liability company, or corporation, as garnishee, to answer written interrogatories to be furnished by the plaintiff and to be attached to such summons respecting the matters set forth in section 25-1026. The summons shall be returnable within ten days from the date of its issuance and shall require the garnishee to answer within ten days from the date of service upon him or her. Except when wages are involved, the garnishee shall hold the property of every description and the credits of the defendant in his or her possession or

under his or her control at the time of the service of the summons and interrogatories until the further order of the court. If the only property in the possession or under the control of the garnishee at the time of the service of the summons and interrogatories is credits of the defendant and the amount of such credits is not in dispute by the garnishee, then such garnishee shall only hold the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories to the extent of the amount of the judgment, interest, and costs set forth in the summons until further order of the court. When wages are involved, the garnishee shall pay to the employee all disposable earnings exempted from garnishment by statute, and any disposable earnings remaining after such payment shall be retained by the garnishee until further order of the court. Thereafter, the service of the summons and interrogatories and all further proceedings shall be in all respects the same as is provided for in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with this section.

(2) If it appears from the answer of the garnishee that the judgment debtor was an employee of the garnishee, that the garnishee otherwise owed earnings to the judgment debtor when the garnishment order was served, or that earnings would be owed within sixty days thereafter and there is not a successful written objection to the order or the answer of the garnishee filed, on application by the judgment creditor, the court shall order that the nonexempt earnings, if any, withheld by the garnishee after service of the order be transferred to the court for delivery to the judgment creditor who is entitled to such earnings. Except for garnishments in support of a person, the payments may be made payable to the judgment creditor or assignee and shall be forwarded to the issuing court to record the judgment payment prior to the court delivering the payment to the judgment creditor or assignee. The court shall, upon application of the judgment creditor, further order that the garnishment is a continuing lien against the nonexempt earnings of the judgment debtor. An order of continuing lien on nonexempt earnings entered pursuant to this section shall require the garnishee to continue to withhold the nonexempt

earnings of the judgment debtor for as long as the continuing lien remains in effect.

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

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

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

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

(c) The judgment creditor releases the garnishment;

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

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

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

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

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

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

(5) Only one order of continuing lien against earnings due the judgment debtor shall be in effect at one time. If an employee's wages are already being

garnished pursuant to a continuing lien at the time of service of a garnishment upon an employer, the answer to garnishment interrogatories shall include such information along with the date of termination of such continuing lien and the title of the case from which such garnishment is issued. Except as provided in subsection (4) of this section, a continuing lien obtained pursuant to this section shall have priority over any subsequent garnishment or wage assignment.

(6)(a) In any case involving service of a garnishment summons on a financial institution where deposits are received within this state, the financial institution shall (i) if its main chartered office is located in this state, designate its main chartered office for the service of summons or (ii) if its main chartered office is located in another state, designate any one of its offices or branches or its agent for service of process in this state for service of summons. The designation of a main chartered office or an office or branch or the agent for service of process under this subdivision shall be made by filing a notice of designation with the Department of Banking and Finance, shall contain the physical address of the main chartered office or the office or branch or the agent for service of process designated, and shall be effective upon placement on the department website. The department shall post the list of such designated main chartered offices and offices or branches or agents for service of process on its website for access by the public. A financial institution may modify or revoke a designation made under this subdivision by filing the modification or revocation with the department. The modification or revocation shall be effective when the department's website has been updated to reflect the modification or revocation, except that the judgment creditor may rely upon the designation that was modified or revoked during the thirty-day period following the effective date of the modification or revocation if the summons is timely served upon the financial institution. The department shall update its website to reflect a filing by a financial institution pursuant to this subdivision or a modification or revocation filed by a financial institution pursuant to this subdivision within ten business days following the filing by the financial institution. The department website

shall reflect the date its online records for each financial institution have most recently been updated.

(b) If a financial institution where deposits are received has designated its main chartered office or one of its offices or branches or its agent for service of process for the service of summons, service made on the main chartered office or the office or branch or the agent for service of process so designated shall be valid and effective as to any property or credits of the defendant in the possession or control of the main chartered office of the financial institution in this state and any of the financial institution offices or branches located within this state. If service of summons is not made on the main chartered office or the office or branch or the agent for service of process designated by the financial institution, but instead is made at another office or branch of the financial institution located in Nebraska, the financial institution, in its discretion, and without violating any obligation to its customer, may elect to treat the service of summons as valid and effective as to any property or credits of the defendant in the possession or control of the main chartered office of the financial institution in this state and any of the financial institution offices or branches located within this state. In the absence of such an election, the financial institution shall file a statement with the interrogatories that the summons was not served at the financial institution's designated location for receiving service of summons and, therefore, was not processed, and shall provide the address at which the financial institution is to receive service of summons.

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

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

(e) The Department of Banking and Finance, any employee of the department,

or any person acting on behalf of the department shall be immune from civil and criminal liability for any acts or omissions which occur as a result of the requirements of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

27-413 For purposes of sections 27-414 and 27-415, offense of sexual assault means sexual assault under section 28-319 or 28-320, sexual abuse by a school worker under section 28-316.01, sexual assault of a child under section 28-319.01 or 28-320.01, sexual assault by use of an electronic communication device under section 28-320.02, sexual abuse of an inmate or parolee under sections 28-322.01 to 28-322.03, sexual abuse of a protected individual under section 28-322.04, sexual abuse of a detainee under section 28-322.05, an attempt or conspiracy to commit any of the crimes listed in this section, or the commission of or conviction for a crime in another jurisdiction that is substantially similar to any crime listed in this section.

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

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

Class I felony	Death
Class IA felony	Life imprisonment
Class IB felony	Maximum—life imprisonment Minimum—twenty years imprisonment
Class IC felony	Maximum—fifty years imprisonment Mandatory minimum—five years imprisonment
Class ID felony	Maximum—fifty years imprisonment Mandatory minimum—three years imprisonment
Class II felony	Maximum—fifty years imprisonment Minimum—one year imprisonment

Class IIA felony	Maximum—twenty years imprisonment Minimum—none
Class III felony	Maximum—four years imprisonment and two years post-release supervision or twenty-five thousand dollars fine, or both Minimum—none for imprisonment and none for post-release supervision
Class IIIA felony	Maximum—three years imprisonment and eighteen months post-release supervision or ten thousand dollars fine, or both Minimum—none for imprisonment and none for post-release supervision
Class IV felony	Maximum—two years imprisonment and twelve months post-release supervision or ten thousand dollars fine, or both Minimum—none for imprisonment and none for post-release supervision

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

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

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

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

(6) Any person who is sentenced to imprisonment for a Class I, IA, IB, IC, ID, II, or IIA felony and sentenced concurrently or consecutively to

imprisonment for a Class III, IIIA, or IV felony shall not be subject to post-release supervision pursuant to subsection (1) of this section.

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

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

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

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

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

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

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

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

(e) School employee means a person nineteen years of age or older who is employed by a school;

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

(g) Student means a person at least sixteen but not more than nineteen years of age enrolled in or attending a school, or who was such a person enrolled in or who attended school within ninety days of any violation of this section.

(2) A person commits the offense of sexual abuse by a school worker if a school worker subjects a student in the school to which such worker is assigned for work to sexual penetration or sexual contact, or engages in a pattern or

scheme of conduct to subject a student in the school to which such worker is assigned for work to sexual penetration or sexual contact. It is not a defense to a charge under this section that the student consented to such sexual penetration or sexual contact.

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

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

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

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

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

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

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

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

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

(5) Sexual contact means the intentional touching of the victim's sexual or intimate parts or the intentional touching of the victim's clothing covering the immediate area of the victim's sexual or intimate parts. Sexual contact also means the touching by the victim of the actor's sexual or intimate parts or the clothing covering the immediate area of the actor's sexual or intimate

parts when such touching is intentionally caused by the actor. Sexual contact includes only such conduct which can be reasonably construed as being for the purpose of sexual arousal or gratification of either party. Sexual contact also includes the touching of a child with the actor's sexual or intimate parts on any part of the child's body for purposes of sexual abuse by a school worker under section 28-316.01 or sexual assault of a child under sections 28-319.01 and 28-320.01;

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

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

(8) Without consent means:

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

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

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

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

ability to execute the threat.

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

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

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

(2) Person means (a) an individual employed by the Department of Correctional Services , including any individual working in central administration of the department, any individual working under contract with the department, and any individual, other than an inmate's spouse, to whom the department has authorized or delegated control over an inmate or an inmate's activities, (b) an individual employed by a city or county correctional or jail facility, including any individual working in central administration of the city or county correctional or jail facility, any individual working under contract with the city or county correctional or jail facility, and any individual, other than an inmate's spouse, to whom the city or county correctional or jail facility has authorized or delegated control over an inmate or an inmate's activities, and (c) an individual employed by the Office of Probation Administration who performs official duties within any facility operated by the Department of Correctional Services or a city or county correctional or jail facility.

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

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

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

(b) Rail infrastructure means any of the following that are located on railroad property or that are owned, leased, possessed, operated, or otherwise used for or in connection with railroad operations: A train, locomotive,

freight or passenger car, or any other on-track vehicle or equipment; any railroad track or structure; any signaling or communication system or component; or any station, terminal, depot, or other facility.

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

(a) Damages property of another intentionally or recklessly;

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

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

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

(a) Any rail infrastructure;

(b) Any telecommunication or broadband communication service; or

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

(4) Criminal mischief is a Class IV felony if the actor intentionally or maliciously causes pecuniary loss of five thousand dollars or more.

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

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

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

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

29-401 Every sheriff, deputy sheriff, marshal, deputy marshal, security guard, police officer, or peace officer as defined in section 49-801 shall

arrest and detain any person found violating any law of this state or any legal ordinance of any city or incorporated village until a legal warrant can be obtained, except that (1) any such law enforcement officer taking a juvenile under the age of eighteen years into his or her custody for any violation herein defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250, 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is to appear shall not accept a plea from the juvenile until finding that the parents of the juvenile have been notified or that reasonable efforts to notify such parents have been made as provided in section 43-250.

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

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

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

- (i) Written or recorded statements;
- (ii) Written summaries of oral statements; and
- (iii) The substance of oral statements;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) The other party previously requested, or the court ordered, the production of such evidence or material.

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

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

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

(b) If the felony committed is in violation of subsection (3) of section 28-306 and at least one of the prior convictions is in violation of subsection (3) of section 28-306 and the other is in violation of one of the sections set forth in subdivision (a) of this subsection or if the felony committed is in

violation of one of the sections set forth in subdivision (a) of this subsection and both of the prior convictions are in violation of subsection (3) of section 28-306, the mandatory minimum term shall be twenty-five years and the maximum term not more than sixty years;

(c) If the felony committed is in violation of subsection (3) of section 28-416 or in violation of sections 28-509 to 28-518 and all of the habitual criminal's prior felony convictions are also violations of such subsection or sections or of a similar statute in another state or of the United States, the mandatory minimum term shall be three years and the maximum term not more than twenty years; and

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

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

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

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

29-2246 For purposes of the Nebraska Probation Administration Act, unless the context otherwise requires:

- (1) Association means the Nebraska District Court Judges Association;
- (2) Court means a district court, county court, or juvenile court as defined in section 43-245;
- (3) Office means the Office of Probation Administration;
- (4) Probation means a sentence under which a person found guilty of a crime upon verdict or plea or adjudicated delinquent or in need of special supervision is released by a court subject to conditions imposed by the court and subject to supervision. Probation includes post-release supervision and supervision ordered by a court pursuant to a deferred judgment under section 29-2292 or 29-4803;
- (5) Probationer means a person sentenced to probation or post-release supervision;
- (6) Probation officer means an employee of the system who supervises probationers and conducts presentence, predisposition, or other investigations as may be required by law or directed by a court in which he or she is serving or performs such other duties as authorized pursuant to section 29-2258, except unpaid volunteers from the community;
- (7) Juvenile probation officer means any probation officer who supervises probationers of a separate juvenile court;
- (8) Juvenile intake probation officer means an employee of the system who is called upon by a law enforcement officer in accordance with section 43-250 to make a decision regarding the furtherance of a juvenile's detention;
- (9) Chief probation officer means the probation officer in charge of a probation district;
- (10) System means the Nebraska Probation System;
- (11) Administrator means the probation administrator;
- (12) Non-probation-based program or service means a program or service

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

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

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

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

29-2252 The administrator shall:

(1) Supervise and administer the office;

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

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

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

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

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

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

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

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

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

(11) Adopt and promulgate such rules and regulations as may be necessary

or proper for the operation of the office or system. The administrator shall adopt and promulgate rules and regulations for transitioning individuals on probation across levels of supervision and discharging them from supervision consistent with evidence-based practices. The rules and regulations shall ensure supervision resources are prioritized for individuals who are high risk to reoffend, require transitioning individuals down levels of supervision intensity based on assessed risk and months of supervision without a reported major violation, and establish incentives for earning discharge from supervision based on compliance;

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

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

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

treatment needs;

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

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

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

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

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

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

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

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

29-2261 (1) Unless it is impractical to do so, when an offender has been

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

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

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

Such investigation shall also include:

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

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

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

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

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

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

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

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

(b) For purposes of this subsection, mental health professional means (i) a practicing physician licensed to practice medicine in this state under the Medicine and Surgery Practice Act, (ii) a practicing psychologist licensed to engage in the practice of psychology in this state as provided in section 38-3111 or as provided under similar provisions of the Psychology

Interjurisdictional Compact, (iii) a practicing mental health professional licensed or certified in this state as provided in the Mental Health Practice Act, or (iv) a practicing professional counselor holding a privilege to practice in Nebraska under the Licensed Professional Counselors Interstate Compact.

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

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

(9) Notwithstanding subsections (6) and (7) of this section, the Supreme Court or an agent of the Supreme Court acting under the direction and supervision of the Chief Justice shall have access to psychiatric examinations,

substance abuse evaluations, and presentence investigations and reports for research purposes. The Supreme Court and its agent shall treat such information as confidential, and nothing identifying any individual shall be released.

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

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

Sec. 38. Section 29-4003, Revised Statutes Cumulative Supplement, 2024, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) Has ever pled guilty to, pled nolo contendere to, or been found guilty of human trafficking under subsection (1) or (2) of section 28-831, and the court determines either by notification of sex offender registration responsibilities or notation in the sentencing order that the human trafficking

was sex trafficking or sex trafficking of a minor and not solely labor trafficking or labor trafficking of a minor; or

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

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

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

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

(a) Provide written notice to the defendant that he or she shall be subject to lifetime community supervision by the Department of Correctional Services upon release from incarceration or civil commitment. The written notice shall inform the defendant (i) that he or she shall be subject to lifetime community supervision by the department upon release and that the department shall conduct a risk assessment and evaluation to determine the conditions of community supervision which will minimize, in the least restrictive manner that is compatible with public safety, the risk of the defendant committing additional offenses, (ii) that a violation of any of the conditions of community supervision imposed by the department may result in the revision of existing conditions, the addition of new conditions, a recommendation that civil commitment proceedings should be instituted, or criminal prosecution, and (iii) of his or her right to challenge the determination of the conditions of community supervision by the department and

the right to a periodic review of the conditions of community supervision pursuant to section 83-174.03 to determine if the conditions are still necessary to protect the public;

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

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

(2) Prior to the release of a person serving a sentence for an offense requiring lifetime community supervision pursuant to section 83-174.03, the Department of Correctional Services, the Department of Health and Human Services, or a city or county correctional or jail facility shall:

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

(b) Require the defendant to read and sign a form stating that the duty of the defendant to comply with the conditions of community supervision and his or her right to challenge the conditions of community supervision imposed by the

department has been explained; and

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

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

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

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

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

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

(4)(a) Whenever a court considers a request to defer judgment under this section, the court shall consider the following:

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

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

(iii) Any other information the court deems relevant.

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

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

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

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

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

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

(7) Upon satisfactory completion of the conditions of probation and the payment or waiver of all administrative and programming fees assessed under section 29-2293, the defendant or prosecutor may file a motion to withdraw any plea entered by the defendant and to dismiss the action without entry of

judgment. The court shall not grant such motion until a victim of the offense has received notice and the opportunity to be heard, as required by subsection (4) of section 29-4804.

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

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

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

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

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

(4) On or before July 1, 2028, and on or before each July 1 thereafter, the State Court Administrator shall electronically submit a report to the Judiciary Committee of the Legislature. The report shall contain de-identified data collected pursuant to this section and shall analyze the outcomes, successes, and areas for improvement of the veteran justice programs and the sentencing mitigation described in section 29-4805.

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

32-221 (1) The election commissioner shall appoint precinct and district inspectors, judges of election, and clerks of election to assist the election commissioner in conducting elections on election day. In counties with a population of less than four hundred thousand inhabitants as determined by the

most recent federal decennial census, judges and clerks of election and inspectors shall be appointed at least thirty days prior to the statewide primary election, shall hold office for terms of two years or until their successors are appointed and qualified for the next statewide primary election, and shall serve at all elections in the county during their terms of office. In counties with a population of four hundred thousand or more inhabitants as determined by the most recent federal decennial census, judges and clerks of election shall be appointed at least thirty days prior to the first election for which appointments are necessary and shall serve for at least four elections.

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

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

(4) If a vacancy occurs in the office of judge or clerk of election or inspector, the election commissioner shall fill such vacancy in accordance with section 32-223. If any judge or clerk of election or inspector fails to appear at the hour appointed for the opening of the polls, the remaining officers shall notify the election commissioner, select a registered voter to serve in place of the absent officer if so directed by the election commissioner, and

proceed to conduct the election. If the election commissioner finds that a judge or clerk of election or inspector does not possess all the qualifications prescribed in this section or if any judge or clerk of election or inspector is guilty of neglecting the duties of the office or of any official misconduct, the election commissioner shall remove the person and fill the vacancy.

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

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

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

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

(4) In each precinct at any one time, one judge and one clerk of election shall be appointed from the political party casting the highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, one judge and one clerk shall be

appointed from the political party casting the next highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election, and one judge shall be appointed from the political party casting the third highest number of votes in the county for Governor or for President of the United States in the immediately preceding general election. If the political party casting the third highest number of votes cast less than ten percent of the total vote cast in the county at the immediately preceding general election, the political party casting the highest number of votes at the immediately preceding general election shall be entitled to two judges and one clerk.

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

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

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

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

purposes of this section.

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

39-210 To qualify to appear on a tourist-oriented directional sign panel, an activity shall be licensed and approved by the state and local agencies if required by law and be open to the public at least eight hours per day, five days per week, including Saturdays or Sundays, during the normal season of the activity, except that if the activity is a winery, the winery shall be open at least twenty hours per week. The activity, before qualifying to appear on a sign panel, shall provide to the Department of Transportation assurance of its conformity with all applicable laws relating to discrimination based on race, creed, color, sex, national origin, ancestry, political affiliation, religion, or military or veteran status. If the activity violates any of such laws, it shall lose its eligibility to appear on a tourist-oriented directional sign panel. In addition, the qualifying activity shall be required to remove any advertising device which was unlawfully erected or which is in violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215, 39-216, or 39-220, any rule or regulation of the department, or any federal rule or regulation relating to tourist-oriented directional sign panels. The tourist-oriented directional sign panels shall conform to the requirements of the Federal Beautification Act and the Manual on Uniform Traffic Control Devices as adopted pursuant to section 60-6,118.

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

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

- (1) Abuse has the same meaning as in section 42-903;
- (2) Course of conduct has the same meaning as in section 28-311.02;
- (3) Family or household members has the same meaning as in section 42-903;
- (4) Harass has the same meaning as in section 28-311.02;
- (5) Household pet means any animal maintained for companionship or

pleasure but does not include any animal kept primarily for commercial purposes

or for consumption or any livestock animal as defined in section 54-902;

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

(7) Sexual assault offense means:

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

(b) Subjecting or attempting to subject another person to sexual contact or sexual penetration without such person's consent, as such terms are defined in section 28-318.

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

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

(a) Except as provided in sections 43-1411 and 43-1414, child means a child under the age of eighteen years born out of wedlock;

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

(c) Support includes reasonable education.

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

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

43-1411 (1) A civil proceeding to establish the paternity of a child may be instituted, in the court of the district where the child is domiciled or

found or, for cases under the Uniform Interstate Family Support Act, where the alleged father is domiciled, by:

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

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

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

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

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

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

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

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

(4) For purposes of this section, child means a person under the age of

eighteen years, regardless of whether the person was born out of wedlock.

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

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

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

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

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

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

(4) If an alleged father who is tested as part of an action under such

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

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

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

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

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

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

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

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

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

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

(3) No licensee shall, directly or indirectly, require a borrower as a condition of granting a loan to such borrower to reaffirm or otherwise obligate the borrower to pay a former debt to the licensee which has been discharged in bankruptcy proceedings.

(4) Any person who makes a false statement to secure a loan is guilty of a

Class III misdemeanor. The punishment shall not be exacted, however, when such a loan is made after the licensee is aware of the falsity of the statement.

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

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

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

(a) Use or threaten to use violence;

(b) Use obscene or profane language;

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

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

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

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

household;

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

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

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

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

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

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

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

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

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

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

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

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

45-1303 (1) The Medical Debt Relief Program is established for the purpose

of discharging medical debt of eligible residents by contracting with a medical debt relief coordinator as described in subsection (3) of this section. The State Treasurer shall administer the program.

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

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

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

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

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

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

(iii) After the purchase and discharge of medical debt from a health care provider, the medical debt relief coordinator shall notify all eligible residents whose medical debt has been discharged under the program, in a manner

approved by the State Treasurer, that they no longer have specified medical debt owed to the relevant health care provider;

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

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

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

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

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

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

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

47-624 The division shall:

(1) Collaborate with the Office of Probation Administration and the Department of Correctional Services to develop and implement a plan to establish statewide operation and use of a continuum of community correctional facilities and programs;

(2) Develop, in consultation with the probation administrator and the Director of Correctional Services, standards for the use of community correctional facilities and programs by the Nebraska Probation System and the parole system;

(3) Collaborate with the Office of Probation Administration and the Department of Correctional Services on the development of additional reporting centers as set forth in section 47-624.01;

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

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

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

(7) In order to ensure adequate funding for substance abuse treatment programs, consult with the probation administrator and the Director of Correctional Services and develop or assist with the development of programs as provided in subdivision (14) of section 29-2252 and subdivision (20) of section 83-173;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) Establish and administer grants, projects, and programs for the

operation of the division; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Department means the Department of Correctional Services;

(3) Director means the Director of Correctional Services;

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

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

(6) Management means supervision of subordinate employees;

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

(8) Obstruction means hindering an investigation, preventing an investigation from progressing, stopping or delaying the progress of an investigation, or making the progress of an investigation difficult or slow;

(9) Office means the office of Inspector General of the Nebraska Correctional System and includes the Inspector General and other employees of the office;

(10) Private agency means an entity that contracts with the department or

contracts to provide services to another entity that contracts with the department; and

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

Sec. 57. Section 47-908, Reissue Revised Statutes of Nebraska, is amended to read:

47-908 All employees of the department and all owners, operators, managers, supervisors, and employees of private agencies shall cooperate with the office. Cooperation includes, but is not limited to, the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 60. Section 47-1103, Revised Statutes Cumulative Supplement, 2024, is

amended to read:

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

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

(2) Board means the Board of Parole;

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

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

(5) Department means the Department of Correctional Services;

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

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

(8) Probation administration means the Office of Probation Administration;

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

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

(11)(a) Reentry housing facility means a facility which is owned or operated by a private organization, whether nonprofit or for-profit, that

receives direct payment from the board, probation administration, or department to provide reentry housing.

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

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

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

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

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

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

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

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

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

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

(2) The department may use designated funds provided by the Legislature to enter into agreements with private providers for the development and operation of community work release and reentry centers to be established at various

locations throughout the state. Any such agreement shall require a private provider to:

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

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

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

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

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

(a) Specialized educational or vocational training; and

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

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

(a) Regarding the behavior of committed offenders;

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

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

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

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

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

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

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

(1) Be under the supervision and control of a designated center director approved by the department;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47-1111 The department shall develop an internal program to conduct annual reviews of the performance of each community work release and reentry center. A

senior staff person of the department shall visit each center at least twice each year.

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

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

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

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

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

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

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

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

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

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

(d) Communicate with relevant agencies regarding evaluation results and

compliance with minimum standards;

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

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

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

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

(2) The department and board may use available funds to encourage development of quality, safe reentry housing and to assist existing reentry housing facilities in making improvements for the benefit of reentering persons and public safety.

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

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

(2) The department or board may request the State Fire Marshal to investigate any reentry housing facility for fire safety under section 81-502.

The State Fire Marshal shall assess a fee for such inspection under section 81-505.01 payable by the facility. The State Fire Marshal may delegate the authority to make such inspections to qualified local fire prevention personnel under section 81-502.

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

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

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

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

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

- (a) The Inspector General of the Nebraska Correctional System;
- (b) The Director of Correctional Services or his or her designee;
- (c) The chairperson of the Board of Parole or his or her designee;
- (d) The probation administrator or his or her designee; and

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

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

- (ii) A victims' rights representative;
- (iii) A formerly incarcerated individual;
- (iv) An individual with expertise in mental or behavioral health; and
- (v) An individual with experience in public policy.

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

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

(4) The advisory board shall:

- (a) Conduct regular meetings;
- (b) Provide advice and assistance to the department and board relating to reentry housing in Nebraska;
- (c) Promote the interests of reentering persons and their families;
- (d) Promote public safety through effective reintegration into the community;
- (e) Provide input on the process of evaluating reentry housing facilities;
- (f) Engage with neighborhood groups and other stakeholders;
- (g) Provide reports as requested by the department and board; and
- (h) Engage in other activities as requested by the department and board.

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

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

- (a) The use of evidence-based risk assessments and evidence-based programming;
- (b) Participation in rehabilitation and education programs;

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

(d) Population and demographic data;

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

(f) Identified gaps in services;

(g) Recidivism;

(h) Institutional conduct; and

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

(7) The advisory board shall conduct periodic evaluations of the effectiveness of the collaborative efforts and reentry programs offered by the department, board, probation administration, and other criminal justice agencies. Such evaluation shall be accomplished using an integrated reentry and rehabilitation framework, which shall include an examination of:

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

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

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

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

(8) The advisory board shall assist probation administration and the department in implementing performance metrics for staff as provided in sections 29-2243 and 83-171.01. The advisory board shall regularly review such

agencies' implementation and use of such performance metrics and offer updated guidance to ensure that such metrics are aligned with best practices, stakeholder input, and the evolving goals and priorities of the criminal justice system.

(9) On or before October 1, 2025, and on or before each October 1 thereafter, the advisory board shall electronically submit a report to the Judiciary Committee of the Legislature. The report shall include data regarding baselines, goals, efforts undertaken to achieve such goals, and action steps outlined to meet such goals and set objectives. The report shall detail the outcomes of parole decisions, reentry efforts, recidivism rates, and any challenges encountered. The report shall provide stakeholders with a clear understanding of the progress made, challenges faced, and strategies employed throughout the reporting period.

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

47-1119 The department and board may adopt and promulgate rules and regulations to carry out the Community Work Release and Reentry Centers Act.

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

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

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

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

(1) An individual has made all reasonable efforts to preserve the

employment but voluntarily leaves his or her work for the necessary purpose of escaping abuse at the place of employment or abuse as defined in section 42-903 between household members;

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

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

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

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

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

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

(b) The provisions of this subdivision (5) shall not apply if the

individual is separated from the new job under conditions resulting in a disqualification from benefits under section 48-628.10 or 48-628.12;

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

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

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

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

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

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

(a) Family member means:

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

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

(iii) The individual's spouse; or

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

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

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

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

Sections 48-1102 to 48-1126 and sections 77, 78, and 91 of this act shall be known and may be cited as the Nebraska Fair Employment Practice Act.

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

(1) It is the policy of this state to foster the employment of all employable persons in the state on the basis of merit regardless of their race, color, religion, sex, disability, national origin, or military or veteran status and to safeguard their right to obtain and hold employment without discrimination because of their race, color, religion, sex, disability, national origin, or military or veteran status. Denying equal opportunity for employment because of race, color, religion, sex, disability, national origin, or military or veteran status is contrary to the principles of freedom and is a burden on the objectives of the public policy of this state.

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

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

Sec. 79. Section 48-1104, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) It shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program on the basis of religion, sex, disability, marital status, national origin, or military or veteran status in those certain instances when religion, sex, disability, marital status, national origin, or military or veteran status is a bona fide occupational qualification reasonably

necessary to the normal operation of that particular business or enterprise;

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

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

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

(b) The standard is adopted for nondiscriminatory reasons;

(c) The standard is applied equally; and

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

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

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

48-1111 (1) Except as otherwise provided in the Nebraska Fair Employment Practice Act, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system or a system which measures earnings by quantity or quality of production or to

employees who work in different locations, if such differences are not the result of an intention to discriminate because of race, color, religion, sex, disability, marital status, national origin, or military or veteran status, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test if such test, its administration, or action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, disability, marital status, national origin, or military or veteran status.

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

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

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

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

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

(5) This section shall not require an employer to provide employee

benefits for abortion except when medical complications have arisen from an abortion.

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

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

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

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

48-1115 Except as provided in section 91 of this act and except for the veterans preference provided for in sections 48-225 to 48-231 or section 48-238, it shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by

such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, marital status, national origin, or military or veteran status, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, disability, marital status, national origin, or military or veteran status when religion, sex, disability, marital status, national origin, or military or veteran status is a bona fide occupational qualification for employment.

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

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

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

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

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

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

(5) To require that every employer, employment agency, and labor organization subject to the act shall (a) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are

being committed, (b) preserve such records for such periods, and (c) make such reports therefrom, as the commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of the act or the regulations or orders thereunder. The commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to the act which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of the act, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and to furnish to the commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may either apply to the commission for an exemption from the application of such regulation or order or bring a civil action in the district court for the district where such records are kept. If the commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the commission or the court, as the case may be, may grant appropriate relief;

(6) To report, not less than once every two years, to the Clerk of the Legislature and the Governor, on the hearings it has conducted and the decisions it has rendered, the other work performed by it to carry out the purposes of the act, and to make recommendations for such further legislation concerning abuses and discrimination because of race, color, religion, sex, disability, marital status, national origin, or military or veteran status, as may be desirable. The report shall also include the number of complaints filed under the act alleging a violation of subdivision (2) of section 48-1107.01 and the resolution of such complaints. The report submitted to the Clerk of the Legislature shall be submitted electronically. Each member of the Legislature

shall receive an electronic copy of the report required by this subdivision by making a request for it to the chairperson of the commission; and

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

Sec. 88. Section 48-1119, Reissue Revised Statutes of Nebraska, is amended to read:

48-1119 (1) In case of failure to eliminate any unlawful employment practice by informal methods of conference, conciliation, persuasion, mediation, or arbitration, the commission may order a public hearing. If such hearing is ordered, the commission shall cause to be issued and served a written notice, together with a copy of the complaint, requiring the person, employer, labor organization, or employment agency named in the complaint, hereinafter referred to as respondent, to answer such charges at a hearing before the commission at a time and place which shall be specified in such notice. Such hearing shall be within the county where the alleged unlawful employment practice occurred. The complainant shall be a party to the proceeding, and in the discretion of the commission any other person whose testimony has a bearing on the matter may be allowed to intervene therein. Both the complainant and the respondent, in addition to the commission, may introduce witnesses at the hearing. The respondent may file a verified answer to the allegations of the complaint and may appear at such hearing in person and with or without counsel. Testimony or other evidence may be introduced by either party. All evidence shall be under oath and a record thereof shall be made and preserved. Such proceedings shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the State of Nebraska, and shall be of public record.

(2) No person shall be excused from testifying or from producing any book, document, paper, or account in any investigation, or inquiry by, or hearing before the commission when ordered to do so, upon the ground that the testimony or evidence, book, document, paper, or account required of such person may tend to incriminate such person in or subject such person to penalty or forfeiture;

but no person shall be prosecuted, punished, or subjected to any forfeiture or penalty for or on account of any act, transaction, matter, or thing concerning which such person shall have been compelled under oath to testify or produce documentary evidence, except that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by such person in his or her testimony. Such immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. Nothing in this subsection shall be construed as precluding any person from claiming any right or privilege available to such person under the Fifth Amendment to the Constitution of the United States.

(3) After the conclusion of the hearing, the commission shall, within ten days of the receipt of the transcript or the receipt of the recommendations from the hearing officer, make and file its findings of fact and conclusions of law and make and enter an appropriate order. The hearing officer need not refer to the page and line numbers of the transcript when making his or her recommendation to the commission. Such findings of fact and conclusions of law shall be in sufficient detail to enable a court on appeal to determine the controverted questions presented by the proceedings and whether proper weight was given to the evidence. If the commission determines that the respondent has intentionally engaged in or is intentionally engaging in any unlawful employment practice, it shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful employment practice and order such other affirmative action as may be appropriate which may include, but shall not be limited to, reinstatement or hiring of employees, with or without backpay. Backpay liability shall not accrue from a date more than two years prior to the filing of the charge with the commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the backpay otherwise allowable.

(4) A complainant who has suffered physical, emotional, or financial harm

as a result of a violation of section 48-1104 or 48-1114 may, at any stage of the proceedings prior to dismissal, file an action directly in the district court of the county where such alleged violation occurred. If the complainant files a district court action on the charge, the complainant shall provide written notice of such filing to the commission, and such notification shall immediately terminate all proceedings before the commission. The district court shall file and try such case as any other civil action, and any successful complainant shall be entitled to appropriate relief, including temporary or permanent injunctive relief, general and special damages, reasonable attorney's fees, and costs.

(5) No order of the commission shall require the admission or reinstatement of an individual as a member of a labor organization or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him or her of any backpay, if such individual was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, disability, marital status, national origin, or military or veteran status or in violation of section 48-1114. If the commission finds that a respondent has not engaged in any unfair employment practice, it shall within thirty days state its findings of fact and conclusions of law. A copy of any order shall be served upon the person against whom it runs or his or her attorney and notice thereof shall be given to the other parties to the proceedings or their attorneys. Such order shall take effect twenty days after service thereof unless otherwise provided and shall continue in force either for a period which may be designated therein or until changed or revoked by the commission.

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

Sec. 89. Section 48-1122, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 90. Section 48-1124, Reissue Revised Statutes of Nebraska, is amended to read:

48-1124 Nothing contained in the Nebraska Fair Employment Practice Act shall be deemed to repeal any of the provisions of the civil rights law, any other law of this state, or any municipal ordinance relating to discrimination because of race, creed, color, religion, sex, disability, national origin, or military or veteran status.

Sec. 91. The inclusion of military or veteran status as a protected class in the Nebraska Fair Employment Practice Act and sections 23-2525, 23-2531, and 23-2541:

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

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

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

(4) Does not prohibit veterans' preference programs.

Sec. 92. Section 49-801, Reissue Revised Statutes of Nebraska, is amended to read:

49-801 Unless the context is shown to intend otherwise, words and phrases

in the statutes of Nebraska hereafter enacted are used in the following sense:

(1) Acquire when used in connection with a grant of power or property right to any person includes the purchase, grant, gift, devise, bequest, and obtaining by eminent domain;

(2) Action includes any proceeding in any court of this state;

(3) Attorney means attorney at law;

(4) Company includes any corporation, partnership, limited liability company, joint-stock company, joint venture, or association;

(5) Domestic when applied to corporations means all those created by authority of this state;

(6) Federal refers to the United States;

(7) Foreign when applied to corporations includes all those created by authority other than that of this state;

(8) Grantee includes every person to whom any estate or interest passes in or by any conveyance;

(9) Grantor includes every person from or by whom any estate or interest passes in or by any conveyance;

(10) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used;

(11) Land or real estate includes lands, tenements, and hereditaments and all rights thereto and interest therein other than a chattel interest;

(12) Magistrate includes judge of the county court and clerk magistrate;

(13) Military or veteran status means a person:

(a) Is serving active duty service in the armed forces of the United States, including any reserve component or the National Guard;

(b) Has served on such active duty and was discharged or otherwise separated with a characterization of honorable or general (under honorable conditions); or

(c) Is a dependent, as defined in 50 U.S.C. 3911, of a person described in subdivision (13)(a) or (b) of this section;

(14) Month means calendar month;

(15) Oath includes affirmation in all cases in which an affirmation may be substituted for an oath;

(16) Peace officer includes sheriffs, coroners, jailers, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests;

(17) Person includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations;

(18) Personal estate includes money, goods, chattels, claims, and evidences of debt;

(19) Process means a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings;

(20) Service animal has the same meaning as in 28 C.F.R. 36.104, as such regulation existed on January 1, 2008;

(21) State when applied to different states of the United States shall be construed to extend to and include the District of Columbia and the several territories organized by Congress;

(22) Sworn includes affirmed in all cases in which an affirmation may be substituted for an oath;

(23) The United States includes territories, outlying possessions, and the District of Columbia;

(24) Violate includes failure to comply with;

(25) Writ shall signify an order or citation in writing issued in the name of the state out of a court or by a judicial officer; and

(26) Year means calendar year.

Sec. 93. Section 51-211, Reissue Revised Statutes of Nebraska, is amended to read:

51-211 (1) The library board may erect, lease, or occupy an appropriate building for the use of a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the

pleasure of the board. The governing body of the county, city, or village in which the library is located shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the library board.

(2) The library board may establish rules and regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The library board may fix and impose, by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation and fix and impose reasonable fees, not to exceed the library's actual cost, for nonbasic services. The board shall have and exercise such power as may be necessary to carry out the spirit and intent of sections 51-201 to 51-219 in establishing and maintaining a public library and reading room.

(3) The public library shall make its basic services available without charge to all residents of the political subdivision which supplies its tax support.

(4) No service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, marital status, or military or veteran status.

Sec. 94. Section 58-216, Reissue Revised Statutes of Nebraska, is amended to read:

58-216 Low-income or moderate-income person shall mean any person irrespective of race, religion, creed, national origin, sex, or military or veteran status determined by the authority to be eligible for such assistance as is made available by the Nebraska Investment Finance Authority Act on account of insufficient personal or family income, taking into consideration without limiting the generality thereof such factors as:

- (1) The amount of income of such person available for housing needs;
- (2) Size of family;
- (3) Cost and condition of housing available;

(4) Whether such person is elderly, infirm, or disabled;

(5) The ability of such person to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing sanitary, safe, and uncrowded housing; and

(6) Existing federal guidelines or standards for determining low income and moderate income.

Sec. 95. Section 58-808, Reissue Revised Statutes of Nebraska, is amended to read:

58-808 Private health care institution means any private not-for-profit corporation or institution that (1) is licensed under the Health Care Facility Licensure Act, (2) is described in section 501(c)(3) of the Internal Revenue Code and is exempt from federal income taxation under section 501(a) of the Internal Revenue Code, (3) is located within this state and is not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or municipality thereof, and (4) does not violate any Nebraska or federal law against discrimination on the basis of race, color, creed, national origin, ancestry, age, gender, handicap, or military or veteran status.

Sec. 96. Section 58-809, Reissue Revised Statutes of Nebraska, is amended to read:

58-809 Private institution of higher education means a not-for-profit educational institution located within this state which is not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or municipality thereof, which is authorized by law to provide a program of education beyond the high school level, and which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate;

(2) Provides an educational program for which it awards a bachelor's degree; provides an educational program, admission into which is conditioned upon the prior attainment of a bachelor's degree or its equivalent, for which it awards a postgraduate degree; provides a program of not less than two years

in length which is acceptable for full credit toward a bachelor's degree; or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semiprofessional level in engineering, research, medicine, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles or knowledge;

(3) Is accredited by an accrediting agency or association or, if not so accredited, is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited; and

(4) Has a student admissions policy that does not violate any other Nebraska or federal law against discrimination on the basis of race, color, creed, national origin, ancestry, age, gender, handicap, or military or veteran status.

Sec. 97. Section 58-810, Reissue Revised Statutes of Nebraska, is amended to read:

58-810 Private social services institution means any private not-for-profit corporation or institution that (1) provides health, safety, and welfare assistance, including emergency, social, housing, and related support services, to members of the general public in the state, (2) is described in section 501(c)(3) of the Internal Revenue Code and is exempt from federal income taxation under section 501(a) of the Internal Revenue Code, (3) is located within this state and is not owned or controlled by the state or any political subdivision, agency, instrumentality, district, or municipality thereof, and (4) does not violate any Nebraska or federal law against discrimination on the basis of race, color, creed, national origin, ancestry, age, gender, handicap, or military or veteran status.

Sec. 98. Section 68-1605, Reissue Revised Statutes of Nebraska, is amended to read:

68-1605 (1) The department shall use the funds in the Homeless Shelter Assistance Trust Fund to finance grants for projects or programs that provide

for persons or families with special housing needs.

(2) Projects and programs to which funds shall be provided include eligible community, neighborhood-based, housing-assistance organizations, institutions, associations, and societies or corporations that:

(a) Are exempt from taxation under section 501(c)(3) of the Internal Revenue Code as defined in section 49-801.01;

(b) Do not discriminate on the basis of age, religion, sex, race, color, national origin, or military or veteran status. This subdivision does not prohibit otherwise nondiscriminatory conduct designed to benefit veterans or servicemembers or their family members, such as providing housing limited to veterans or servicemembers or their family members, or otherwise offering benefits that are limited to veterans or servicemembers or their family members;

(c) Provide residential housing for at least eight hours of every twenty-four-hour period; and

(d) Operate a drug-free premises.

(3) The department shall establish an advisory committee consisting of individuals and groups involved with housing issues, in particular those pertaining to persons or families with special housing needs, to advise and assist the department in establishing criteria, priorities, and guidelines for eligibility requirements, application requirements and dates, public notification, and monitoring and shall assist the department in adopting and promulgating rules and regulations for providing grants from the fund.

(4) An application submitted by an organization representing a number of eligible applicants may be considered even though the representing organization may itself not qualify under this section.

(5) In making grants pursuant to the Homeless Shelter Assistance Trust Fund Act, the department shall consider, but not be limited to, the following factors:

(a) The number of night-lodging units provided by the applicant as measured by the number of persons housed per night;

(b) Participation by the applicant in community planning processes and activities aimed at preventing and alleviating homelessness;

(c) Other verifiable units of service provided by the applicant; and

(d) The geographic distribution of funds.

Sec. 99. Section 69-2403, Reissue Revised Statutes of Nebraska, is amended to read:

69-2403 (1) Except as provided in this section, a person shall not:

(a) Purchase, lease, rent, or receive transfer of a handgun until he or she has obtained a certificate in accordance with section 69-2404; or

(b) Sell, lease, rent, or transfer a handgun to a person who has not obtained a certificate.

(2) The certificate shall not be required if:

(a) The person acquiring the handgun is a licensed firearms dealer under federal law;

(b) The handgun is an antique handgun;

(c) The person acquiring the handgun is authorized to do so on behalf of a law enforcement agency;

(d) The transfer is a temporary transfer of a handgun and the transferee remains (i) in the line of sight of the transferor or (ii) within the premises of an established shooting facility;

(e) The transfer is between a person and his or her spouse, sibling, parent, child, aunt, uncle, niece, nephew, or grandparent;

(f) The person acquiring the handgun is a holder of a valid permit under the Concealed Handgun Permit Act; or

(g) The person acquiring the handgun is a peace officer as defined in section 69-2429.

Sec. 100. Section 69-2409.01, Reissue Revised Statutes of Nebraska, is amended to read:

69-2409.01 (1)(a) For purposes of criminal history record information checks relating to firearms or explosives, the Nebraska State Patrol shall be furnished with only such information as may be necessary for the purposes of

determining whether an individual is:

(i) Qualified to receive a permit to carry a concealed handgun under section 69-2433; or

(ii) Disqualified from purchasing or possessing firearms or explosives pursuant to state or federal law.

(b) The clerks of the various courts shall furnish to the Department of Health and Human Services and Nebraska State Patrol, as soon as practicable but within thirty days after a court order is issued, in a form and manner prescribed by the Department of Health and Human Services or the Nebraska State Patrol, as applicable, all information necessary to set up and maintain the database required by this section. The clerks of the various courts shall furnish information regarding those persons who:

(i) Are disqualified from purchasing or possessing firearms or explosives pursuant to state or federal law, including, but not limited to, 18 U.S.C. 922(d)(4) and (g)(4);

(ii) Are currently receiving mental health treatment pursuant to a commitment order of a mental health board or have been discharged;

(iii) Have been committed to treatment pursuant to section 29-3702;

(iv) Meet the definition of adjudicated as a mental defective or committed to a mental institution pursuant to 27 C.F.R. 478.11, including individuals found not responsible by reason of insanity, found not competent to stand trial, found to lack the mental capacity to manage their own affairs, or otherwise found by a court to be not competent; and

(v) Have had firearm-related disabilities removed pursuant to section 71-963.

(c) The mental health board shall notify the Department of Health and Human Services and the Nebraska State Patrol when an individual's firearm-related disabilities have been removed pursuant to section 71-963.

(d) The department shall maintain in the database information provided by the clerks of the various courts pursuant to this section and a listing of persons committed to treatment pursuant to section 29-3702.

(e) To ensure the accuracy of the database, any information maintained or disclosed under this subsection shall be updated, corrected, modified, or removed, as appropriate, and as soon as practicable, from any database that the state or federal government maintains and makes available to the National Instant Criminal Background Check System. The procedures for furnishing the information shall guarantee that no information is released beyond what is necessary for purposes of this section.

(2) In order to comply with sections 69-2401 and 69-2403 to 69-2408 and this section, the Nebraska State Patrol shall provide to the chief of police or sheriff of an applicant's place of residence only the information regarding whether or not the applicant is disqualified from purchasing or possessing a handgun.

(3) Any person, agency, or mental health board participating in good faith in the reporting or disclosure of records and communications under this section is immune from any liability, civil, criminal, or otherwise, that might result by reason of the action.

(4) Any person who intentionally causes the Nebraska State Patrol to request information pursuant to this section without reasonable belief that the named individual has submitted a written application under section 69-2404 or 69-2430 or is otherwise subject to a criminal history record information check pursuant to law shall be guilty of a Class II misdemeanor in addition to other civil or criminal liability under state or federal law.

Sec. 101. Section 69-2410, Reissue Revised Statutes of Nebraska, is amended to read:

69-2410 No importer, manufacturer, or dealer licensed pursuant to 18 U.S.C. 923 shall sell or deliver any handgun to another person other than a licensed importer, manufacturer, dealer, or collector until he or she has:

(1) Inspected a valid certificate issued to such person pursuant to sections 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

(2) Inspected a valid identification containing a photograph of such person which appropriately and completely identifies such person.

Sec. 102. Section 69-2420, Reissue Revised Statutes of Nebraska, is amended to read:

69-2420 Any person who, in connection with the purchase, transfer, or attempted purchase of a handgun pursuant to section 69-2410, knowingly and intentionally makes any materially false oral or written statement or knowingly and intentionally furnishes any false identification intended or likely to deceive the licensee shall be guilty of a Class IV felony.

Sec. 103. Section 71-901, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-901 Sections 71-901 to 71-964 and sections 106 and 107 of this act shall be known and may be cited as the Nebraska Mental Health Commitment Act.

Sec. 104. Section 71-903, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-903 For purposes of the Nebraska Mental Health Commitment Act, unless the context otherwise requires, the definitions found in sections 71-904 to 71-914.02 and sections 106 and 107 of this act shall apply.

Sec. 105. Section 71-904, Reissue Revised Statutes of Nebraska, is amended to read:

71-904 Administrator means the administrator or other chief administrative officer of a treatment facility, medical facility, jail, or Department of Correctional Services facility or his or her designee.

Sec. 106. Dangerous sex offender has the same meaning as in section 83-174.01.

Sec. 107. Videoconferencing means conducting or participating in a hearing or evaluation electronically or telephonically with audiovisual interaction among the participants.

Sec. 108. Section 71-915, Reissue Revised Statutes of Nebraska, is amended to read:

71-915 (1) The presiding judge in each district court judicial district shall create at least one but not more than three mental health boards in such district and shall appoint sufficient members and alternate members to such

boards. Members and alternate members of a mental health board shall be appointed for four-year terms. The presiding judge may remove members and alternate members of the board at his or her discretion. Vacancies shall be filled for the unexpired term in the same manner as provided for the original appointment. Members of the mental health board shall have the same immunity as judges of the district court.

(2) Each mental health board shall consist of an attorney licensed to practice law in this state and any two of the following but not more than one from each category: A physician, a psychologist, a psychiatric nurse, a licensed clinical social worker or a licensed independent clinical social worker, a licensed independent mental health practitioner who is not a social worker, or a layperson with a demonstrated interest in mental health and substance dependency issues. The attorney shall be chairperson of the board. Members and alternate members of a mental health board shall take and subscribe an oath to support the United States Constitution and the Constitution of Nebraska and to faithfully discharge the duties of the office according to law.

(3) The mental health board shall have the power to issue subpoenas, to administer oaths, and to do any act necessary and proper for the board to carry out its duties. No mental health board hearing shall be conducted unless three members or alternate members are present and able to vote. Any action taken at any mental health board hearing shall be by majority vote. Upon the agreement of all parties, any hearing before the mental health board may be conducted by videoconferencing.

(4) The mental health board shall prepare and file an annual inventory statement with the county board of its county of all county personal property in its custody or possession. Members of the mental health board shall be compensated and shall be reimbursed for their actual and necessary expenses by the county or counties being served by such board. Compensation shall be at an hourly rate to be determined by the presiding judge of the district court, except that such compensation shall not be less than fifty dollars for each hearing of the board. Members shall also be reimbursed for their actual and

necessary expenses, not including charges for meals. Mileage shall be determined pursuant to section 23-1112.

Sec. 109. Section 71-919, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-919 (1)(a) A law enforcement officer may take a person into emergency protective custody, cause him or her to be taken into emergency protective custody, or continue his or her custody if he or she is already in custody if the officer has probable cause to believe:

(i) Such person is mentally ill and dangerous or a dangerous sex offender and that the harm described in section 71-908 or subdivision (1) of section 83-174.01 is likely to occur before mental health board proceedings under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act may be initiated to obtain custody of the person; or

(ii) For a person domiciled within Indian country in Nebraska, that such person is mentally ill and dangerous or a dangerous sex offender under tribal law and that harm comparable to that described in section 71-908 or subdivision (1) of section 83-174.01 or the equivalent under tribal law is likely to occur before mental health proceedings under tribal law may be initiated to obtain custody of the person.

(b) Such person shall be admitted to an appropriate and available medical facility, jail, or Department of Correctional Services facility as provided in subsection (2) of this section.

(c)(i) Except as provided in subdivision (1)(c)(ii) of this section, each county shall make arrangements with appropriate facilities inside or outside the county for such purpose and shall pay the cost of the emergency protective custody of persons from such county in such facilities.

(ii) For a subject domiciled within Indian country in Nebraska for whom emergency protective custody is initiated under tribal law, the tribe shall make arrangements with appropriate facilities inside or outside the tribe for such purpose and shall make arrangements for payment of the cost of the emergency protective custody of persons from such tribe in such facilities.

(d) A mental health professional who has probable cause to believe that a person is mentally ill and dangerous or a dangerous sex offender may cause such person to be taken into custody and shall have a limited privilege to hold such person until a law enforcement officer or other authorized person arrives to take custody of such person.

(2)(a) For purposes of this subsection, convicted sex offender means a person with a prior conviction for an offense listed in section 29-4003.

(b) A person taken into emergency protective custody under this section who is not a convicted sex offender shall be admitted to an appropriate and available medical facility, except that such person may instead be admitted to a jail or other facility with an available mental health bed under the Regional Mental Health Expansion Pilot Program Act until an appropriate medical facility is available.

(c) A person taken into emergency protective custody under this section who is not a convicted sex offender shall be admitted to a jail or Department of Correctional Services facility unless a medical or psychiatric emergency exists for which treatment at a medical facility is required. The person in emergency protective custody shall remain at the medical facility until the medical or psychiatric emergency has passed and it is safe to transport such person, at which time the person shall be transferred to an available jail or Department of Correctional Services facility.

(3)(a) Except as provided in subdivision (3)(b) of this section, upon admission to a facility or jail of a person taken into emergency protective custody by a law enforcement officer under this section, such officer shall execute a written certificate prescribed and provided by the Department of Health and Human Services. The certificate shall allege the officer's belief that the person in custody is mentally ill and dangerous or a dangerous sex offender and shall contain a summary of the person's behavior supporting such allegations. A copy of such certificate shall be immediately forwarded to the county attorney.

(b) In the case of a subject domiciled within Indian country who is taken

into emergency protective custody by a law enforcement officer under tribal law, upon admission to a facility or jail, such officer shall execute written documentation in a format provided by the tribe. At a minimum, such documentation shall clearly identify the subject, identify the relevant tribe, allege the officer's belief that the person in custody is mentally ill and dangerous or a dangerous sex offender under tribal law, and contain a summary of the subject's behavior supporting such allegations. A copy of such documentation shall be immediately forwarded to the appropriate tribal prosecutor or tribal official.

(4)(a) The administrator of the facility or jail shall have such person evaluated by a mental health professional as soon as reasonably possible but not later than thirty-six hours after admission. The mental health professional shall not be the mental health professional who causes such person to be taken into custody under this section and shall not be a member or alternate member of the mental health board that will preside over any hearing under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act with respect to such person. Upon the agreement of all parties, the evaluation may be conducted by videoconferencing if the mental health professional thinks it appropriate under the circumstances.

(b) A person shall be released from emergency protective custody after completion of such evaluation unless the mental health professional determines, in his or her clinical opinion, that such person is mentally ill and dangerous or a dangerous sex offender. In the case of a subject domiciled within Indian country who is taken into emergency protective custody under tribal law, the mental health professional shall notify an appropriate tribal prosecutor or official of such release.

Sec. 110. Section 71-920, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-920 (1) Except as provided in subsection (3) of this section, a mental health professional who, upon evaluation of a person admitted for emergency protective custody under section 71-919, determines that such person is

mentally ill and dangerous shall execute a written certificate as provided in subsection (2) of this section not later than twenty-four hours after the completion of such evaluation. A copy of such certificate shall be immediately forwarded to the county attorney.

(2) The certificate shall be in writing and shall include the following information:

(a) The subject's name and address, if known;

(b) The name and address of the subject's spouse, legal counsel, guardian or conservator, and next-of-kin, if known;

(c) The name and address of anyone providing psychiatric or other care or treatment to the subject, if known;

(d) The name and address of any other person who may have knowledge of the subject's mental illness or substance dependence who may be called as a witness at a mental health board hearing with respect to the subject, if known;

(e) The name and address of the facility or jail in which the subject is being held for emergency protective custody and evaluation;

(f) The name and work address of the certifying mental health professional;

(g) A statement by the certifying mental health professional that he or she has evaluated the subject since the subject was admitted for emergency protective custody and evaluation; and

(h) A statement by the certifying mental health professional that, in his or her clinical opinion, the subject is mentally ill and dangerous and the clinical basis for such opinion.

(3) In the case of a subject domiciled within Indian country who is taken into emergency protective custody by a law enforcement officer under tribal law, a mental health professional who, upon evaluation of such person, determines that such person is mentally ill and dangerous shall execute appropriate written documentation in a format provided by the tribe not later than twenty-four hours after the completion of such evaluation. A copy of such certificate shall be immediately forwarded to the person designated by the

tribe.

Sec. 111. Section 71-922, Reissue Revised Statutes of Nebraska, is amended to read:

71-922 (1) Mental health board proceedings shall be deemed to have commenced upon the earlier of (a) the filing of a petition under section 71-921 or (b) notification by the county attorney to the law enforcement officer who took the subject into emergency protective custody under section 71-920 or the administrator of the facility or jail having charge of the subject of his or her intention to file such petition. The county attorney shall file such petition as soon as reasonably practicable after such notification.

(2) A petition filed by the county attorney under section 71-921 may contain a request for the emergency protective custody and evaluation of the subject prior to commencement of a mental health board hearing pursuant to such petition with respect to the subject. Upon receipt of such request and upon a finding of probable cause to believe that the subject is mentally ill and dangerous as alleged in the petition, the court or chairperson of the mental health board may issue a warrant directing the sheriff to take custody of the subject. If the subject is already in emergency protective custody under a certificate filed under section 71-919, a copy of such certificate shall be filed with the petition. The subject in such custody shall be held in the nearest appropriate and available medical facility and shall not be placed in a jail or other correctional facility except as required or authorized by subsection (2) of section 71-919. Each county shall make arrangements with appropriate medical facilities inside or outside the county for such purpose and shall pay the cost of the emergency protective custody of persons from such county in such facilities.

(3) The petition and all subsequent pleadings and filings in the case shall be entitled In the Interest of, Alleged to be Mentally Ill and Dangerous. The county attorney may dismiss the petition at any time prior to the commencement of the hearing of the mental health board under section 71-924, and upon such motion by the county attorney, the mental health board

shall dismiss the petition.

Sec. 112. Section 71-924, Reissue Revised Statutes of Nebraska, is amended to read:

71-924 (1) A hearing shall be held by the mental health board to determine whether there is clear and convincing evidence that the subject is mentally ill and dangerous as alleged in the petition.

(2) At the commencement of the hearing, the board shall inquire whether the subject has received a copy of the petition and list of rights accorded him or her by sections 71-943 to 71-960 and whether he or she has read and understood them. The board shall explain to the subject any part of the petition or list of rights which he or she has not read or understood. The board shall inquire of the subject whether he or she admits or denies the allegations of the petition. If the subject admits the allegations, the board shall proceed to enter a treatment order pursuant to section 71-925. If the subject denies the allegations of the petition, the board shall proceed with a hearing on the merits of the petition.

(3) Upon the agreement of all parties, a hearing before the mental health board under this section may be conducted by videoconferencing.

Sec. 113. Section 71-926, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-926 (1) At the conclusion of a mental health board hearing under section 71-924 and prior to the entry of a treatment order by the board under section 71-925, the board may (a) order that the subject be retained in custody until the entry of such order and the subject may be admitted for treatment pursuant to such order or (b) order the subject released from custody under such conditions as the board deems necessary and appropriate to prevent the harm described in section 71-908 and to assure the subject's appearance at a later disposition hearing by the board. A subject shall be retained in custody under this section at the nearest appropriate and available medical facility and shall not be placed in a jail or other correctional facility except as required or authorized by subsection (2) of section 71-919. Each county shall

make arrangements with appropriate medical facilities inside or outside the county for such purpose and shall pay the cost of the emergency protective custody of persons from such county in such facilities.

(2) A subject who has been ordered to receive inpatient or outpatient treatment by a mental health board may be provided treatment while being retained in emergency protective custody and pending admission of the subject for treatment pursuant to such order.

(3)(a) In the case of a subject domiciled within Indian country who is taken into emergency protective custody by a law enforcement officer under tribal law, at the conclusion of a mental health hearing under tribal law and prior to entry of a treatment order by the tribal court, the tribal court may order that the subject be:

(i) Retained in custody until entry of such order and the subject may be admitted for treatment pursuant to such order; or

(ii) Released from custody under such conditions as the tribal court deems necessary and appropriate to prevent harm comparable to that described in section 71-908 or the equivalent under tribal law and to assure the subject's appearance at a later disposition hearing. A subject shall be retained in custody under this section at the nearest appropriate and available medical facility and shall not be placed in a jail or other correctional facility except as required or authorized by subsection (2) of section 71-919.

(b) Each tribe shall make arrangements with appropriate medical facilities inside or outside the tribe for such purpose and shall make arrangements for payment of the cost of the emergency protective custody of persons from such tribe in such facilities.

(c) A subject who has been ordered to receive inpatient or outpatient treatment pursuant to tribal law may be provided treatment while being retained in emergency protective custody and pending admission of the subject for treatment pursuant to such order.

Sec. 114. Section 71-939, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-939 (1)(a) When any person receiving treatment at a treatment facility or program for persons with mental illness or substance dependence pursuant to an order of a court or mental health board is absent without authorization from such treatment facility or program, the administrator or program director of such treatment facility or program shall immediately notify the Nebraska State Patrol and the court or clerk of the mental health board of the judicial district from which such person was committed.

(b) The clerk shall issue the warrant of the board directed to the sheriff of the county for the arrest and detention of such person. Such warrant may be executed by the sheriff or any other peace officer.

(2)(a) When any person receiving treatment at a treatment facility or program for persons with mental illness or substance dependence pursuant to an order of a tribal court as provided in section 71-964 is absent without authorization from such treatment facility or program, the administrator or program director of such treatment facility or program shall immediately notify the Nebraska State Patrol and the appropriate tribal prosecutor or official.

(b) The appropriate tribal official may issue a warrant directed to a peace officer or sheriff of any county for the arrest and detention of such person. Such warrant may be executed by the sheriff or any other peace officer.

(3) The notification required by subdivision (1)(a) or (2)(a) of this section shall include the person's name and description and a determination by a psychiatrist, clinical director, administrator, or program director as to whether the person is believed to be currently dangerous to others.

(4) Pending the issuance of such warrant, any peace officer may seize and detain such person when the peace officer has probable cause to believe that the person is reported to be absent without authorization as described in this section. Such person shall be returned to the treatment facility or program or shall be taken to a facility or jail as described in section 71-919 until he or she can be returned to such treatment facility or program.

Sec. 115. Section 71-941, Reissue Revised Statutes of Nebraska, is amended to read:

71-941 (1) A person arrested upon a warrant pursuant to section 71-940 shall not be delivered to a demanding state until he or she is notified of the demand for his or her surrender and has had an opportunity to apply for a writ of habeas corpus. If an application is filed, notice of the time and place for hearing on the writ shall be given to the county attorney of the county where the arrest was made. The person arrested shall have the right to counsel and the right to have counsel appointed for him or her if the person is indigent. Pending the determination of the court upon the application for the writ, the person detained shall be maintained in a suitable facility or jail as described in section 71-919 or a hospital for persons with mental illness.

(2) At a hearing on a writ of habeas corpus, the State of Nebraska shall show that there is probable cause to believe that (a) such person is absent without authorization from a treatment facility or program for persons with mental illness or substance dependence to which he or she was committed located in the demanding state, (b) the demanding state has reason to believe that such person is currently dangerous to himself, herself, or others, and (c) the demanding state is willing to accept the person back for further treatment.

Sec. 116. Section 71-951, Reissue Revised Statutes of Nebraska, is amended to read:

71-951 All mental health board hearings under the Nebraska Mental Health Commitment Act shall be closed to the public except at the request of the subject and shall be held in a courtroom or at any convenient and suitable place designated by the mental health board. The board shall have the right to conduct the proceeding where the subject is currently residing if the subject is unable to travel. Upon the agreement of all parties, any hearing before the mental health board may be conducted by videoconferencing.

Sec. 117. Section 71-952, Reissue Revised Statutes of Nebraska, is amended to read:

71-952 A subject shall appear personally or by videoconferencing and be afforded the opportunity to testify in his or her own behalf and to present witnesses and tangible evidence in defending against the petition at the

hearing.

Sec. 118. Section 71-954, Reissue Revised Statutes of Nebraska, is amended to read:

71-954 (1) Except as provided in subsection (2) of this section, a subject shall have the right at a hearing held under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act to confront and cross-examine adverse witnesses and evidence equivalent to the rights of confrontation granted by Amendments VI and XIV of the United States Constitution and Article I, section 11, of the Constitution of Nebraska.

(2) This section does not prohibit a mental health board from conducting a hearing using videoconferencing.

Sec. 119. Section 71-958, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-958 Any qualified mental health professional, upon being authorized by the administrator of the facility or jail having custody of the subject, may provide appropriate medical treatment for the subject while in custody, except that a subject shall not be subjected to such quantities of medication or other treatment within such period of time prior to any hearing held under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act or, for a subject who is domiciled in Indian country and committed for treatment as provided in section 71-964, a hearing held under the equivalent tribal law, as will substantially impair his or her ability to assist in his or her defense at such hearing.

Sec. 120. Section 71-961, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-961 (1) All records kept on any subject shall remain confidential except as otherwise provided by law. Such records shall be accessible to (a) the subject, except as otherwise provided in subsection (2) of this section, (b) the subject's legal counsel, (c) the subject's guardian or conservator, if any, (d) the mental health board having jurisdiction over the subject, (e) persons authorized by an order of a judge or court, (f) persons authorized by

written permission of the subject, (g) agents or employees of the Department of Health and Human Services upon delivery of a subpoena from the department in connection with a licensing or licensure investigation by the department, (h) individuals authorized to receive notice of the release of a sex offender pursuant to section 83-174, (i) the Nebraska State Patrol or the department pursuant to section 69-2409.01, (j) the Department of Correctional Services if the subject meets the requirements for lifetime community supervision pursuant to section 83-174.03, and (k) any tribal court having jurisdiction over a subject who is domiciled in Indian country and committed for treatment as provided in section 71-964.

(2) Upon application by the county attorney or by the administrator of the treatment facility where the subject is in custody and upon a showing of good cause therefor, a judge of the district court of the county where the mental health board proceedings were held or of the county where the treatment facility is located may order that the records not be made available to the subject if, in the judgment of the court, the availability of such records to the subject will adversely affect his or her mental illness or personality disorder and the treatment thereof.

(3) When a subject is absent without authorization from a treatment facility or program described in section 71-939 or 71-1223 and is considered to be dangerous to others, the subject's name and description and a statement that the subject is believed to be considered dangerous to others may be disclosed in order to aid in the subject's apprehension and to warn the public of such danger.

Sec. 121. Section 71-1203, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-1203 For purposes of the Sex Offender Commitment Act:

(1) The definitions found in sections 71-904.02, 71-905, 71-906, 71-907, 71-910, 71-911, 71-914.01, 71-914.02, and 83-174.01 and sections 106 and 107 of this act apply;

(2) Administrator means the administrator or other chief administrative

officer of a treatment facility, medical facility, jail, or Department of Correctional Services facility or his or her designee;

(3) Outpatient treatment means treatment ordered by a mental health board directing a subject to comply with specified outpatient treatment requirements, including, but not limited to, (a) taking prescribed medication, (b) reporting to a mental health professional or treatment facility for treatment or for monitoring of the subject's condition, or (c) participating in individual or group therapy or educational, rehabilitation, residential, or vocational programs;

(4)(a) Subject means any person concerning whom (i) a certificate has been filed under section 71-1204, (ii) a certificate has been filed under section 71-919 and such person is held pursuant to subdivision (2)(b) of section 71-919, or (iii) a petition has been filed under the Sex Offender Commitment Act.

(b) Subject also includes a person who is a member of a tribe or eligible for membership in a tribe, who is domiciled within Indian country in Nebraska, and concerning whom sex offender involuntary commitment or emergency protective custody proceedings have been initiated under tribal law.

(c) Subject does not include any person under eighteen years of age unless such person is an emancipated minor; and

(5) Treatment facility means a facility which provides services for persons who are dangerous sex offenders.

Sec. 122. Section 71-1204, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-1204 (1) Except as provided in subsection (3) of this section, a mental health professional who, upon evaluation of a person admitted for emergency protective custody under section 71-919, determines that such person is a dangerous sex offender shall execute a written certificate as provided in subsection (2) of this section not later than twenty-four hours after the completion of such evaluation. A copy of such certificate shall be immediately forwarded to the county attorney.

(2) The certificate shall be in writing and shall include the following information:

- (a) The subject's name and address, if known;
- (b) The name and address of the subject's spouse, legal counsel, guardian or conservator, and next of kin, if known;
- (c) The name and address of anyone providing psychiatric or other care or treatment to the subject, if known;
- (d) The name and address of any other person who may have knowledge of the subject's mental illness or personality disorder who may be called as a witness at a mental health board hearing with respect to the subject, if known;
- (e) The name and address of the facility or jail in which the subject is being held for emergency protective custody and evaluation;
- (f) The name and work address of the certifying mental health professional;
- (g) A statement by the certifying mental health professional that he or she has evaluated the subject since the subject was admitted for emergency protective custody and evaluation; and
- (h) A statement by the certifying mental health professional that, in his or her clinical opinion, the subject is a dangerous sex offender and the clinical basis for such opinion.

(3) In the case of a subject domiciled within Indian country who is taken into emergency protective custody by a law enforcement officer under tribal law, a mental health professional who, upon evaluation of such person, determines that such person is a dangerous sex offender shall execute appropriate written documentation in a format provided by the tribe not later than twenty-four hours after the completion of such evaluation. A copy of such certificate shall be immediately forwarded to the person designated by the tribe.

Sec. 123. Section 71-1206, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-1206 (1) Mental health board proceedings shall be deemed to have

commenced upon the earlier of (a) the filing of a petition under section 71-1205 or (b) notification by the county attorney to the law enforcement officer who took the subject into emergency protective custody under section 71-919 or the administrator of the facility or jail having charge of the subject of the intention of the county attorney to file such petition. The county attorney shall file such petition as soon as reasonably practicable after such notification.

(2) A petition filed by the county attorney under section 71-1205 may contain a request for the emergency protective custody and evaluation of the subject prior to commencement of a mental health board hearing pursuant to such petition with respect to the subject. Upon receipt of such request and upon a finding of probable cause to believe that the subject is a dangerous sex offender as alleged in the petition, the court or chairperson of the mental health board may issue a warrant directing the sheriff to take custody of the subject. If the subject is already in emergency protective custody under a certificate filed under section 71-919, a copy of such certificate shall be filed with the petition. The subject in such custody, including pursuant to tribal law as provided in section 71-1226.01, shall be held in an appropriate and available medical facility, jail, or Department of Correctional Services facility. A dangerous sex offender shall not be admitted to a medical facility for emergency protective custody unless a medical or psychiatric emergency exists requiring treatment not available at a jail or correctional facility.

(3)(a) Except as provided in subdivision (3)(b) of this section, each county shall make arrangements with appropriate facilities inside or outside the county for such purpose and shall pay the cost of the emergency protective custody of persons from such county in such facilities.

(b) For a subject domiciled within Indian country in Nebraska for whom emergency protective custody is initiated under tribal law, the tribe shall make arrangements with appropriate facilities inside or outside the tribe for such purpose and shall make arrangements for the payment of the cost of the emergency protective custody of persons from such tribe in such facilities.

(4) The petition and all subsequent pleadings and filings in the case shall be entitled In the Interest of , Alleged to be a Dangerous Sex Offender. The county attorney may dismiss the petition at any time prior to the commencement of the hearing of the mental health board under section 71-1208, and upon such motion by the county attorney, the mental health board shall dismiss the petition.

Sec. 124. Section 71-1208, Reissue Revised Statutes of Nebraska, is amended to read:

71-1208 (1) A hearing shall be held by the mental health board to determine whether there is clear and convincing evidence that the subject is a dangerous sex offender as alleged in the petition.

(2) At the commencement of the hearing, the board shall inquire whether the subject has received a copy of the petition and list of rights accorded him or her by sections 71-943 to 71-960 and whether he or she has read and understood them. The board shall explain to the subject any part of the petition or list of rights which he or she has not read or understood. The board shall inquire of the subject whether he or she admits or denies the allegations of the petition. If the subject admits the allegations, the board shall proceed to enter a treatment order pursuant to section 71-1209. If the subject denies the allegations of the petition, the board shall proceed with a hearing on the merits of the petition.

(3) Upon the agreement of all parties, a hearing before the mental health board under this section may be conducted by videoconferencing.

Sec. 125. Section 71-1223, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-1223 (1)(a) When any person receiving treatment at a treatment facility or program for dangerous sex offenders pursuant to an order of a court or mental health board is absent without authorization from such treatment facility or program, the administrator or program director of such treatment facility or program shall immediately notify the Nebraska State Patrol and the court or clerk of the mental health board of the judicial district from which

such person was committed.

(b) The clerk shall issue the warrant of the board directed to the sheriff of the county for the arrest and detention of such person. Such warrant may be executed by the sheriff or any other peace officer.

(2)(a) When any person receiving treatment at a treatment facility or program for persons with mental illness pursuant to an order of a tribal court as provided in section 71-1226.01 is absent without authorization from such treatment facility or program, the administrator or program director of such treatment facility or program shall immediately notify the Nebraska State Patrol and the appropriate tribal prosecutor or official.

(b) The appropriate tribal official may issue a warrant directed to a peace officer or sheriff of any county for the arrest and detention of such person. Such warrant may be executed by the sheriff or any other peace officer.

(3) The notification required by subdivision (1)(a) or (2)(a) of this section shall include the person's name and description and a determination by a psychiatrist, clinical director, administrator, or program director as to whether the person is believed to be currently dangerous to others.

(4) Pending the issuance of such warrant, any peace officer may seize and detain such person when the peace officer has probable cause to believe that the person is reported to be absent without authorization as described in this section. Such person shall be returned to the treatment facility or program or shall be taken to a facility or jail as described in section 71-919 until he or she can be returned to such treatment facility or program.

Sec. 126. Section 71-3426, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-3426 (1) A lead organization may establish a local team for the lead organization's jurisdiction or for a group of cities, counties, or districts, pursuant to an agreement between multiple lead organizations. If multiple lead organizations decide to form a local team, only one shall fulfill the role of lead organization. The lead organization shall select the members of the local team.

(2) A local team shall consist of the core members that may include one or more members from the following backgrounds:

(a) Officials from the lead organization or from another local public health department or such officials' designees;

(b) Behavioral health providers or officials;

(c) Law enforcement personnel;

(d) Representatives of jails or detention centers;

(e) The coroner or the coroner's designee;

(f) Health care providers who specialize in the prevention, diagnosis, and treatment of substance use disorders;

(g) Mental health providers who specialize in substance use disorders;

(h) Representatives of emergency medical services providers in the county;

(i) The Director of Children and Family Services of the Division of Children and Family Services of the Department of Health and Human Services or the director's designee; and

(j) Representatives from the Board of Parole, the Office of Probation Administration, the Department of Correctional Services, or the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice.

(3) A local team may also include, either as permanent or temporary members:

(a) A local school superintendent or the superintendent's designee;

(b) A representative of a local hospital;

(c) A health care provider who specializes in emergency medicine;

(d) A health care provider who specializes in pain management;

(e) A pharmacist with a background in prescription drug misuse and diversion;

(f) A substance use disorder treatment provider from a licensed substance use disorder treatment program;

(g) A poison control center representative;

(h) A mental health provider who is a generalist;

(i) A prescription drug monitoring program administrator or such administrator's designee;

(j) A representative from a harm reduction provider;

(k) A recovery coach, peer support worker, or other representative of the recovery community;

(l) A representative from the local drug court; and

(m) Any other individual necessary for the work of the local team.

(4) The lead organization shall select a chairperson for the local team. The chairperson shall be an official of the lead organization or such official's designee. The chairperson shall:

(a) Solicit and recruit members and appoint replacement members to fill vacancies that may arise on the team. In carrying out this responsibility, the chairperson shall, at a minimum, attempt to appoint at least one member from each of the backgrounds or positions described in subsection (2) of this section;

(b) Facilitate local team meetings and implement the protocols and procedures of the local team;

(c) Request and collect the records and information needed for the local team's case review. The chairperson shall remove all personal identifying information from any records or information prior to providing it to the local team;

(d) Gather, store, and distribute the necessary records and information for reviews conducted by the team. The chairperson shall carry out such duties in compliance with all local, state, and federal confidentiality laws and regulations;

(e) Ensure that team members receive timely notification of upcoming meetings;

(f) Ensure the team fulfills the requirements of section 71-3427 to publish an annual report, including recommendations to prevent future drug overdose deaths;

(g) Ensure that all members of the local team and all guest observers and

participants sign confidentiality forms as required under section 71-3433;

(h) Oversee compliance with the Overdose Fatality Review Teams Act and the protocols developed by the team;

(i) Serve as a liaison for the local team; and

(j) Perform such other duties as the team deems appropriate.

(5) Members of the local team shall not receive compensation for their services as team members.

Sec. 127. Section 71-3430, Revised Statutes Cumulative Supplement, 2024, is amended to read:

71-3430 (1) Except as provided in subsection (4) of this section, on written request of the lead organization, and as necessary to carry out the purpose and duties of the local team, the lead organization shall be provided with the following information:

(a) Nonprivileged information and records regarding the physical health, mental health, and treatment for any substance use disorder maintained by a health care provider, substance use disorder treatment provider, hospital, or health system for an individual whose death is being reviewed by the local team; and

(b) Information and records maintained by a state or local government agency or entity, including, but not limited to, death investigative information, coroner investigative information, law enforcement investigative information, emergency medical services reports, fire department records, prosecutorial records, parole and probation information and records, court records, school records, and information and records of a social services agency, including the department, if the agency or entity provided services to an individual whose death is being reviewed by the local team.

(2) Except as provided in subsection (4) of this section, the following persons shall comply with a records request by the lead organization made pursuant to subsection (1) of this section:

(a) A coroner;

(b) A fire department;

(c) A health system;

(d) A hospital;

(e) A law enforcement agency;

(f) A local or state governmental agency, including, but not limited to, the department, local public health authorities, the Attorney General, county attorneys, public defenders, the Commission on Public Advocacy, the Department of Correctional Services, and the Office of Probation Administration;

(g) A mental health provider;

(h) A health care provider;

(i) A substance use disorder treatment provider;

(j) A school, including a public or private elementary, secondary, or postsecondary institution;

(k) An emergency medical services provider;

(l) A social services provider; and

(m) Any other person who is in possession of records pertinent to the local team's investigation of an overdose fatality.

(3) A person subject to a records request by a lead organization under subsection (1) of this section may charge the lead organization a reasonable fee for the service of duplicating any records requested by the lead organization, not to exceed the actual cost of duplication.

(4)(a) Compliance with any records request under this section is subject to the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and regulations promulgated thereunder; 42 U.S.C. 290dd-2; 42 C.F.R. part 2; and the Child Protection and Family Safety Act.

(b) The department is not required to comply with a records request under subsection (2) of this section to the extent the information requested:

(i) Was obtained by the prescription drug monitoring program created under section 71-2454;

(ii) Is covered by section 68-313; or

(iii) Is covered by 42 C.F.R. 431.300 et seq.

(c) The disclosure or redisclosure of a medical record developed in

connection with the provision of substance abuse treatment services, without the authorization of a person in interest, is subject to any limitations that exist under the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and regulations promulgated thereunder; 42 U.S.C. 290dd-2; and 42 C.F.R. part 2.

(5) Information requested by the lead organization shall be provided within thirty calendar days after receipt of the written request, unless an extension is granted by the chairperson. Written request includes a request submitted via email or facsimile transmission.

(6)(a) A county attorney or the Attorney General may, upon request by a lead organization, issue subpoenas to compel production of any of the records and information specified in this section.

(b) Any willful failure to comply with such a subpoena may be certified by the county attorney or Attorney General to the district court for enforcement or punishment for contempt of court.

Sec. 128. Section 75-325, Reissue Revised Statutes of Nebraska, is amended to read:

75-325 (1) Every transportation network company shall:

(a) Provide the commission with its email address and customer service telephone number;

(b) Display for the passenger either a picture of the driver's personal vehicle and a picture of the driver or the license plate number of the driver's personal vehicle on the online-enabled application or platform that a transportation network company uses to connect drivers and passengers;

(c) Maintain an agent for service of process in Nebraska;

(d) Maintain accurate and up-to-date records of all drivers providing services on behalf of the transportation network company, including the vehicle identification number for all personal vehicles to be operated in connection with the transportation network company;

(e)(i) Implement, enforce, and maintain a zero-tolerance policy on the use of drugs or alcohol applicable to any driver providing service for the

transportation network company that prohibits a driver from using any amount of drugs or alcohol while the driver is providing service, (ii) provide a copy of the policy to the commission promptly upon adoption, and (iii) provide a copy of any revision to the policy promptly upon adoption;

(f) Implement an anti-discrimination policy that prohibits discrimination by any driver providing service for the company on the basis of race, national origin, religion, gender, physical or mental disability, medical condition, marital status, age, or military or veteran status and file the policy with the commission;

(g) Maintain a website that provides a customer service telephone number or email address of the transportation network company and that provides the telephone number and email address of the commission;

(h) Establish a driver training program designed to ensure that each driver safely operates his or her personal vehicle prior to the driver being able to offer services on the transportation network company's online-enabled application or platform;

(i) Maintain records required under sections 75-301 to 75-343 to be collected by the transportation network company, including records regarding participating drivers; and

(j) Cooperate with the commission and any employees, investigators, or duly authorized agents of the commission in the investigation of complaints received by the commission from the public or in investigations initiated by the commission.

(2) A transportation network company shall not allow a driver to provide service if the company finds the driver to be in violation of its zero-tolerance policy required pursuant to subdivision (1)(e) of this section or if the driver has not successfully completed driver training pursuant to subdivision (1)(h) of this section. The transportation network company shall provide on its website and its online-enabled application or platform notice of the zero-tolerance policy and the procedures to report a complaint about a driver with whom the passenger was matched when the passenger reasonably

suspects the driver was under the influence of drugs or alcohol during the course of the prearranged ride. Upon receiving a complaint, a transportation network company shall immediately suspend the driver against whom the complaint was issued and conduct an investigation of the alleged violation. The suspension shall last for the duration of the investigation.

(3) If the commission has reasonable cause to believe a transportation network company is not enforcing the zero-tolerance policy filed with the commission, the commission shall investigate and, after notice and hearing, may enter an order requiring the transportation network company to enforce such policy, which may include suspension of the participating driver.

Sec. 129. Section 76-1495, Reissue Revised Statutes of Nebraska, is amended to read:

76-1495 A landlord may not:

(1) Deny rental on the basis of race, color, religion, sex, national origin, or military or veteran status;

(2) Require any person, as a precondition to renting, leasing, or otherwise occupying or removing from a mobile home space in a mobile home park, to pay an entrance or exit fee of any kind unless for services actually rendered or pursuant to a written agreement. A landlord may restrict the movement of mobile homes to reasonable hours and may require that all work in connection with the removal or installation of a mobile home, including, but not limited to, the hookup or disconnection of utilities, be done in a good and workmanlike manner;

(3) Deny any resident of a mobile home park the right to sell that person's mobile home at a price of his or her own choosing. The tenant shall, prior to selling the mobile home, give notice to the landlord, including, but not limited to, the name of the prospective purchaser. Unless otherwise agreed in writing, the landlord may reserve the right to approve or disapprove the prospective purchaser of the mobile home as a tenant within ten days after receiving notice of the intended sale. Any disapproval shall be in writing and shall be delivered to such tenant pursuant to section 76-1474. The landlord

shall not unreasonably refuse or restrict the sale by a tenant of a mobile home located in his or her mobile home park, but the landlord may consider the size, ages, and composition of the prospective purchaser's family in determining if the mobile home purchaser may leave the home in the park. The landlord may also, in order to upgrade the quality of the mobile home park, prescribe reasonable requirements governing the age, physical appearance, size, or quality of the mobile home. In the event of a sale to a third party or mutual termination of the rental agreement, the landlord may within ten days after receiving written notice of the pending sale or mutual termination require that any mobile home that is no longer appropriate for the mobile home park or that is in disrepair be repaired to the landlord's satisfaction or removed from the park within sixty days. The landlord shall specify in writing the reasons for disapproval of the mobile home;

(4) Exact a commission or fee with respect to the price realized by the tenant selling the mobile home, unless the park owner or operator has acted as agent for the mobile home owner pursuant to a written agreement; or

(5) Require a tenant to furnish permanent improvements which cannot be removed by the tenant without damage to the mobile home or mobile home space at the expiration of the rental agreement.

Sec. 130. Section 81-885.24, Reissue Revised Statutes of Nebraska, is amended to read:

81-885.24 The commission may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any broker, associate broker, salesperson, or subdivider, may censure the licensee or certificate holder, revoke or suspend any license or certificate issued under the Nebraska Real Estate License Act, or enter into consent orders, and, alone or in combination with such disciplinary actions, may impose a civil fine on a licensee pursuant to section 81-885.10, whenever the license or certificate has been obtained by false or fraudulent representation or the licensee or certificate holder has been found guilty of any of the following unfair trade practices:

(1) Refusing because of religion, race, color, national origin, ethnic group, sex, familial status, disability, or military or veteran status to show, sell, or rent any real estate for sale or rent to prospective purchasers or renters;

(2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted;

(3) Failing to account for and remit any money coming into his or her possession belonging to others;

(4) Commingling the money or other property of his or her principals with his or her own;

(5) Failing to maintain and deposit in a separate trust account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing;

(6) Accepting, giving, or charging any form of undisclosed compensation, consideration, rebate, or direct profit on expenditures made for a principal;

(7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer;

(8) Accepting any form of compensation or consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker;

(9) Acting in the dual capacity of agent and undisclosed principal in any transaction;

(10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;

(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent;

(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent;

(13) Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting, in lieu thereof, a new contract with another principal;

(14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract;

(15) Discussing or soliciting a discussion of, with an owner of a property which is exclusively listed with another broker, the terms upon which the broker would accept a future listing upon the expiration of the present listing unless the owner initiates the discussion;

(16) Violating any provision of sections 76-2401 to 76-2430;

(17) Soliciting, selling, or offering for sale real estate by offering free lots or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real estate;

(18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country;

(19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal;

(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the

purchaser and to the seller;

(21) Failing by a broker to deliver to the seller in every real estate transaction, at the time the transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller, failing to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same was disbursed, and failing to retain true copies of such statements in his or her files;

(22) Making any substantial misrepresentations;

(23) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts;

(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker;

(25) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists;

(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act;

(27) Failing by a subdivider, after the original certificate has been issued, to comply with all of the requirements of the Nebraska Real Estate License Act;

(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson;

(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section;

(30) Inducing or attempting to induce a person to transfer an interest in

real property, whether or not for monetary gain, or discouraging another person from purchasing real property, by representing that (a) a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, ethnic group, sex, familial status, or disability of the owners or occupants in the block, neighborhood, or area or (b) such change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area;

(31) Failing by a team leader to provide a current list of all team members to his or her designated broker;

(32) Failing by a designated broker to maintain a record of all team leaders and team members working under him or her;

(33) Utilizing advertising which does not prominently display the name under which the designated broker does business as filed with the commission;

(34) Utilizing team advertising or a team name suggesting the team is an independent real estate brokerage;

(35) Charging or collecting, as part or all of his or her compensation or consideration, any part of the earnest money or other money paid to him or her or the entity under which he or she does business in connection with any real estate transaction until the transaction has been consummated or terminated. However, a payment for goods or services rendered by a third party on behalf of the client shall not be considered compensation or consideration if such payment does not include any profit, compensation, or payment for services rendered by the broker and the broker retains a record of the payment to the third party for such goods or services;

(36) Failing to provide a copy of section 81-885.04 or written instructions explaining the provisions of the exemption from licensure as set forth in subdivision (9) of section 81-885.04 to any unlicensed person who assists in procuring a potential client or customer as defined in sections 76-2407 and 76-2409, respectively, for the purpose of the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate; or

(37) Offering or entering into a right-to-list home sale agreement.

Sec. 131. Section 81-1401, Reissue Revised Statutes of Nebraska, is amended to read:

81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the context otherwise requires:

(1) Class I railroad means a rail carrier classified as Class I pursuant to 49 C.F.R. part 1201 1-1;

(2) Commission means the Nebraska Commission on Law Enforcement and Criminal Justice;

(3) Council means the Nebraska Police Standards Advisory Council;

(4) Director means the director of the Nebraska Law Enforcement Training Center;

(5) Felony means a crime punishable by imprisonment for a term of more than one year or a crime committed outside of Nebraska which would be punishable by imprisonment for a term of more than one year if committed in Nebraska;

(6) Handgun means any firearm with a barrel less than sixteen inches in length or any firearm designed to be held and fired by the use of a single hand;

(7) Law enforcement agency means the police department or the town marshal in incorporated municipalities, the office of sheriff in unincorporated areas, the Nebraska State Patrol, and Class I railroad police departments;

(8)(a) Law enforcement officer means any person who has successfully completed an entry-level law enforcement certification from a training academy and who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the state or any political subdivision of the state for more than one hundred hours per year and is authorized by law to make arrests and includes, but is not limited to:

(i) A full-time or part-time member of the Nebraska State Patrol;

(ii) A county sheriff;

(iii) A full-time or part-time employee of a county sheriff's office;

(iv) A full-time or part-time employee of a municipal or village police agency;

(v) A full-time or part-time Game and Parks Commission conservation officer;

(vi) A full-time or part-time deputy state sheriff;

(vii) A full-time employee of an organized and paid fire department of any city of the metropolitan class who is an authorized arson investigator and whose duties consist of determining the cause, origin, and circumstances of fires or explosions while on duty in the course of an investigation;

(viii) A member of a law enforcement reserve force appointed in accordance with section 81-1438; or

(ix) A full-time Class I railroad police officer;

(b) Law enforcement officer includes a noncertified conditional officer;

(c) Law enforcement officer does not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System, parole officers appointed by the Director of Correctional Services, or employees of the Department of Revenue under section 77-366; and

(d) Except for a noncertified conditional officer, a law enforcement officer shall possess a valid law enforcement officer certificate or diploma, as established by the council, in order to be vested with the authority of this section;

(9) Misdemeanor crime of domestic violence has the same meaning as in section 28-1206;

(10) Noncertified conditional officer means a person appointed pursuant to subsection (6) of section 81-1414;

(11) Serious misconduct means improper or illegal actions taken by a law enforcement officer that have a rational connection with the person's fitness or capacity to serve as a law enforcement officer and includes, but is not limited to:

(a) Conviction of a felony or misdemeanor crime of domestic violence;

(b) Fabrication of evidence;

- (c) Repeated substantiated allegations of the use of excessive force;
- (d) Acceptance of a bribe;
- (e) Commission of fraud or perjury; or
- (f) Sexual assault;

(12) Training academy means:

- (a) The training center; or
- (b) Another council-approved law enforcement training facility which:

(i) Offers certification training that meets or exceeds the certification training curriculum of the training center; and

(ii) Is operated and maintained by a law enforcement agency or by multiple law enforcement agencies pursuant to the Interlocal Cooperation Act;

(13) Training center means the Nebraska Law Enforcement Training Center; and

(14) Training school means a public or private institution of higher education, including the University of Nebraska, the Nebraska state colleges, and the community colleges of this state, that offers training in a council-approved pre-certification course.

Sec. 132. Section 83-170, Reissue Revised Statutes of Nebraska, is amended to read:

83-170 As used in the Nebraska Treatment and Corrections Act, unless the context otherwise requires:

(1) Board means the Board of Parole;

(2) Committed offender means any person who, under any provision of law, is sentenced or committed to a facility operated by the department or is sentenced or committed to the department other than a person adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of section 43-247 by a juvenile court;

(3) Department means the Department of Correctional Services;

(4) Director means the Director of Correctional Services;

(5) Facility means any prison, reformatory, training school, reception center, community guidance center, group home, or other institution operated by

the department;

(6) Good time means any reduction of sentence granted pursuant to sections 83-1,107 and 83-1,108;

(7) Maximum term means the maximum sentence provided by law or the maximum sentence imposed by a court, whichever is shorter;

(8) Minimum term means the minimum sentence provided by law or the minimum sentence imposed by a court, whichever is longer;

(9) Pardon authority means the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations;

(10) Parole term means the time from release on parole to the completion of the maximum term, reduced by good time;

(11) Person committed to the department means any person sentenced or committed to a facility within the department;

(12) Restrictive housing means conditions of confinement that provide limited contact with other offenders, strictly controlled movement while out of cell, and out-of-cell time of less than twenty-four hours per week; and

(13) Solitary confinement means the status of confinement of an inmate in an individual cell having solid, soundproof doors and which deprives the inmate of all visual and auditory contact with other persons.

Sec. 133. Section 83-171, Reissue Revised Statutes of Nebraska, is amended to read:

83-171 There is hereby created a Department of Correctional Services which shall:

(1) Maintain and administer facilities required for the custody, control, correctional treatment, and rehabilitation of persons committed to the department and for the safekeeping of such other persons as may be remanded to the department in accordance with law;

(2) Develop policies and programs for the correctional treatment and rehabilitation of persons committed to the department;

(3) Supervise parolees who have been committed to the department;

(4) Administer parole services in the facilities and in the community; and

(5) Maintain all records and files associated with the Board of Parole, including relating to individuals subject to lifetime community supervision under section 83-174.03. This section shall not be construed to prohibit the department from maintaining daily records and files associated with the Board of Pardons.

Sec. 134. Section 83-171.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-171.01 The department shall establish performance metrics for corrections and parole staff. Such metrics shall measure staff efficacy in providing rehabilitative and reentry services to committed offenders and parolees. Such metrics shall:

(1) Reflect a balanced approach that considers both compliance and enforcement measures as well as outcomes related to rehabilitation, reintegration, and public safety;

(2) Include indicators of progress for committed offenders and parolees, such as successful completion of treatment programs, educational attainment, employment status, and compliance with conditions of supervision;

(3) Emphasize the importance of providing supportive services, fostering positive relationships with committed offenders and parolees, and promoting successful community reentry; and

(4) Be aligned with best practices, stakeholder input, and the evolving goals and priorities of the criminal justice system.

Sec. 135. Section 83-173, Reissue Revised Statutes of Nebraska, is amended to read:

83-173 The Director of Correctional Services shall:

(1) Supervise and be responsible for the administration of the Department of Correctional Services;

(2) Establish, consolidate, or abolish any administrative subdivision within the department and appoint and remove for cause the heads thereof and delegate appropriate powers and duties to them;

(3) Establish and administer policies and programs for the operation of

the facilities in the department and for the custody, control, safety, correction, and rehabilitation of persons committed to the department;

(4) Appoint and remove the chief executive officer of each facility and delegate appropriate powers and duties to him or her;

(5) Appoint and remove employees of the department and delegate appropriate powers and duties to them;

(6) Adopt and promulgate rules and regulations for the management, correctional treatment, and rehabilitation of persons committed to the department, the administration of facilities, and the conduct of officers and employees under his or her jurisdiction;

(7) Designate the place of confinement of persons committed to the department subject to section 83-176;

(8) Establish and administer policies that ensure that complete and up-to-date electronic records are maintained for each person committed to the department and which also ensure privacy protections. Electronic records shall include programming recommendations, program completions, time spent in housing other than general population, and medical records, including mental and behavioral health records;

(9) Collect, develop, and maintain statistical information concerning persons committed to the department, sentencing practices, and correctional treatment as may be useful in penological research or in the development of treatment programs;

(10) Provide training programs designed to equip employees for duty in the facilities and related services of the department and to raise and maintain the educational standards, level of performance, and safety of such employees;

(11) Notify law enforcement agencies of upcoming furloughs as required by section 83-173.01;

(12) Issue or authorize the issuance of a warrant for the arrest of any person committed to the department who has escaped from the custody of the department;

(13) Supervise and be responsible for administration of parole services in

the community, including administration of the Community Work Release and Reentry Centers Act;

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

(15) Divide the state into parole districts and appoint district parole officers and such other employees as may be required to carry out adequate parole supervision of all parolees, prescribe their powers and duties, and obtain division offices for staff in each district as may be necessary;

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

(17) Provide the Board of Parole and district judges with any record of a parolee that the board or such judges may require;

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

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

(20) Use the funds provided under section 83-1,107.02 to augment operational or personnel costs associated with the development, implementation, and evaluation of enhanced parole-based programs and purchase services to provide such programs aimed at enhancing adult parolee supervision in the community and treatment needs of parolees. Such enhanced parole-based programs include, but are not limited to, specialized units of supervision, related equipment purchases and training, and programs that address a parolee's vocational, educational, mental health, behavioral, or substance abuse treatment needs, including evidence-based peer and family support programs;

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

(22) Each January 1, report to the Governor and electronically to the Clerk of the Legislature the number of parole revocations and the number of technical violations of parole;

(23) Take all actions necessary to assist the board in carrying out its duties under section 83-962 during a correctional system overcrowding emergency;

(24) Administer the Interstate Compact for Adult Offender Supervision; and

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

Sec. 136. Section 83-174.03, Reissue Revised Statutes of Nebraska, is amended to read:

83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is convicted of or completes a term of incarceration for a registrable offense under section 29-4003 and has a previous conviction for a registrable offense under such section, (b) is convicted of sexual assault of a child in the first degree pursuant to section 28-319.01, or (c) is convicted of or completes a term of incarceration for an aggravated offense as defined in section 29-4001.01, shall, upon completion of his or her term of incarceration or release from civil commitment, be supervised in the community by the department for the remainder of his or her life.

(2) Notice shall be provided to the department by an agency or political subdivision which has custody of an individual required to be supervised in the community pursuant to subsection (1) of this section at least sixty days prior to the release of such individual from custody.

(3) Individuals required to be supervised in the community pursuant to subsection (1) of this section shall undergo a risk assessment and evaluation by the department to determine the conditions of community supervision to be imposed to best protect the public from the risk that the individual will reoffend.

(4) Conditions of community supervision imposed on an individual by the department may include the following:

(a) Drug and alcohol testing if the conviction resulting in the imposition of community supervision involved the use of drugs or alcohol;

(b) Restrictions on employment and leisure activities necessary to minimize interaction with potential victims;

(c) Requirements to report regularly to the individual's community supervision officer;

(d) Requirements to reside at a specified location and notify the individual's community supervision officer of any change in address or employment;

(e) A requirement to allow the department access to medical records from the individual's current and former providers of treatment;

(f) A requirement that the individual submit himself or herself to available medical, psychological, psychiatric, or other treatment, including, but not limited to, polygraph examinations; or

(g) Any other conditions designed to minimize the risk of recidivism, including, but not limited to, the use of electronic monitoring, which are not unduly restrictive.

Sec. 137. Section 83-174.04, Reissue Revised Statutes of Nebraska, is amended to read:

83-174.04 An individual who violates one or more of the conditions of community supervision established for him or her pursuant to section 83-174.03 shall undergo a review by the department to evaluate the risk posed to the public by the violation in question. The department may take any of the following actions in response to a violation of conditions of community supervision:

(1) Revise or impose additional conditions of community supervision in order to minimize the risk to the public from the continued presence of the individual in the community;

(2) Forward to the Attorney General or the county attorney in the county

where the individual resides a request to initiate a criminal prosecution for failure to comply with the terms of community supervision; or

(3) Forward to the county attorney or Attorney General a recommendation that civil commitment proceedings be instituted with respect to the individual.

Sec. 138. Section 83-174.05, Reissue Revised Statutes of Nebraska, is amended to read:

83-174.05 Failure to comply with the conditions of community supervision imposed by the department is a Class IV felony for the first offense and a Class III felony for any subsequent offense.

Sec. 139. Section 83-192, Reissue Revised Statutes of Nebraska, is amended to read:

83-192 (1) The Board of Parole shall:

(a) Determine the time of release on parole of committed offenders eligible for such release;

(b) Fix the conditions of parole, revoke parole, issue or authorize the issuance of warrants for the arrest of parole violators, and impose other sanctions short of revocation for violation of conditions of parole;

(c) Determine the time of mandatory discharge from parole;

(d) Visit and inspect any facility, state or local, for the detention of persons charged with or convicted of an offense and for the safekeeping of such other persons as may be remanded to such facility in accordance with law;

(e) Implement the utilization of a validated risk and needs assessment in coordination with the Department of Correctional Services . The assessment shall be prepared and completed by the department for use by the board in determining release on parole;

(f) Review the record of every parole-eligible committed offender annually when he or she is within three years of his or her earliest parole eligibility date.

The review schedule shall be based on court-imposed sentences or statutory minimum sentences, whichever are greater. The board is not required to review the record of a committed offender when the committed offender's parole

eligibility date is within one month of his or her mandatory discharge date. Nothing in such schedule shall prohibit the board from reviewing a committed offender's case at any time;

(g) Appoint and remove all employees of the board as prescribed by the State Personnel System and delegate appropriate powers and duties to them;

(h) Carry out its duties under section 83-962 during a correctional system overcrowding emergency;

(i) Adopt and promulgate rules and regulations; and

(j) Exercise all powers and perform all duties necessary and proper in carrying out its responsibilities under the Nebraska Treatment and Corrections Act.

(2) The chairperson of the board shall:

(a) Supervise the administration and operation of the board;

(b) Serve in an advisory capacity to the director in administering parole services within any facility;

(c) Interpret the parole program to the public with a view toward developing a broad base of public support;

(d) Conduct research for the purpose of evaluating and improving the effectiveness of the parole system;

(e) Recommend parole legislation to the Governor;

(f) Adopt and promulgate rules and regulations for the administration and operation of the board;

(g) Take all actions necessary to assist the board in carrying out its duties under section 83-962 during a correctional system overcrowding emergency; and

(h) Exercise all other powers and perform all other duties necessary and proper in carrying out his or her responsibilities as chairperson.

(3) This section does not prohibit a committed offender from requesting that the board review his or her record. The board is not required to review a committed offender's record more than once a year, except as otherwise required by statute, including section 83-962.

Sec. 140. Section 83-1,100, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,100 Parole officers shall be compensated with salaries substantially equal to other state employees who have similar responsibilities, including employees of the Office of Probation Administration. This section shall apply only to field parole service officers and support staff and shall not apply to the director or any other management-level position.

Sec. 141. Section 83-1,100.02, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,100.02 (1) For purposes of this section:

(a) Levels of supervision means the determination of the following for each person on parole:

(i) Supervision contact requirements, including the frequency, location, methods, and nature of contact with the parole officer;

(ii) Substance abuse testing requirements and frequency;

(iii) Contact restrictions;

(iv) Curfew restrictions;

(v) Access to available programs and treatment, with priority given to moderate-risk and high-risk parolees; and

(vi) Severity of graduated responses to violations of supervision conditions;

(b) Responsivity factors means characteristics of a parolee that affect the parolee's ability to respond favorably or unfavorably to any treatment goals; and

(c) Risk and needs assessment means an actuarial tool that has been validated in Nebraska to determine the likelihood of the parolee engaging in future criminal behavior.

(2) The department shall establish an evidence-based process that utilizes a risk and needs assessment to measure criminal risk factors, specific individual needs, and responsivity factors.

(3) The risk and needs assessment shall be performed at the commencement

of the parole term and every six months thereafter by department staff trained and certified in the use of the risk and needs assessment.

(4) The validity of the risk and needs assessment shall be tested at least every five years.

(5) Based on the results of the risk and needs assessment, the department shall target parolee criminal risk and need factors by focusing sanction, program, and treatment resources on moderate-risk and high-risk parolees.

(6) The department shall provide training to its parole officers on (a) use of a risk and needs assessment, (b) risk-based supervision strategies, (c) relationship skills, (d) cognitive behavioral interventions, (e) community-based resources, (f) criminal risk factors, (g) targeting criminal risk factors to reduce recidivism, (h) proper use of a matrix of administrative sanctions, custodial sanctions, and rewards developed pursuant to section 83-1,119, and (i) addressing responsivity factors. Each parole officer shall complete the training requirements set forth in this subsection within one year after his or her hire date or September 1, 2024, whichever is later.

(7) The department shall provide training for chief parole officers to become trainers so as to ensure long-term and self-sufficient training capacity in the state.

Sec. 142. Section 83-1,103, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,103 The field parole service, consisting of district parole officers working under the direction of the director or district judge, shall be responsible for the investigation, supervision, and assistance of parolees, probationers, or individuals subject to community supervision under section 83-174.03. The field parole service shall be sufficient in size to assure that no district parole officer carries a case load larger than is compatible with adequate parole investigation or supervision.

Sec. 143. Section 83-1,103.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,103.01 A parole officer assigned by the director to supervise

individuals subject to lifetime community supervision pursuant to section 83-174.03 shall:

(1) Make investigations, prior to an individual subject to community supervision being released from incarceration, in cooperation with institutional caseworkers at prisons, mental health facilities, and county jails, to determine the community supervision conditions necessary to protect the public and make reasonable advance preparation for release into the community;

(2) Assist individuals subject to community supervision to comply with the conditions of supervision and to make a successful adjustment in the community;

(3) Supervise individuals subject to community supervision by keeping informed of their conduct and condition;

(4) Make reports as required by the director to determine the effectiveness of community supervision in protecting the public or the progress of an individual subject to community supervision;

(5) Cooperate with social welfare agencies and treatment providers to ensure that individuals subject to community supervision receive any necessary services or treatment;

(6) Inform the director when, in the opinion of the community supervision officer, an individual is in violation of the conditions of his or her community supervision, and whenever necessary exercise the power of arrest as provided in section 83-173;

(7) Conduct periodic reviews of the conditions of community supervision imposed on an individual as required by the director; and

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

Sec. 144. Section 83-1,103.02, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,103.02 (1) Prior to the release from incarceration of an individual subject to lifetime community supervision pursuant to section 83-174.03, the department shall:

(a) Notify the individual in writing that he or she is subject to community supervision upon completion of his or her criminal sentence;

(b) Inform the individual subject to community supervision of the process by which conditions of community supervision are determined and his or her right to submit relevant information to the department for consideration when establishing the conditions of supervision;

(c) Determine the individual's risk of recidivism if released into the community, utilizing a validated risk assessment tool;

(d) After considering the information required in subdivision (e) of this subsection, determine the conditions of supervision which will most effectively minimize the risk of the individual committing another sex offense. The conditions shall be the least restrictive conditions available, in terms of the effect on the individual's personal freedom, which minimize the risk of recidivism and are compatible with public safety; and

(e) In determining the conditions of supervision to be imposed, the department shall consider the following:

(i) A report prepared by the institutional caseworkers relating to the individual's personality, social history, and adjustment to authority and including any recommendations which the staff of the facility may make;

(ii) All official reports of the individual's prior criminal record, including reports and records of earlier probation and parole experiences;

(iii) The presentence investigation report;

(iv) The reports of any physical, mental, and psychiatric examinations of the individual;

(v) Any relevant information which may be submitted by the individual, his or her attorney, the victim of the crime, or other persons; and

(vi) Such other relevant information concerning the individual as may be reasonably available.

(2) Upon completion of the risk assessment and the determination of the conditions of community supervision and no later than thirty days prior to the completion of the individual's criminal sentence, the department shall issue a

certificate of community supervision to the individual containing the conditions of community supervision he or she will be required to comply with upon the completion of his or her criminal sentence. The director shall include with the certificate written information on how to appeal the determination of the conditions of community supervision.

Sec. 145. Section 83-1,103.03, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,103.03 (1) The department shall review the conditions of community supervision imposed on an individual pursuant to section 83-174.03 on an annual basis and shall provide the individual the opportunity to submit written materials to the department for consideration during such review.

(2) If the department determines, after reviewing the individual's conduct while under supervision and any other relevant facts, that one or more of the conditions of community supervision imposed upon the individual is no longer necessary to reduce the risk of the individual reoffending or is no longer the least restrictive condition compatible with public safety, the department shall revise the conditions of community supervision so that the individual's freedom is not unnecessarily restricted.

Sec. 146. Section 83-1,103.04, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,103.04 (1) Whenever a determination or revision of the conditions of community supervision is made by the department, the individual subject to the conditions shall be entitled to an appeal. The appeal shall be heard by the district court in the county where the individual resides. The individual shall be informed of his or her right to request counsel, and if counsel is requested the court shall determine if the individual is indigent. If the court finds the individual to be indigent, it shall appoint counsel from the public defender's office to represent the individual during the appeal.

(2) In an appeal contesting the determination or revision of the conditions of community supervision, the burden of proof shall be on the individual subject to community supervision to show by clear and convincing

evidence (a) that the conditions in question will not reduce the risk of the individual reoffending or otherwise protect the public or (b) that the condition is overly restrictive of the individual's freedom and a less restrictive condition is available which is equally or more effective in reducing the risk of the individual reoffending.

Sec. 147. Section 83-1,104, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,104 A district parole officer shall:

(1) Make investigations, prior to a committed offender's release on parole, in cooperation with institutional caseworkers and the Board of Parole to determine the adequacy of parole plans and make reasonable advance preparation for release on parole;

(2) Assist a committed offender who requests assistance prior to release or a parolee to comply with the conditions of parole and to make a successful adjustment in the community, including facilitating the transitional needs of housing and employment, access to and participation in job training services in the community, access to mental health services, assisting with applications for health care coverage or ensuring that the committed offender or parolee knows how to apply for and obtain health care coverage, and assisting with enrollment in the medical assistance program established pursuant to the Medical Assistance Act, if eligible, to ensure that the committed offender or parolee has access to such program close to the time of release or soon thereafter;

(3) Supervise parolees by keeping informed of their conduct and condition, utilizing global positioning systems and other monitoring technology as needed during the period of supervision;

(4) Make such reports as required by the director or district judge to determine the effectiveness of the parole system or the progress of an individual parolee;

(5) Cooperate with social welfare agencies;

(6) Observe the work of any parole officer under his or her supervision

from time to time;

(7) Inform the director when, in his or her opinion, any eligible parolee's conduct and attitude warrant his or her discharge from active supervision, or when any parolee's violation of the conditions of parole is of sufficient seriousness to require action by the Board of Parole or district judge and whenever necessary exercise the power of arrest as provided in section 83-1,119;

(8) Delegate in his or her discretion any of the above responsibilities to a parole officer under his or her supervision; and

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

Sec. 148. Section 83-1,107, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,107 (1)(a) Within sixty days after initial classification and assignment of any offender committed to the department, all available information regarding such committed offender shall be reviewed and a committed offender department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be developed with the active participation of the committed offender. The department shall provide programs to allow compliance by the committed offender with the department-approved personalized program plan.

Programming may include, but is not limited to:

(i) Academic and vocational education, including teaching such classes by qualified offenders;

(ii) Substance abuse treatment;

(iii) Mental health and psychiatric treatment, including criminal personality programming;

(iv) Constructive, meaningful work programs; and

(v) Any other program deemed necessary and appropriate by the department.

(b) A modification in the department-approved personalized program plan may be made to account for the increased or decreased abilities of the committed offender or the availability of any program. Any modification shall be made only after notice is given to the committed offender. The department may not impose disciplinary action upon any committed offender solely because of the committed offender's failure to comply with the department-approved personalized program plan, but such failure may be considered by the board in its deliberations on whether or not to grant parole to a committed offender.

(2)(a) The department shall reduce the term of a committed offender by six months for each year of the offender's term and pro rata for any part thereof which is less than a year.

(b) In addition to reductions granted in subdivision (2)(a) of this section, the department shall reduce the term of a committed offender by three days on the first day of each month following a twelve-month period of incarceration within the department during which the offender has not been found guilty of (i) a Class I or Class II offense or (ii) more than three Class III offenses under the department's disciplinary code. Reductions earned under this subdivision shall not be subject to forfeit or withholding by the department.

(c) The total reductions under this subsection shall be credited from the date of sentence, which shall include any term of confinement prior to sentence and commitment as provided pursuant to section 83-1,106, and shall be deducted from the maximum term, to determine the date when discharge from the custody of the state becomes mandatory.

(3) While the offender is in the custody of the department, reductions of terms granted pursuant to subdivision (2)(a) of this section may be forfeited, withheld, and restored by the chief executive officer of the facility with the approval of the director after the offender has been notified regarding the charges of misconduct.

(4) The department, in consultation with the board, shall ensure that a release or reentry plan is complete or near completion when the offender has served at least eighty percent of his or her sentence. For purposes of this subsection, release or reentry plan means a comprehensive and individualized strategic plan to ensure an individual's safe and effective transition or reentry into the community to which he or she resides with the primary goal of reducing recidivism. At a minimum, the release or reentry plan shall include, but not be limited to, consideration of the individual's housing needs, medical or mental health care needs, and transportation and job needs and shall address an individual's barriers to successful release or reentry in order to prevent recidivism. The release or reentry plan does not include an individual's programming needs included in the individual's personalized program plan for use inside the prison. However, the department shall include in the release or reentry plan information regarding the individual's progress on the individual's personalized program plan for use inside the prison.

(5)(a) The department shall make treatment programming available to committed offenders as provided in section 83-1,110.01 and shall include continuing participation in such programming as part of each offender's department-approved personalized program plan developed under subsection (1) of this section.

(b) Any committed offender with a mental illness shall be provided with the community standard of mental health care. The mental health care shall utilize evidence-based therapy models that include an evaluation component to track the effectiveness of interventions.

(c) Any committed offender with a mental illness shall be evaluated before release to ensure that adequate monitoring and treatment of the committed offender will take place or, if appropriate, that a commitment proceeding under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act will take place.

(6)(a) Within thirty days after any committed offender has been paroled, all available information regarding such parolee shall be reviewed and a case

plan document shall be drawn up and approved by the department. The document shall specifically describe the approved case plan and the specific goals the department expects the parolee to achieve. The document shall also contain a realistic schedule for completion of the approved case plan. The approved case plan shall be developed with the active participation of the parolee. During the term of parole, the parolee shall comply with the approved case plan and the department shall provide programs to allow compliance by the parolee with the approved case plan.

Programming may include, but is not limited to:

- (i) Academic and vocational education;
- (ii) Substance abuse treatment;
- (iii) Mental health and psychiatric treatment, including criminal personality programming;

- (iv) Constructive, meaningful work programs;

- (v) Community service programs; and

- (vi) Any other program deemed necessary and appropriate by the department.

(b) A modification in the approved case plan may be made to account for the increased or decreased abilities of the parolee or the availability of any program. Any modification shall be made only after notice is given to the parolee. Intentional failure to comply with the approved case plan by any parolee as scheduled for any year, or pro rata part thereof, shall cause disciplinary action to be taken by the department resulting in the forfeiture of up to a maximum of three months' good time for the scheduled year.

(7) While the offender is in the custody of the board, reductions of terms granted pursuant to subdivision (2)(a) of this section may be forfeited, withheld, and restored by the director upon the recommendation of the board after the offender has been notified regarding the charges of misconduct or breach of the conditions of parole.

(8) Good time or other reductions of sentence granted under the provisions of any law prior to July 1, 1996, may be forfeited, withheld, or restored in accordance with the terms of the Nebraska Treatment and Corrections Act.

(9) Pursuant to rules and regulations adopted by the probation administrator and the director, an individualized post-release supervision plan shall be collaboratively prepared by the Office of Probation Administration and the department and provided to the court to prepare individuals under custody of the department for post-release supervision. All records created during the period of incarceration shall be shared with the Office of Probation Administration and considered in preparation of the post-release supervision plan.

Sec. 149. Section 83-1,107.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,107.01 (1) Unless otherwise provided by this section, whenever an adult offender is paroled, the board shall require a parolee to pay a monthly parole programming fee.

(2) Parolees under the supervision of the department shall pay a monthly parole programming fee of twenty-five dollars, not later than the tenth day of each month, beginning the second month of parole supervision and continuing for the duration of the parole.

(3) The board shall waive payment of the monthly parole programming fee in whole or in part if after a hearing a determination is made that such payment would constitute an undue hardship on the parolee due to limited income, employment or school status, or physical or mental handicap. Such waiver shall be in effect only during the period of time that the parolee is unable to pay his or her monthly parole programming fee.

(4) When monthly parole programming fees are waived, in whole or in part, the parole officer, pursuant to rules and regulations adopted by the board, may contract with the parolee to perform approved community service at the rate of five dollars per hour in lieu of payment of monthly parole programming fees. A parolee may be required to pay a participation fee in order to take advantage of community service programs. A parolee may not accumulate more than three months' advance credit for community service. The use of community service alternatives does not preclude the imposition of other intermediate measures.

(5) The department, with the approval of the Board of Parole, shall implement sanctions if a parolee defaults in the payment of monthly parole programming fees or any installment thereof as established by subsection (2) of this section, except that parole shall not be revoked nor shall the parolee be imprisoned for such nonpayment if the parolee is financially unable to make the payment.

(6) If the board determines that the default in payment described in subsection (5) of this section was not attributable to a deliberate refusal to obey the order of the board or to failure on the parolee's part to make a good faith effort to obtain the funds required for payment, the board may allow the parolee additional time for payment, reduce the amount of each installment, or revoke the fees or the unpaid portion in whole or in part.

(7) No parolee shall be required to pay more than one monthly parole programming fee per month.

(8) The imposition of monthly parole programming fees in this section shall be considered separate and apart from specific service delivery fees.

(9) Any adult offender received for supervision pursuant to section 29-2637 or the Interstate Compact for Adult Offender Supervision shall be assessed a monthly parole programming fee during the period of time the offender is actively supervised by Nebraska parole authorities.

(10) A parolee shall pay the fees described in this section to the department. The department shall remit all fees to the State Treasurer for credit to the Parole Program Cash Fund.

(11) The board and the department shall adopt and promulgate rules and regulations to carry out this section.

Sec. 150. Section 83-1,107.02, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,107.02 The Parole Program Cash Fund is created. All funds collected pursuant to section 83-1,107.01 shall be remitted to the State Treasurer for credit to the fund. The fund shall be utilized by the department for the purposes stated in subdivision (20) of section 83-173. Any money in the fund

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

Sec. 151. Section 83-1,109, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,109 The chief executive officer of a facility shall regularly report all good time and all forfeitures, withholdings, and restorations of good time to the director. On the basis of such report, the director shall inform the board of all committed offenders who are expected to become eligible for release on parole within the next three months.

Sec. 152. Section 83-1,118, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,118 (1) If, in the opinion of the board, upon receipt of information from the director, a parolee has shown suitable compliance with his or her parole programming plan, the board may reduce the level of supervision for a parolee that is commensurate with the best interests of the parolee and is compatible with the protection of the public.

(2) The board shall discharge a parolee from parole when the time served in the custody of the department and the time served on parole equal the maximum term less good time.

(3) The department shall discharge a committed offender from the custody of the department when the time served in the facility equals the maximum term less good time.

(4) Upon completion of the lawful requirements of the sentence, the department shall provide the parolee or committed offender with a written notice regarding his or her civil rights. The notice shall inform the parolee or committed offender that voting rights are restored upon completion of the sentence. The notice shall also include information on restoring other civil rights through the pardon process, including application to and hearing by the Board of Pardons.

(5) The Board of Parole may discharge a parolee from parole when such

parolee is under the supervision of another state's correctional institution and such offender has reached the expiration date of his or her Nebraska parole term.

Sec. 153. Section 83-1,119, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,119 (1) For purposes of this section:

(a) Absconding parole supervision means a parolee has purposely avoided supervision for a period of at least two weeks and reasonable efforts by a parole officer and staff to locate the parolee in person have proven unsuccessful;

(b) Administrative sanction means additional parole requirements imposed upon a parolee by his or her parole officer, with the full knowledge and consent of the parolee, designed to hold the parolee accountable for substance abuse or technical violations of conditions of parole, including, but not limited to:

(i) Counseling or reprimand by the department;

(ii) Increased supervision contact requirements;

(iii) Increased substance abuse testing;

(iv) Referral for substance abuse or mental health evaluation or other specialized assessment, counseling, or treatment;

(v) Imposition of a designated curfew for a period to be determined by the department; and

(vi) Travel restrictions to stay within his or her county of residence or employment unless otherwise permitted by the department;

(c) Contract facility means a county jail that contracts with the department to house parolees or other offenders under the jurisdiction of the department;

(d) Substance abuse violation means a parolee's activities or behaviors associated with the use of chemical substances or related treatment services resulting in a violation of an original condition of parole, including:

(i) Positive breath test for the consumption of alcohol if the parolee is

required to refrain from alcohol consumption;

(ii) Positive urinalysis for the illegal use of drugs;

(iii) Failure to report for alcohol testing or drug testing; and

(iv) Failure to appear for or complete substance abuse or mental health treatment evaluations or inpatient or outpatient treatment; and

(e) Technical violation means a parolee's activities or behaviors which create the opportunity for re-offending or diminish the effectiveness of parole supervision resulting in a violation of an original condition of parole and includes:

(i) Moving traffic violations;

(ii) Failure to report to his or her parole officer;

(iii) Leaving the state without the permission of the Board of Parole;

(iv) Failure to work regularly or attend training or school;

(v) Failure to notify his or her parole officer of change of address or employment;

(vi) Frequenting places where controlled substances are illegally sold, used, distributed, or administered; and

(vii) Failure to pay fines, court costs, restitution, or any fees imposed pursuant to section 83-1,107.01 as directed.

Technical violation does not include absconding parole supervision.

(2) The department shall develop a matrix of rewards for compliance and positive behaviors and graduated administrative sanctions and custodial sanctions for use in responding to and deterring substance abuse violations and technical violations. A custodial sanction of thirty days in a correctional facility or a contract facility shall be designated as the most severe response to a violation in lieu of revocation.

(3) Whenever a parole officer has reasonable cause to believe that a parolee has committed or is about to commit a substance abuse violation or technical violation while on parole, but that the parolee will not attempt to leave the jurisdiction and will not place lives or property in danger, the parole officer shall either:

(a) Impose one or more administrative sanctions based upon the parolee's risk level, the severity of the violation, and the parolee's response to the violation. If administrative sanctions are to be imposed, the parolee shall acknowledge in writing the nature of the violation and agree upon the administrative sanction. The parolee has the right to decline to acknowledge the violation. If he or she declines to acknowledge the violation, the parole officer shall take action pursuant to subdivision (3)(b) of this section. A copy of the report shall be submitted to the Board of Parole; or

(b) Submit a written report to the Board of Parole, outlining the nature of the parole violation, and request the imposition of a custodial sanction of up to thirty days in a correctional facility or a contract facility. On the basis of the report and such further investigation as the board may deem appropriate, the board shall determine whether and how the parolee violated the conditions of parole and may:

(i) Dismiss the charge of violation; or

(ii) If the board finds a violation justifying a custodial sanction, issue a warrant if necessary and impose a custodial sanction of up to thirty days in a correctional facility or a contract facility.

(4) Whenever a parole officer has reasonable cause to believe that a parolee has violated or is about to violate a condition of parole by a violation other than a substance abuse violation or a technical violation and the parole officer has reasonable cause to believe that the parolee will not attempt to leave the jurisdiction and will not place lives or property in danger, the parole officer shall submit a written report to the Board of Parole which may, on the basis of such report and such further investigation as it may deem appropriate:

(a) Dismiss the charge of violation;

(b) Determine whether the parolee violated the conditions of his or her parole;

(c) Impose a custodial sanction of up to thirty days in a correctional facility or a contract facility;

(d) Revoke his or her parole in accordance with the Nebraska Treatment and Corrections Act; or

(e) Issue a warrant for the arrest of the parolee.

(5) Whenever a parole officer has reasonable cause to believe that a parolee has violated or is about to violate a condition of parole and that the parolee will attempt to leave the jurisdiction or will place lives or property in danger, the parole officer shall arrest the parolee without a warrant and call on any peace officer to assist him or her in doing so.

(6) Whenever a parolee is arrested with or without a warrant, he or she shall be detained in a local jail or other detention facility operated by the department pending completion of review of parole proceedings by the Board of Parole. Immediately after such arrest and detention, the parole officer shall notify the Board of Parole and submit a written report of the reason for such arrest. A complete investigation shall be made by the department and submitted to the board. After prompt consideration of such written report, the board shall order the parolee's release from detention or continued confinement to await a final decision on imposition of a custodial sanction or the revocation of parole.

(7) The Board of Parole shall adopt and promulgate rules and regulations necessary to carry out this section.

Sec. 154. Section 83-1,122.02, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,122.02 (1) The department shall create a pilot program to establish a technical parole violation residential housing program. The purpose of the program is to provide accountability and intensive support for individuals on parole who commit technical violations, without revoking them fully back to prison.

(2) The program shall provide a structured environment for selected individuals on parole who have committed technical violations. The program shall be based upon a therapeutic community model. Participants in the program shall, at a minimum, be required to take part in counseling, educational, and

other programs as the department deems appropriate, to provide community service, and to submit to drug and alcohol screening.

(3) An individual on parole shall not be placed in the pilot program until the department has determined the individual is a suitable candidate in accordance with policies and guidelines developed by the division.

(4) For purposes of this section, technical violation has the same meaning as in section 83-1,119.

Sec. 155. Section 83-1,125, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,125 (1) If a warrant or detainer is placed against a committed offender by a court, parole agency, or other authority of this or any other jurisdiction, the director shall inquire before such offender becomes eligible for parole whether the authority concerned intends to execute or withdraw the warrant or detainer when the offender is released.

(2) If the authority notifies the director that it intends to execute the warrant or detainer when the offender is released, the director shall advise the authority concerned of the sentence under which the offender is held, the time of parole eligibility, any decision of the board relating to the offender, and the nature of the offender's adjustment during imprisonment and shall give reasonable notice to such authority of the offender's release date.

(3) The board may parole an offender who is eligible for release to a warrant or detainer. If an offender is paroled to such a warrant or detainer, the board may provide, as a condition of release, that if the charge or charges on which the warrant or detainer is based are dismissed, or are satisfied after conviction and sentence, prior to the expiration of the offender's parole term, the authority to whose warrant or detainer the offender is released shall return the offender to serve the remainder of the parole term or such part as the board may determine.

(4) If a person paroled to a warrant or detainer is thereafter sentenced and placed on probation, or released on parole in another jurisdiction, prior to the expiration of the parole term less good time in this state, the board

may permit the person to serve the remainder of the parole term or such part as the board may determine concurrently with the person's new probation or parole term. Such concurrent terms may be served in either of the two jurisdictions, and supervision shall be administered in accordance with the Interstate Compact for Adult Offender Supervision.

Sec. 156. Section 83-1,125.01, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,125.01 (1) The Board of Parole and the department may maintain an individual file for each person who is under the jurisdiction of the Board of Parole. Such file may be maintained electronically and shall include, when available and appropriate, the following information on such person:

- (a) Admission summary;
- (b) Presentence investigation report;
- (c) Classification reports and recommendations;
- (d) Official records of conviction and commitment along with any earlier criminal records;
- (e) Progress reports and admission-orientation reports;
- (f) Reports of any disciplinary infractions and their disposition;
- (g) Risk and needs assessments;
- (h) Parole plan and parole placement and investigation worksheets;
- (i) Decision guideline scores;
- (j) Parole case plan;
- (k) Parole progress reports and contact notes;
- (l) Arrest and violation reports, including disposition;
- (m) Parole proceedings orders and notices;
- (n) Other documents related to parole supervision;
- (o) Correspondence; and
- (p) Other pertinent data concerning his or her background, conduct, associations, and family relationships.

(2) Any decision concerning release on or revocation of parole or imposition of sanctions shall be made only after the individual file has been

reviewed. The contents of the individual file shall be confidential unless disclosed in connection with a public hearing and shall not be subject to public inspection except by court order for good cause shown. The contents of the file shall not be accessible to any person under the jurisdiction of the Board of Parole. A person under the jurisdiction of the board may obtain access to his or her medical records by request to the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the fact that such medical records may be a part of his or her parole file. The board and the department have the authority to withhold decision guideline scores, risk and needs assessment scores, and mental health and psychological records of a person under the jurisdiction of the board when appropriate.

(3) Nothing in this section limits in any manner the authority of the Public Counsel to inspect and examine the records and documents of the board and the department pursuant to sections 81-8,240 to 81-8,254, except that the Public Counsel's access to the medical or mental health records of a person under the jurisdiction of the board shall be subject to his or her consent. The office of Public Counsel shall not disclose the medical or mental health records of a person under the jurisdiction of the board to anyone else, including any other person under the jurisdiction of the board, except as authorized by law.

(4) For any person under the jurisdiction of the Board of Parole, the board shall provide such person's (a) name, (b) parole officer, and (c) conditions of parole to the Nebraska Commission on Law Enforcement and Criminal Justice which shall provide access to such information to law enforcement agencies through the state's criminal justice information system.

Sec. 157. Section 83-962, Reissue Revised Statutes of Nebraska, is amended to read:

83-962 (1) A correctional system overcrowding emergency shall exist whenever the director certifies that the department's inmate population is over one hundred forty percent of operational capacity. The director shall so certify within thirty days after the date on which the population first exceeds

one hundred forty percent of operational capacity.

(2) During a correctional system overcrowding emergency, the board shall immediately consider or reconsider committed offenders eligible for parole who have not been released on parole.

(3) Upon such consideration or reconsideration, and for all other consideration of committed offenders eligible for parole while the correctional system overcrowding emergency is in effect, the board shall order the release of each committed offender unless it is of the opinion that such release should be deferred because:

(a) The board has determined that it is more likely than not that the committed offender will not conform to the conditions of parole; or

(b) The board has determined that the committed offender's continued correctional treatment, medical care, or vocational or other training in the facility will substantially enhance the offender's capacity to lead a law-abiding life when released at a later date.

(4) In making the determination regarding the risk that a committed offender will not conform to the conditions of parole, the board shall take into account the factors set forth in subsection (2) of section 83-1,114 and shall comply with the requirements of subsection (3) of section 83-1,114 and section 83-196.01.

(5) The board shall continue granting parole to offenders under this section until the director certifies that the population is at operational capacity. The director shall so certify within thirty days after the date on which the population first reaches operational capacity.

Sec. 158. Sections 50 and 161 of this act become operative October 1, 2025. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119,

120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 160, and 162 of this act become operative three calendar months after the adjournment of this legislative session. The other sections of this act become operative on their effective date with the emergency clause.

Sec. 159. Original sections 43-1401 and 43-1414, Reissue Revised Statutes of Nebraska, and sections 29-4803, 29-4807, and 43-1411, Revised Statutes Cumulative Supplement, 2024, are repealed.

Sec. 160. Original sections 18-1724, 20-113, 20-132, 20-134, 20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531, 23-2541, 25-1030.01, 25-1056, 28-519, 29-401, 47-624, 47-624.01, 47-627, 47-629, 47-903, 47-908, 47-919, 48-215, 48-628.13, 48-1101, 48-1104, 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117, 48-1119, 48-1122, 48-1124, 48-1125, 49-801, 51-211, 58-216, 58-808, 58-809, 58-810, 68-1605, 69-2403, 69-2409.01, 69-2410, 69-2420, 71-904, 71-915, 71-922, 71-924, 71-941, 71-951, 71-952, 71-954, 71-1208, 75-325, 76-1495, 81-885.24, 81-1401, 83-170, 83-171, 83-171.01, 83-173, 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,100, 83-1,100.02, 83-1,103, 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107, 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02, 83-1,125, 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska, sections 25-1645, 27-413, 28-105, 28-316.01, 28-318, 28-322, 29-1912, 29-1918, 29-2221, 29-2246, 29-2252, 29-2261, 29-2935, 29-4003, 29-4019, 32-221, 32-230, 39-210, 45-1303, 47-1102, 47-1103, 47-1104, 47-1105, 47-1106, 47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114, 47-1115, 47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920, 71-926, 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223, 71-3426, and 71-3430, Revised Statutes Cumulative Supplement, 2024, and section 2, Legislative Bill 80, One Hundred Ninth Legislature, First Session, 2025, are repealed.

Sec. 161. Original section 93, Legislative Bill 474, One Hundred Ninth Legislature, First Session, 2025, is repealed.

Sec. 162. The following sections are outright repealed: Sections 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418, 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised Statutes of Nebraska.

Sec. 163. Since an emergency exists, this act takes effect when passed and approved according to law.

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 150 was passed by the One Hundred Ninth
Legislature of Nebraska at its First Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clockM.

GOVERNOR