

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 150

FINAL READING

Introduced by Bosn, 25.

Read first time January 13, 2025

Committee: Judiciary

1 A BILL FOR AN ACT relating to law; to amend sections 18-1724, 20-113,
2 20-132, 20-134, 20-139, 20-317, 20-318, 20-320, 20-321, 20-322,
3 20-325, 23-2525, 23-2531, 23-2541, 25-1030.01, 25-1056, 28-519,
4 29-401, 43-1401, 43-1414, 47-624, 47-624.01, 47-627, 47-629, 47-903,
5 47-908, 47-919, 48-215, 48-628.13, 48-1101, 48-1104, 48-1105,
6 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117,
7 48-1119, 48-1122, 48-1124, 48-1125, 49-801, 51-211, 58-216, 58-808,
8 58-809, 58-810, 68-1605, 69-2403, 69-2409.01, 69-2410, 69-2420,
9 71-904, 71-915, 71-922, 71-924, 71-941, 71-951, 71-952, 71-954,
10 71-1208, 75-325, 76-1495, 81-885.24, 81-1401, 83-170, 83-171,
11 83-171.01, 83-173, 83-174.03, 83-174.04, 83-174.05, 83-192,
12 83-1,100, 83-1,100.02, 83-1,103, 83-1,103.01, 83-1,103.02,
13 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107, 83-1,107.01,
14 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02, 83-1,125,
15 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska,
16 sections 25-1645, 27-413, 28-105, 28-316.01, 28-318, 28-322,
17 29-1912, 29-1918, 29-2221, 29-2246, 29-2252, 29-2261, 29-2935,
18 29-4003, 29-4019, 29-4803, 29-4807, 32-221, 32-230, 39-210, 43-1411,
19 45-1303, 47-1102, 47-1103, 47-1104, 47-1105, 47-1106, 47-1107,
20 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114, 47-1115,
21 47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920, 71-926,
22 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223, 71-3426,

1 and 71-3430, Revised Statutes Cumulative Supplement, 2024, section
2 2, Legislative Bill 80, One Hundred Ninth Legislature, First
3 Session, 2025, and section 93, Legislative Bill 474, One Hundred
4 Ninth Legislature, First Session, 2025; to adopt the Regional Mental
5 Health Expansion Pilot Program Act; to provide for a pilot program
6 for mental health professional involvement in law enforcement
7 emergency response; to provide powers and duties for the Nebraska
8 Commission on Law Enforcement and Criminal Justice; to prohibit
9 discrimination based upon military or veteran status as prescribed;
10 to change provisions relating to service of garnishment summons,
11 continuing liens, garnishee liability, and notices upon corporate
12 garnishees; to define and redefine terms; to remove a minimum period
13 of post-release supervision for Class III and IIIA felonies; to
14 change the offense of sexual abuse by a school employee to sexual
15 abuse by a school worker; to change provisions relating to the
16 offense of criminal mischief, discovery in criminal cases, the
17 habitual criminal sentencing enhancement, the applicability of
18 sections relating to veteran justice programs and sentencing of
19 veterans, and paternity proceedings; to transfer provisions; to
20 change and eliminate provisions relating to handgun purchase
21 requirements and criminal history record information; to provide for
22 videoconferencing of hearings and mental health evaluations under
23 the Nebraska Mental Health Commitment Act and Sex Offender
24 Commitment Act; to provide for detention of certain persons and
25 mental health beds at jails as prescribed; to change provisions
26 relating to hearings and rights of confrontation; to eliminate the
27 Division of Parole Supervision and the position of Director of
28 Supervision and Services; to provide powers and duties for the
29 Department of Correctional Services and the Director of Correctional
30 Services; to change provisions relating to correctional system
31 overcrowding emergencies; to eliminate obsolete provisions; to

1 harmonize provisions; to provide operative dates; to repeal the
2 original sections; to outright repeal sections 69-2409, 69-2411,
3 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417, 69-2418,
4 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised Statutes
5 of Nebraska; and to declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

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

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

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

1 service the region.

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

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

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

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

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

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

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

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

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

31 (3) The commission shall identify grant funding to carry out the

1 Regional Mental Health Expansion Pilot Program Act.

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

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

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

11 18-1724 Notwithstanding any other provision of law, all cities and
12 villages in this state shall have the power by ordinance to define,
13 regulate, suppress, and prevent discrimination on the basis of race,
14 color, creed, religion, ancestry, sex, marital status, national origin,
15 familial status as defined in section 20-311, disability as defined in
16 section 20-308.01, ~~or~~ age, or military or veteran status in employment,
17 public accommodation, and housing and may provide for the enforcement of
18 such ordinances by providing appropriate penalties for the violation
19 thereof. It shall not be an unlawful employment practice to refuse
20 employment based on a policy of not employing both spouses if such policy
21 is equally applied to both sexes.

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

24 20-113 (1) Any incorporated city may enact ordinances and any county
25 may adopt resolutions which are substantially equivalent to the Age
26 Discrimination in Employment Act, the Nebraska Fair Employment Practice
27 Act, the Nebraska Fair Housing Act, and sections 20-126 to 20-143 and
28 48-1219 to 48-1227 or which are more comprehensive than such acts and
29 sections in the protection of civil rights. No such ordinance or
30 resolution shall place a duty or liability on any person, other than an
31 employer, employment agency, or labor organization, for acts similar to

1 those prohibited by section 48-1115. Such ordinance or resolution may
2 include authority for a local agency to seek an award of damages or other
3 equitable relief on behalf of the complainant by the filing of a petition
4 in the district court in the county with appropriate jurisdiction. The
5 local agency shall have within its authority jurisdiction substantially
6 equivalent to or more comprehensive than the Equal Opportunity Commission
7 or other enforcement agencies provided under such acts and sections and
8 shall have authority to order backpay and other equitable relief or to
9 enforce such orders or relief in the district court with appropriate
10 jurisdiction. Certified copies of such ordinances or resolutions shall be
11 transmitted to the commission. When the commission determines that any
12 such city or county has enacted an ordinance or adopted a resolution that
13 is substantially equivalent to such acts and sections or is more
14 comprehensive than such acts and sections in the protection of civil
15 rights and has established a local agency to administer such ordinance or
16 resolution, the commission may thereafter refer all complaints arising in
17 such city or county to the appropriate local agency. All complaints
18 arising within a city shall be referred to the appropriate agency in such
19 city when both the city and the county in which the city is located have
20 established agencies pursuant to this section. When the commission refers
21 a complaint to a local agency, it shall take no further action on such
22 complaint if the local agency proceeds promptly to handle such complaint
23 pursuant to the local ordinance or resolution. If the commission
24 determines that a local agency is not handling a complaint with
25 reasonable promptness or that the protection of the rights of the parties
26 or the interests of justice require such action, the commission may
27 regain jurisdiction of the complaint and proceed to handle it in the same
28 manner as other complaints which are not referred to local agencies. In
29 cases of conflict between this section and section 20-332, for complaints
30 subject to the Nebraska Fair Housing Act, section 20-332 shall control.

31 (2)(a) Any club which has been issued a license by the Nebraska

1 Liquor Control Commission to sell, serve, or dispense alcoholic liquor
2 shall have that license revoked if the club discriminates because of
3 race, color, religion, sex, familial status as defined in section 20-311,
4 disability as defined in section 20-308.01, ~~or~~ national origin, or
5 military or veteran status in the sale, serving, or dispensing of
6 alcoholic liquor to any person who is a guest of a member of such club.

7 (b) The procedure for revocation shall be as prescribed in sections
8 53-134.04, 53-1,115, and 53-1,116.

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

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

15 20-132 All persons within this state shall be entitled to a full and
16 equal enjoyment of any place of public accommodation, as defined in
17 sections 20-132 to 20-143, without discrimination or segregation on the
18 grounds of race, color, sex, religion, national origin, disability, ~~or~~
19 ancestry, or military or veteran status.

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

22 20-134 (1) Any person who directly or indirectly refuses, withholds
23 from, denies, or attempts to refuse, withhold, or deny, to any other
24 person any of the accommodations, advantages, facilities, services, or
25 privileges, or who segregates any person in a place of public
26 accommodation on the basis of race, creed, color, sex, religion, national
27 origin, disability, ~~or~~ ancestry, or military or veteran status, shall be
28 guilty of discriminatory practice and shall be subject to the penalties
29 of sections 20-132 to 20-143.

30 (2) It is not a discriminatory practice under sections 20-132 to
31 20-143 for a person or a place of public accommodation to, on an

1 otherwise nondiscriminatory basis, limit admission or service to veterans
2 or servicemembers or their family members or provide discounts or other
3 benefits to veterans or servicemembers or their family members.

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

6 20-139 The Nebraska Fair Housing Act and sections 20-123, 20-124,
7 and 20-132 to 20-143 shall be administered by the Equal Opportunity
8 Commission, except that the State Fire Marshal shall administer the act
9 and sections as they relate to accessibility standards and specifications
10 set forth in sections 81-5,147 and 81-5,148. The county attorneys are
11 granted the authority to enforce such act and sections 20-123, 20-124,
12 and 20-132 to 20-143 and shall possess the same powers and duties with
13 respect thereto as the commission. If a complaint is filed with the
14 county attorney, the commission shall be notified. Powers granted to and
15 duties imposed upon the commission pursuant to such act and sections
16 shall be in addition to the provisions of the Nebraska Fair Employment
17 Practice Act and shall not be construed to amend or restrict those
18 provisions. In carrying out the Nebraska Fair Housing Act and sections
19 20-123, 20-124, and 20-132 to 20-143, the commission shall have the power
20 to:

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

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

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

31 (4) Adopt and promulgate rules and regulations to carry out the

1 powers granted by the Nebraska Fair Housing Act and sections 20-123,
2 20-124, and 20-132 to 20-143, subject to the provisions of the
3 Administrative Procedure Act. The commission shall, not later than one
4 hundred eighty days after September 6, 1991, issue draft rules and
5 regulations to implement subsection (3) of section 20-336, which
6 regulations may incorporate regulations of the United States Department
7 of Housing and Urban Development as applicable;

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

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

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

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

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

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

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

3 20-317 Restrictive covenant shall mean any specification limiting
4 the transfer, rental, or lease of any housing because of race, creed,
5 religion, color, national origin, sex, disability, familial status, ~~or~~
6 ancestry, or military or veteran status.

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

9 20-318 Except as exempted by section 20-322, it shall be unlawful
10 to:

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

17 (2) Discriminate against any person in the terms, conditions, or
18 privileges of sale or rental of a dwelling or in the provision of
19 services or facilities in connection therewith because of race, color,
20 religion, national origin, disability, familial status, ~~or sex,~~ or
21 military or veteran status;

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

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

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

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

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

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

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

18 20-320 (1) Except as exempted by section 20-322, it ~~It~~ shall be
19 unlawful for any person or other entity whose business includes engaging
20 in transactions related to residential real estate to discriminate
21 against any person in making available such a transaction or in the terms
22 or conditions of such a transaction because of race, color, religion,
23 sex, disability, familial status, ~~or~~ national origin, or military or
24 veteran status.

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

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

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

31 (ii) Secured by residential real estate; or

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

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

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

9 20-321 It shall be unlawful to deny any person access to or
10 membership or participation in any multiple listing service, real estate
11 brokers organization, or other service, organization, or facility
12 relating to the business of selling or renting dwellings or to
13 discriminate against any person in the terms or conditions of such
14 access, membership, or participation on account of race, color, religion,
15 national origin, disability, familial status, ~~or~~ sex, or military or
16 veteran status.

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

19 20-322 (1) Nothing in the Nebraska Fair Housing Act shall prohibit a
20 religious organization, association, or society or any nonprofit
21 institution or organization operated, supervised, or controlled by or in
22 conjunction with a religious organization, association, or society from
23 limiting the sale, rental, or occupancy of a dwelling which it owns or
24 operates for other than commercial purposes to persons of the same
25 religion or from giving preferences to such persons unless membership in
26 such religion is restricted on account of race, color, national origin,
27 disability, familial status, ~~or~~ sex, or military or veteran status.

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

1 lodging to its members or from giving preference to its members.

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

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

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

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

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

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

25 (A) The existence of significant facilities and services
26 specifically designed to meet the physical or social needs of older
27 persons or, if the provision of such facilities and services is not
28 practicable, that such housing is necessary to provide important housing
29 opportunities for older persons;

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

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

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

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

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

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

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

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

24 20-325 The commission shall:

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

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

31 (a) Specifying the nature and extent of progress made statewide in

1 eliminating discriminatory housing practices and furthering the purposes
2 of the Nebraska Fair Housing Act, obstacles remaining to achieving equal
3 housing opportunity, and recommendations for further legislative or
4 executive action; and

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

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

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

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

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

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

27 (5) Adopt and promulgate rules and regulations, subject to the
28 approval of the members of the commission, regarding the investigative
29 and conciliation process that provide for testing standards, fundamental
30 due process, and notice to the parties of their rights and
31 responsibilities; and

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

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

11 23-2525 The county personnel officer shall, with the assistance of
12 two advisory groups, one of classified employees and one of department
13 heads, prepare and submit to the personnel policy board proposed
14 personnel rules and regulations for the classified service. He or she
15 shall give reasonable notice thereof to the heads of all agencies,
16 departments, county employee associations, and institutions affected
17 thereby, and they shall be given an opportunity, upon request, to appear
18 before the board and present their views thereon. The personnel policy
19 board shall submit the rules and regulations for adoption or amendment
20 and adoption by resolution of the board of county commissioners.
21 Amendments thereto shall be made in the same manner. The rules and
22 regulations shall provide:

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

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

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

19 (3) For open competitive examinations to test the relative fitness
20 of applicants for the respective positions. Competitive examination shall
21 not be required for transferred employees transferring from positions in
22 the state or a political subdivision to positions in the county pursuant
23 to a merger of services or transferred employees transferring from
24 positions in the state or a political subdivision to positions in the
25 county due to the assumption of functions of the state or a political
26 subdivision by the county. The rules and regulations shall provide for
27 the public announcement of the holding of examinations and shall
28 authorize the personnel officer to prescribe examination procedures and
29 to place the names of successful candidates on eligible lists in
30 accordance with their respective ratings. Examinations may be assembled
31 or unassembled and may include various job-related examining techniques,

1 such as rating training and experience, written tests, oral interviews,
2 recognition of professional licensing, performance tests, investigations,
3 and any other measures of ability to perform the duties of the position.
4 Examinations shall be scored objectively and employment registers shall
5 be established in the order of final score. Certification of eligibility
6 for appointment to vacancies shall be in accordance with a formula which
7 limits selection by the hiring department from among the highest ranking
8 available and eligible candidates, but which also permits selective
9 certification under appropriate conditions as prescribed in the rules and
10 regulations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 (14) For the transfer of employees of the state or a political

1 subdivision to the county pursuant to a merger of services or due to the
2 assumption of functions of the state or a political subdivision by the
3 county;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 23-2541 The personnel policy board, if created, shall, with the
2 assistance of two advisory groups, one of classified employees and one of
3 department heads, adopt proposed personnel rules and regulations for the
4 classified service and provide reasonable notice of proposed rules and
5 regulations to the heads of all agencies, departments, county employee
6 associations, and institutions affected thereby. Any person affected by
7 such rules and regulations shall be given an opportunity, upon request,
8 to appear before the personnel policy board and present his or her views
9 on the rules and regulations. The personnel policy board shall submit
10 proposed rules and regulations or amendments for adoption by the county
11 board. The county board may consider and adopt only personnel rules and
12 regulations or amendments proposed by the personnel policy board and may
13 not repeal or revoke a rule or regulation except upon the recommendation
14 of the personnel policy board.

15 The rules and regulations or amendments may provide:

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

31 (2) For a compensation plan for all employees in the classified

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

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

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

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

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

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

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

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

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

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

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

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

1 department head;

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

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

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

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

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

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

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

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

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

1 (20) For other rules and regulations not inconsistent with sections
2 23-2534 to 23-2544 and the implementation of personnel policy in the
3 county.

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

6 25-1030.01 (1) Upon filing an application for determination of
7 liability of the garnishee, the plaintiff shall give the garnishee and
8 the defendant in the original action notice of the filing thereof and of
9 the time and place of trial thereon. Subject to subsections (2) and (3)
10 of this section, the ~~The~~ notice shall be given within such time and in
11 such manner as the court shall direct.

12 (2) For purposes of this section:

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

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

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

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

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

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

31 (b) That service was made in accordance with subdivision (3)(b) of

1 this section and:

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

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

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

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

11 25-1056 (1) In all cases when a judgment has been entered by any
12 court of record and the judgment creditor or his or her agent or attorney
13 has filed an affidavit setting forth the amount due on the judgment,
14 interest, and costs in the office of the clerk of the court where the
15 judgment has been entered and that he or she has good reason to and does
16 believe that any person, partnership, limited liability company, or
17 corporation, naming him, her, or it, has property of and is indebted to
18 the judgment debtor, the clerk shall issue a summons which shall set
19 forth the amount due on the judgment, interest, and costs as shown in the
20 affidavit and require such person, partnership, limited liability
21 company, or corporation, as garnishee, to answer written interrogatories
22 to be furnished by the plaintiff and to be attached to such summons
23 respecting the matters set forth in section 25-1026. The summons shall be
24 returnable within ten days from the date of its issuance and shall
25 require the garnishee to answer within ten days from the date of service
26 upon him or her. Except when wages are involved, the garnishee shall hold
27 the property of every description and the credits of the defendant in his
28 or her possession or under his or her control at the time of the service
29 of the summons and interrogatories until the further order of the court.
30 If the only property in the possession or under the control of the
31 garnishee at the time of the service of the summons and interrogatories

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

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

1 the continuing lien remains in effect.

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

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

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

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

15 (c) The judgment creditor releases the garnishment;

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

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

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

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

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

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

1 liens shall be inferior to garnishments for the support of a person.

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

11 (6)(a) In any case involving service of a garnishment summons on a
12 financial institution where deposits are received within this state, the
13 financial institution shall (i) if its main chartered office is located
14 in this state, designate its main chartered office for the service of
15 summons or (ii) if its main chartered office is located in another state,
16 designate any one of its offices or branches or its agent for service of
17 process in this state for service of summons. The designation of a main
18 chartered office or an office or branch or the agent for service of
19 process under this subdivision shall be made by filing a notice of
20 designation with the Department of Banking and Finance, shall contain the
21 physical address of the main chartered office or the office or branch or
22 the agent for service of process designated, and shall be effective upon
23 placement on the department website. The department shall post the list
24 of such designated main chartered offices and offices or branches or
25 agents for service of process on its website for access by the public. A
26 financial institution may modify or revoke a designation made under this
27 subdivision by filing the modification or revocation with the department.
28 The modification or revocation shall be effective when the department's
29 website has been updated to reflect the modification or revocation,
30 except that the judgment creditor may rely upon the designation that was
31 modified or revoked during the thirty-day period following the effective

1 date of the modification or revocation if the summons is timely served
2 upon the financial institution. The department shall update its website
3 to reflect a filing by a financial institution pursuant to this
4 subdivision or a modification or revocation filed by a financial
5 institution pursuant to this subdivision within ten business days
6 following the filing by the financial institution. The department website
7 shall reflect the date its online records for each financial institution
8 have most recently been updated.

9 (b) If a financial institution where deposits are received has
10 designated its main chartered office or one of its offices or branches or
11 its agent for service of process for the service of summons, service made
12 on the main chartered office or the office or branch or the agent for
13 service of process so designated shall be valid and effective as to any
14 property or credits of the defendant in the possession or control of the
15 main chartered office of the financial institution in this state and any
16 of the financial institution offices or branches located within this
17 state. If service of summons is not made on the main chartered office or
18 the office or branch or the agent for service of process designated by
19 the financial institution, but instead is made at another office or
20 branch of the financial institution located in Nebraska, the financial
21 institution, in its discretion, and without violating any obligation to
22 its customer, may elect to treat the service of summons as valid and
23 effective as to any property or credits of the defendant in the
24 possession or control of the main chartered office of the financial
25 institution in this state and any of the financial institution offices or
26 branches located within this state. In the absence of such an election,
27 the financial institution shall file a statement with the interrogatories
28 that the summons was not served at the financial institution's designated
29 location for receiving service of summons and, therefore, was not
30 processed, and shall provide the address at which the financial
31 institution is to receive service of summons.

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

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

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

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

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

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

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

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

1 **Sec. 23.** Section 25-1645, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 25-1645 The Legislature hereby declares that it is the intent and
4 purpose of the Jury Selection Act to create a jury system which will
5 ensure that:

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

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

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

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

16 **Sec. 24.** Section 27-413, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 27-413 For purposes of sections 27-414 and 27-415, offense of sexual
19 assault means sexual assault under section 28-319 or 28-320, sexual abuse
20 by a school worker ~~employee~~ under section 28-316.01, sexual assault of a
21 child under section 28-319.01 or 28-320.01, sexual assault by use of an
22 electronic communication device under section 28-320.02, sexual abuse of
23 an inmate or parolee under sections 28-322.01 to 28-322.03, sexual abuse
24 of a protected individual under section 28-322.04, sexual abuse of a
25 detainee under section 28-322.05, an attempt or conspiracy to commit any
26 of the crimes listed in this section, or the commission of or conviction
27 for a crime in another jurisdiction that is substantially similar to any
28 crime listed in this section.

29 **Sec. 25.** Section 28-105, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 28-105 (1) For purposes of the Nebraska Criminal Code and any

1 statute passed by the Legislature after the date of passage of the code,
2 felonies are divided into ten classes which are distinguished from one
3 another by the following penalties which are authorized upon conviction:

4 Class I felony Death

5 Class IA felony Life imprisonment

6 Class IB felony Maximum-life imprisonment

7 Minimum-twenty years imprisonment

8 Class IC felony Maximum-fifty years imprisonment

9 Mandatory minimum-five years imprisonment

10 Class ID felony Maximum-fifty years imprisonment

11 Mandatory minimum-three years imprisonment

12 Class II felony Maximum-fifty years imprisonment

13 Minimum-one year imprisonment

14 Class IIA felony Maximum-twenty years imprisonment

15 Minimum-none

16 Class III felony Maximum-four years imprisonment and two years

17 post-release supervision or

18 twenty-five thousand dollars fine, or both

19 ~~Minimum-none for imprisonment and none for~~

20 ~~post-release supervision~~

21 ~~Minimum-none for imprisonment and nine months~~

22 ~~post-release supervision if imprisonment is imposed~~

23 Class IIIA felony Maximum-three years imprisonment

24 and eighteen months post-release supervision or

25 ten thousand dollars fine, or both

26 ~~Minimum-none for imprisonment and none for~~

27 ~~post-release supervision~~

28 ~~Minimum-none for imprisonment and nine months~~

29 ~~post-release supervision if imprisonment is imposed~~

30 Class IV felony Maximum-two years imprisonment and twelve

1 months post-release supervision or
2 ten thousand dollars fine, or both
3 Minimum—none for imprisonment and none for
4 post-release supervision

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

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

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

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

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

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

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

31 **Sec. 26.** Section 28-316.01, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 28-316.01 (1) For purposes of this section:

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

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

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

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

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

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

16 (g) {d} Student means a person at least sixteen but not more than
17 nineteen years of age enrolled in or attending a public, private,
18 denominational, or parochial school approved or accredited by the State
19 Department of Education, or who was such a person enrolled in or who
20 attended such a school within ninety days of any violation of this
21 section.

22 (2) A person commits the offense of sexual abuse by a school worker
23 employee if a school worker employee subjects a student in the school to
24 which such worker employee is assigned for work to sexual penetration or
25 sexual contact, or engages in a pattern or scheme of conduct to subject a
26 student in the school to which such worker employee is assigned for work
27 to sexual penetration or sexual contact. It is not a defense to a charge
28 under this section that the student consented to such sexual penetration
29 or sexual contact.

30 (3) Any school worker employee who engages in sexual penetration
31 with a student is guilty of sexual abuse by a school worker employee in

1 the first degree. Sexual abuse by a school worker ~~employee~~ in the first
2 degree is a Class IIA felony.

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

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

12 **Sec. 27.** Section 28-318, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 28-318 As used in sections 28-317 to 28-322.05, unless the context
15 otherwise requires:

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

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

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

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

24 (5) Sexual contact means the intentional touching of the victim's
25 sexual or intimate parts or the intentional touching of the victim's
26 clothing covering the immediate area of the victim's sexual or intimate
27 parts. Sexual contact also means the touching by the victim of the
28 actor's sexual or intimate parts or the clothing covering the immediate
29 area of the actor's sexual or intimate parts when such touching is
30 intentionally caused by the actor. Sexual contact includes only such
31 conduct which can be reasonably construed as being for the purpose of

1 sexual arousal or gratification of either party. Sexual contact also
2 includes the touching of a child with the actor's sexual or intimate
3 parts on any part of the child's body for purposes of sexual abuse by a
4 school worker ~~employee~~ under section 28-316.01 or sexual assault of a
5 child under sections 28-319.01 and 28-320.01;

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

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

15 (8) Without consent means:

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

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

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

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

1 the actor has the present or future ability to execute the threat.

2 **Sec. 28.** Section 28-322, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 28-322 For purposes of sections 28-322 to 28-322.03:

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

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

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

26 28-519 (1) For purposes of this section:

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

30 (b) Rail infrastructure means any of the following that are located
31 on railroad property or that are owned, leased, possessed, operated, or

1 otherwise used for or in connection with railroad operations: A train,
2 locomotive, freight or passenger car, or any other on-track vehicle or
3 equipment; any railroad track or structure; any signaling or
4 communication system or component; or any station, terminal, depot, or
5 other facility.

6 (2) ~~(1)~~ A person commits criminal mischief if he or she:

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

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

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

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

15 (a) Any rail infrastructure;

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

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

18 (4) ~~(2)~~ Criminal mischief is a Class IV felony if the actor
19 intentionally or maliciously causes pecuniary loss of five thousand
20 dollars or more, ~~or a substantial interruption or impairment of public~~
21 ~~communication, transportation, supply of water, gas, or power, or other~~
22 ~~public service.~~

23 (5) ~~(3)~~ Criminal mischief is a Class I misdemeanor if the actor
24 intentionally or maliciously causes pecuniary loss of one thousand five
25 hundred dollars or more but less than five thousand dollars.

26 (6) ~~(4)~~ Criminal mischief is a Class II misdemeanor if the actor
27 intentionally or maliciously causes pecuniary loss of five hundred
28 dollars or more but less than one thousand five hundred dollars.

29 (7) ~~(5)~~ Criminal mischief is a Class III misdemeanor if the actor
30 intentionally, maliciously, or recklessly causes pecuniary loss in an
31 amount of less than five hundred dollars, or if his or her action results

1 in no pecuniary loss.

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

4 29-401 Every sheriff, deputy sheriff, marshal, deputy marshal,
5 security guard, police officer, or peace officer as defined in
6 ~~subdivision (15)~~ of section 49-801 shall arrest and detain any person
7 found violating any law of this state or any legal ordinance of any city
8 or incorporated village until a legal warrant can be obtained, except
9 that (1) any such law enforcement officer taking a juvenile under the age
10 of eighteen years into his or her custody for any violation herein
11 defined shall proceed as set forth in sections 43-248, 43-248.01, 43-250,
12 43-251, 43-251.01, and 43-253 and (2) the court in which the juvenile is
13 to appear shall not accept a plea from the juvenile until finding that
14 the parents of the juvenile have been notified or that reasonable efforts
15 to notify such parents have been made as provided in section 43-250.

16 **Sec. 31.** Section 29-1912, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 29-1912 (1) When a defendant is charged with a felony or when a
19 defendant is charged with a misdemeanor or a violation of a city or
20 village ordinance for which imprisonment is a possible penalty, he or she
21 may request the court where the case is to be tried, at any time after
22 the filing of the indictment, information, or complaint, to order the
23 prosecuting attorney to permit the defendant to inspect and copy or
24 photograph:

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

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

- 1 (b) The defendant's prior criminal record, if any;
- 2 (c) The defendant's recorded testimony before a grand jury;
- 3 (d) The names and addresses of witnesses on whose evidence the
4 charge is based;
- 5 (e) The results and reports, in any form, of physical or mental
6 examinations, and of scientific tests, or experiments made in connection
7 with the particular case, or copies thereof;
- 8 (f) Documents, papers, books, accounts, letters, photographs,
9 objects, or other tangible things of whatsoever kind or nature which
10 could be used as evidence by the prosecuting authority; and
- 11 (g) Reports developed or received by law enforcement agencies when
12 such reports directly relate to the investigation of the underlying
13 charge or charges in the case.
- 14 (2) The court may issue such an order pursuant to ~~the provisions of~~
15 this section. In the exercise of its judicial discretion, the court shall
16 consider, among other things, whether:
- 17 (a) The request is material to the preparation of the defense;
- 18 (b) The request is not made primarily for the purpose of harassing
19 the prosecution or its witnesses;
- 20 (c) The request, if granted, would not unreasonably delay the trial
21 of the offense and an earlier request by the defendant could not have
22 reasonably been made;
- 23 (d) There is no substantial likelihood that the request, if granted,
24 would preclude a just determination of the issues at the trial of the
25 offense; or
- 26 (e) The request, if granted, would not result in the possibility of
27 bodily harm to, or coercion of, witnesses.
- 28 (3) Whenever the court refuses to grant an order pursuant to the
29 provisions of this section, it shall render its findings in writing
30 together with the facts upon which the findings are based.
- 31 (4) Whenever the prosecuting attorney believes that the granting of

1 an order under the provisions of this section will result in the
2 possibility of bodily harm to witnesses or that witnesses will be
3 coerced, the court may permit him or her to make such a showing in the
4 form of a written statement to be inspected by the court alone. The
5 statement shall be sealed and preserved in the records of the court to be
6 made available to the appellate court in the event of an appeal by the
7 defendant.

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

10 (6) (5) This section does not apply to jailhouse informants as
11 defined in section 29-4701. Sections 29-4701 to 29-4706 govern jailhouse
12 informants.

13 **Sec. 32.** Section 29-1918, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 29-1918 A party who discovers additional evidence or material before
16 or during trial must promptly disclose its existence to the other party
17 or the court if:

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

20 (2) The other party previously requested, or the court ordered, the
21 production of such evidence or material. If, subsequent to compliance
22 with an order for discovery under the provisions of sections 29-1912 to
23 29-1921, and prior to or during trial, a party discovers additional
24 material which the party would have been under a duty to disclose or
25 produce at the time of such previous compliance, the party shall promptly
26 notify the other party or the other party's attorney and the court of the
27 existence of the additional material. Such notice shall be given at the
28 time of the discovery of such additional material.

29 **Sec. 33.** Section 29-2221, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 29-2221 (1) Whoever has been twice convicted of a crime, sentenced,

1 and committed to prison, in this or any other state or by the United
2 States or once in this state and once at least in any other state or by
3 the United States, for terms of not less than one year each shall, upon
4 conviction of a felony committed in this state, be deemed to be a
5 habitual criminal and shall be punished by imprisonment in a Department
6 of Correctional Services adult correctional facility for a mandatory
7 minimum term of ten years and a maximum term of not more than sixty
8 years, except that:

9 (a) If the felony committed is in violation of section 28-303,
10 28-304, 28-308, 28-313, 28-319, 28-319.01, 28-502, 28-929, or 28-1222,
11 and at least one of the habitual criminal's prior felony convictions was
12 for a violation of one of the sections listed in this subdivision or of a
13 similar statute in another state or of the United States, the mandatory
14 minimum term shall be twenty-five years and the maximum term not more
15 than sixty years;

16 (b) If the felony committed is in violation of subsection (3) of
17 section 28-306 and at least one of the prior convictions is in violation
18 of subsection (3) of section 28-306 and the other is in violation of one
19 of the sections set forth in subdivision (a) of this subsection or if the
20 felony committed is in violation of one of the sections set forth in
21 subdivision (a) of this subsection and both of the prior convictions are
22 in violation of subsection (3) of section 28-306, the mandatory minimum
23 term shall be twenty-five years and the maximum term not more than sixty
24 years;

25 (c) If the felony committed is in violation of subsection (3) of
26 section 28-416 or in violation of sections 28-509 to 28-518 and all of
27 the habitual criminal's prior felony convictions are also violations of
28 such subsection or sections or of a similar statute in another state or
29 of the United States and at least one of the prior felony convictions do
30 not involve sexual contact, sexual penetration, the threat to inflict
31 serious bodily injury or death on another person, the infliction of

1 ~~serious bodily injury on another person, a deadly or dangerous weapon, or~~
2 ~~a firearm,~~ the mandatory minimum term shall be three years and the
3 maximum term not more than ~~the maximum term for the felony committed or~~
4 ~~twenty years , whichever is greater. For this subdivision (1)(c) to~~
5 ~~apply, no prior felony conviction may be a violation described in~~
6 ~~subdivision (1)(a) of this section; and~~

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

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

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

29 **Sec. 34.** Section 29-2246, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 29-2246 For purposes of the Nebraska Probation Administration Act

1 ~~and sections 43-2,123.01 and 83-1,102 to 83-1,104~~, unless the context
2 otherwise requires:

3 (1) Association means the Nebraska District Court Judges
4 Association;

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

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

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

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

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

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

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

27 (9) Chief probation officer means the probation officer in charge of
28 a probation district;

29 (10) System means the Nebraska Probation System;

30 (11) Administrator means the probation administrator;

31 (12) Non-probation-based program or service means a program or

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

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

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

15 **Sec. 35.** Section 29-2252, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 29-2252 The administrator shall:

18 (1) Supervise and administer the office;

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

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

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

1 for one year immediately preceding his or her appointment;

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

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

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

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

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

28 (10) Conduct research for the purpose of evaluating and improving
29 the effectiveness of the system. Subject to the availability of funding,
30 the administrator shall contract with an independent contractor or
31 academic institution for evaluation of existing community corrections

1 facilities and programs operated by the office;

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

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

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

23 (14) Use the funds provided under section 29-2262.07 to augment
24 operational or personnel costs associated with the development,
25 implementation, and evaluation of enhanced probation-based programs and
26 non-probation-based programs and services in which probation personnel or
27 probation resources are utilized pursuant to an interlocal agreement
28 authorized by subdivision (16) of this section and to purchase services
29 to provide such programs aimed at enhancing adult probationer or non-
30 probation-based program participant supervision in the community and
31 treatment needs of probationers and non-probation-based program

1 participants. Enhanced probation-based programs include, but are not
2 limited to, specialized units of supervision, related equipment purchases
3 and training, and programs that address a probationer's vocational,
4 educational, mental health, behavioral, or substance abuse treatment
5 needs;

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

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

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

17 (18) Develop a matrix of rewards for compliance and positive
18 behaviors and graduated administrative sanctions and custodial sanctions
19 for use in responding to and deterring substance abuse violations and
20 technical violations. As applicable under sections 29-2266.02 and
21 29-2266.03, custodial sanctions of up to thirty days in jail shall be
22 designated as the most severe response to a violation in lieu of
23 revocation and custodial sanctions of up to three days in jail shall be
24 designated as the second most severe response;

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

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

31 Each member of the Legislature shall receive an electronic copy of

1 the report required by subdivision (12) of this section by making a
2 request for it to the administrator.

3 **Sec. 36.** Section 29-2261, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 29-2261 (1) Unless it is impractical to do so, when an offender has
6 been convicted of a felony other than murder in the first degree, the
7 court shall not impose sentence without first ordering a presentence
8 investigation of the offender and according due consideration to a
9 written report of such investigation. When an offender has been convicted
10 of murder in the first degree and (a) a jury renders a verdict finding
11 the existence of one or more aggravating circumstances as provided in
12 section 29-2520 or (b)(i) the information contains a notice of
13 aggravation as provided in section 29-1603 and (ii) the offender waives
14 his or her right to a jury determination of the alleged aggravating
15 circumstances, the court shall not commence the sentencing determination
16 proceeding as provided in section 29-2521 without first ordering a
17 presentence investigation of the offender and according due consideration
18 to a written report of such investigation.

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

23 (3) The presentence investigation and report shall include, when
24 available, an analysis of the circumstances attending the commission of
25 the crime, the offender's history of delinquency or criminality, physical
26 and mental condition, family situation and background, economic status,
27 education, occupation, and personal habits, and any other matters that
28 the probation officer deems relevant or the court directs to be included.
29 All local and state police agencies and Department of Correctional
30 Services adult correctional facilities shall furnish to the probation
31 officer copies of such criminal records, in any such case referred to the

1 probation officer by the court of proper jurisdiction, as the probation
2 officer shall require without cost to the court or the probation officer.

3 Such investigation shall also include:

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

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

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

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

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

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

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

23 (6)(a) Any presentence report, substance abuse evaluation, or
24 psychiatric examination shall be privileged and shall not be disclosed
25 directly or indirectly to anyone other than a judge; probation officers
26 to whom an offender's file is duly transferred; the probation
27 administrator or his or her designee; alcohol and drug counselors, mental
28 health practitioners, psychiatrists, and psychologists licensed or
29 certified under the Uniform Credentialing Act to conduct substance abuse
30 evaluations and treatment; or others entitled by law to receive such
31 information, including personnel and mental health professionals for the

1 Nebraska State Patrol specifically assigned to sex offender registration
2 and community notification for the sole purpose of using such report,
3 evaluation, or examination for assessing risk and for community
4 notification of registered sex offenders.

5 (b) For purposes of this subsection, mental health professional
6 means (i) a practicing physician licensed to practice medicine in this
7 state under the Medicine and Surgery Practice Act, (ii) a practicing
8 psychologist licensed to engage in the practice of psychology in this
9 state as provided in section 38-3111 or as provided under similar
10 provisions of the Psychology Interjurisdictional Compact, (iii) a
11 practicing mental health professional licensed or certified in this state
12 as provided in the Mental Health Practice Act, or (iv) a practicing
13 professional counselor holding a privilege to practice in Nebraska under
14 the Licensed Professional Counselors Interstate Compact.

15 (7) The court shall permit inspection of the presentence report,
16 substance abuse evaluation, or psychiatric examination or parts of the
17 report, evaluation, or examination, as determined by the court, by the
18 prosecuting attorney and defense counsel. Such inspection shall be by
19 electronic access only unless the court determines such access is not
20 available to the prosecuting attorney or defense counsel. The State Court
21 Administrator shall determine and develop the means of electronic access
22 to such presentence reports, evaluations, and examinations. Upon
23 application by the prosecuting attorney or defense counsel, the court may
24 order that addresses, telephone numbers, and other contact information
25 for victims or witnesses named in the report, evaluation, or examination
26 be redacted upon a showing by a preponderance of the evidence that such
27 redaction is warranted in the interests of public safety. The court may
28 permit inspection of the presentence report, substance abuse evaluation,
29 or psychiatric examination or examination of parts of the report,
30 evaluation, or examination by any other person having a proper interest
31 therein whenever the court finds it is in the best interest of a

1 particular offender. The court may allow fair opportunity for an offender
2 to provide additional information for the court's consideration.

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

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

16 **Sec. 37.** Section 29-2935, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 29-2935 For purposes of evaluating the treatment process, ~~the~~
19 ~~Division of Parole Supervision~~, the Department of Correctional Services,
20 the Board of Parole, and the designated aftercare treatment programs
21 shall allow appropriate access to data and information as requested by
22 the Department of Health and Human Services.

23 **Sec. 38.** Section 29-4003, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 29-4003 (1)(a) The Sex Offender Registration Act applies to any
26 person who on or after January 1, 1997:

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

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

1 (B) False imprisonment of a minor pursuant to section 28-314 or
2 28-315;

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

4 (D) Sexual abuse by a school worker ~~employee~~ pursuant to section
5 28-316.01;

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

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

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

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

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

14 (J) Visual depiction of sexually explicit conduct of a child
15 pursuant to section 28-1463.03 or subdivision (2)(b) or (c) of section
16 28-1463.05;

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

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

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

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

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

27 (ii) Has ever pled guilty to, pled nolo contendere to, or been found
28 guilty of any offense that is substantially equivalent to a registrable
29 offense under subdivision (1)(a)(i) of this section by any village, town,
30 city, state, territory, commonwealth, or other jurisdiction of the United
31 States, by the United States Government, by court-martial or other

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

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

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

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

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

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

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

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

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

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

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

24 (VII) Stalking pursuant to section 28-311.03;

25 (VIII) Violation of section 28-311.08 requiring registration under
26 the act pursuant to subsection (6) of section 28-311.08;

27 (IX) Kidnapping pursuant to section 28-313;

28 (X) False imprisonment pursuant to section 28-314 or 28-315;

29 (XI) Sexual abuse of an inmate or parolee in the first degree
30 pursuant to section 28-322.02;

31 (XII) Sexual abuse of an inmate or parolee in the second degree

1 pursuant to section 28-322.03;

2 (XIII) Sexual abuse of a protected individual pursuant to section
3 28-322.04;

4 (XIV) Incest pursuant to section 28-703;

5 (XV) Child abuse pursuant to subdivision (1)(d) or (e) of section
6 28-707;

7 (XVI) Enticement by electronic communication device pursuant to
8 section 28-833; or

9 (XVII) Attempt, solicitation, aiding or abetting, being an
10 accessory, or conspiracy to commit an offense listed in subdivisions (1)
11 (b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this section.

12 (B) In order for the Sex Offender Registration Act to apply to the
13 offenses listed in subdivisions (1)(b)(i)(A)(I), (II), (III), (IV), (V),
14 (VI), (VII), (IX), and (X) of this section, a court shall have found that
15 evidence of sexual penetration or sexual contact, as those terms are
16 defined in section 28-318, was present in the record, which shall include
17 consideration of the factual basis for a plea-based conviction and
18 information contained in the presentence report;

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

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

30 (c) In addition to the registrable offenses under subdivisions (1)
31 (a) and (b) of this section, the Sex Offender Registration Act applies to

1 any person who on or after January 1, 2020:

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

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

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

15 (i) Has ever pled guilty to, pled nolo contendere to, or been found
16 guilty of human trafficking under subsection (1) or (2) of section
17 28-831, and the court determines either by notification of sex offender
18 registration responsibilities or notation in the sentencing order that
19 the human trafficking was sex trafficking or sex trafficking of a minor
20 and not solely labor trafficking or labor trafficking of a minor; or

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

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

1 **Sec. 39.** Section 29-4019, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 29-4019 (1) When sentencing a person convicted of an offense which
4 requires lifetime community supervision upon release pursuant to section
5 83-174.03, the sentencing court shall:

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

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

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

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

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

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

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

29 **Sec. 40.** Sections 29-4801 to 29-4807 apply on and after July 1,
30 2027.

31 **Sec. 41.** Section 29-4803, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 29-4803 (1) The probation administrator shall create a veteran
3 justice program as provided in sections 29-4802 to 29-4804 and subject to
4 the Supreme Court's rules. The program shall be available in every
5 district court and county court. A veteran justice program shall not
6 supersede, alter, or otherwise interfere with the establishment,
7 functioning, participation, or operation of a problem solving court
8 established pursuant to section 24-1302.

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

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

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

25 (i) The factors set forth in subsections (2) and (3) of section
26 29-2260 and section 29-4802;

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

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

30 (b) Except as provided in subdivision (4)(c) of this section, there
31 shall be a presumption that a veteran eligible under section 29-4802

1 shall be allowed to participate in a veteran justice program. The
2 presumption shall only be overcome by a judicial finding, based on an
3 individualized assessment of the veteran and consideration of the factors
4 set forth in subdivisions (4)(a)(i), (ii), and (iii) of this section,
5 that entry of judgment of conviction should not be deferred. The fact
6 that a veteran has previously absconded from or violated pretrial
7 release, probation, parole, supervised release, post-release supervision,
8 or another form of court-ordered supervision, including a violation
9 arising from commission of a new offense or an offense committed while
10 previously participating in a veteran justice program, is not, standing
11 alone, a sufficient basis to overcome the presumption.

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

14 (i) A violation of section 60-6,196 or 60-6,197, or a city or
15 village ordinance enacted in conformance with section 60-6,196 or
16 60-6,197, following a previous conviction for a violation of any such
17 section or ordinance; or

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

20 (5) Except as otherwise provided in this section and sections
21 29-2293 and 29-2294, the supervision of a defendant on probation pursuant
22 to a deferred judgment shall be governed by the Nebraska Probation
23 Administration Act and sections 29-2270 to 29-2273.

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

30 (7) Upon satisfactory completion of the conditions of probation and
31 the payment or waiver of all administrative and programming fees assessed

1 under section 29-2293, the defendant or prosecutor may file a motion to
2 withdraw any plea entered by the defendant and to dismiss the action
3 without entry of judgment. The court shall not grant such motion until a
4 victim of the offense has received notice and the opportunity to be
5 heard, as required by subsection (4) of section 29-4804.

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

10 **Sec. 42.** Section 29-4807, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 29-4807 (1) The State Court Administrator shall compile information
13 on the number of veterans receiving, successfully completing, declining,
14 and denied participation in a veteran justice program and the sentencing
15 mitigation described in section 29-4805.

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

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

22 (4) On or before July 1, 2028 ~~2026~~, and on or before each July 1
23 thereafter, the State Court Administrator shall electronically submit a
24 report to the Judiciary Committee of the Legislature. The report shall
25 contain de-identified data collected pursuant to this section and shall
26 analyze the outcomes, successes, and areas for improvement of the veteran
27 justice programs and the sentencing mitigation described in section
28 29-4805.

29 **Sec. 43.** Section 32-221, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 32-221 (1) The election commissioner shall appoint precinct and

1 district inspectors, judges of election, and clerks of election to assist
2 the election commissioner in conducting elections on election day. In
3 counties with a population of less than four hundred thousand inhabitants
4 as determined by the most recent federal decennial census, judges and
5 clerks of election and inspectors shall be appointed at least thirty days
6 prior to the statewide primary election, shall hold office for terms of
7 two years or until their successors are appointed and qualified for the
8 next statewide primary election, and shall serve at all elections in the
9 county during their terms of office. In counties with a population of
10 four hundred thousand or more inhabitants as determined by the most
11 recent federal decennial census, judges and clerks of election shall be
12 appointed at least thirty days prior to the first election for which
13 appointments are necessary and shall serve for at least four elections.

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

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

30 (4) If a vacancy occurs in the office of judge or clerk of election
31 or inspector, the election commissioner shall fill such vacancy in

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

12 **Sec. 44.** Section 32-230, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 32-230 (1) As provided in subsection (4) of this section, the
15 precinct committeeman and committeewoman of each political party shall
16 appoint a receiving board consisting of three judges of election and two
17 clerks of election. The chairperson of the county central committee of
18 each political party shall send the names of the appointments to the
19 county clerk no later than February 1 prior to the primary election.

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

31 (3) The county clerk may allow persons serving on a receiving board

1 to serve for part of the time the polls are open and appoint other
2 persons to serve on the same receiving board for the remainder of the
3 time the polls are open.

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

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

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

30 (7) If authorized by the Secretary of State and registered voters of
31 the county are unavailable, the county clerk may appoint an elector

1 residing outside the county as a precinct inspector, district inspector,
2 judge of election, or clerk of election.

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

11 **Sec. 45.** Section 39-210, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 39-210 To qualify to appear on a tourist-oriented directional sign
14 panel, an activity shall be licensed and approved by the state and local
15 agencies if required by law and be open to the public at least eight
16 hours per day, five days per week, including Saturdays or Sundays, during
17 the normal season of the activity, except that if the activity is a
18 winery, the winery shall be open at least twenty hours per week. The
19 activity, before qualifying to appear on a sign panel, shall provide to
20 the Department of Transportation assurance of its conformity with all
21 applicable laws relating to discrimination based on race, creed, color,
22 sex, national origin, ancestry, political affiliation, ~~or~~ religion, or
23 military or veteran status. If the activity violates any of such laws, it
24 shall lose its eligibility to appear on a tourist-oriented directional
25 sign panel. In addition, the qualifying activity shall be required to
26 remove any advertising device which was unlawfully erected or which is in
27 violation of section 39-202, 39-203, 39-204, 39-205, 39-206, 39-215,
28 39-216, or 39-220, any rule or regulation of the department, or any
29 federal rule or regulation relating to tourist-oriented directional sign
30 panels. The tourist-oriented directional sign panels shall conform to the
31 requirements of the Federal Beautification Act and the Manual on Uniform

1 Traffic Control Devices as adopted pursuant to section 60-6,118.

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

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

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

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

7 (3) Family or household members has the same meaning as in section
8 42-903;

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

10 (5) Household pet means any animal maintained for companionship or
11 pleasure but does not include any animal kept primarily for commercial
12 purposes or for consumption or any livestock animal as defined in section
13 54-902;

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

17 (7) Sexual assault offense means:

18 (a) Conduct amounting to sexual assault under section 28-319 or
19 28-320, sexual abuse by a school worker ~~employee~~ under section 28-316.01,
20 sexual assault of a child under section 28-319.01 or 28-320.01, a
21 violation of section 28-311.08, or an attempt to commit any of such
22 offenses; or

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

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

28 43-1401 (1) For purposes of sections 43-1401 to 43-1418:

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

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

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

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

12 **Sec. 48.** Section 43-1411, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 43-1411 (1) A civil proceeding to establish the paternity of a child
15 may be instituted, in the court of the district where the child is
16 domiciled or found or, for cases under the Uniform Interstate Family
17 Support Act, where the alleged father is domiciled, by:

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

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

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

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

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

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

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

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

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

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

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

26 43-1414 (1)(a) {1} In any proceeding to establish paternity, the
27 court may, on its own motion, or shall, on a timely request of a party,
28 after notice and hearing, require the child, the mother, and the alleged
29 father to submit to genetic testing to be performed on blood or any other
30 appropriate genetic testing material. Failure to comply with such
31 requirement for genetic testing shall constitute contempt and may be

1 dealt with in the same manner as other contempts. If genetic testing is
2 required, the court shall direct that inherited characteristics be
3 determined by appropriate testing procedures and shall appoint an expert
4 in genetic testing and qualified as an examiner of genetic markers to
5 analyze and interpret the results and to report to the court. The court
6 shall determine the number of experts required.

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

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

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

22 (4) If an alleged father who is tested as part of an action under
23 such sections is found to be the child's father, the testing laboratory
24 shall retain the genetic testing material of the alleged father, mother,
25 and child for no longer than the period of years prescribed by the
26 national standards under which the laboratory is accredited. If a man is
27 found not to be the child's father, the testing laboratory shall destroy
28 the man's genetic testing material in the presence of a witness after
29 such material is used in the paternity action. The witness may be an
30 individual who is a party to the destruction of the genetic testing
31 material. After the man's genetic testing material is destroyed, the

1 testing laboratory shall make and keep a written record of the
2 destruction and have the individual who witnessed the destruction sign
3 the record. The testing laboratory shall also expunge its records
4 regarding the genetic paternity testing performed on the genetic testing
5 material in accordance with the national standards under which the
6 laboratory is accredited. The testing laboratory shall retain the genetic
7 testing material of the mother and child for no longer than the period of
8 years prescribed by the national standards under which the laboratory is
9 accredited. After a testing laboratory destroys an individual's genetic
10 testing material as provided in this subsection, it shall notify the
11 adult individual, or the parent or legal guardian of a minor individual,
12 by certified mail that the genetic testing material was destroyed.

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

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

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

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

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

31 (10) The changes made to this section by this legislative bill apply

1 to actions under sections 43-1401 to 43-1418 that are pending on the
2 operative date of this section and to cases filed on or after such date.

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

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

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

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

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

30 (5) No licensee or other person subject to the Nebraska Installment
31 Loan and Sales Act shall advertise, print, display, publish, distribute,

1 or broadcast or cause or permit to be advertised, printed, displayed,
2 published, distributed, or broadcast in any manner whatsoever any false,
3 misleading, or deceptive statement or representation with regard to the
4 rates, terms, or conditions for the lending of money, credit, goods, or
5 things in action. The director may order any licensee to cease and desist
6 from any conduct which he or she finds to be a violation of this section.
7 The director may require that rates of charge, if stated by a licensee,
8 be stated fully and clearly in such manner as the director deems
9 necessary to prevent misunderstanding by prospective borrowers.

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

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

20 (a) Use or threaten to use violence;

21 (b) Use obscene or profane language;

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

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

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

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

31 (g) Threaten to take any action that the licensee knows cannot

1 legally be taken at the time the threat is made;

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

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

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

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

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

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

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

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

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

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

28 **Sec. 51.** Section 45-1303, Revised Statutes Cumulative Supplement,
29 2024, is amended to read:

30 45-1303 (1) The Medical Debt Relief Program is established for the
31 purpose of discharging medical debt of eligible residents by contracting

1 with a medical debt relief coordinator as described in subsection (3) of
2 this section. The State Treasurer shall administer the program.

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

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

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

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

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

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

30 (iii) After the purchase and discharge of medical debt from a health
31 care provider, the medical debt relief coordinator shall notify all

1 eligible residents whose medical debt has been discharged under the
2 program, in a manner approved by the State Treasurer, that they no longer
3 have specified medical debt owed to the relevant health care provider;

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

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

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

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

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

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

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

1 47-624 The division shall:

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

6 (2) Develop, in consultation with the probation administrator and
7 the Director of Correctional Supervision ~~and Services of the Division of~~
8 ~~Parole Supervision,~~ standards for the use of community correctional
9 facilities and programs by the Nebraska Probation System and the parole
10 system;

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

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

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

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

22 (7) In order to ensure adequate funding for substance abuse
23 treatment programs, consult with the probation administrator and the
24 Director of Correctional Supervision ~~and Services of the Division of~~
25 ~~Parole Supervision~~ and develop or assist with the development of programs
26 as provided in subdivision (14) of section 29-2252 and subdivision (20)
27 ~~(8)~~ of section 83-173 ~~83-1,102~~;

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

31 (9) Research and evaluate existing community correctional facilities

1 and programs, within the limits of available funding;

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

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

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

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

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

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

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

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

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

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

31 (12) Grant funds to entities including local governmental agencies,

1 nonprofit organizations, and behavioral health services which will
2 support the intent of the Community Corrections Act act;

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

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

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

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

12 47-624.01 (1) The division shall collaborate with the Office of
13 Probation Administration, ~~the Division of Parole Supervision,~~ and the
14 Department of Correctional Services in developing a plan for the
15 implementation and funding of reporting centers in Nebraska.

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

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

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

27 47-627 The director shall develop and maintain a uniform crime data
28 analysis system in Nebraska which shall include, but need not be limited
29 to, the number of offenses, arrests, charges, probation admissions,
30 probation violations, probation discharges, participants in specialized
31 community corrections programs, admissions to and discharges from

1 problem-solving courts, admissions to and discharges from the Department
2 of Correctional Services, parole reviews, parole hearings, releases on
3 parole, parole violations, and parole discharges. The data shall be
4 categorized by statutory crime. The data shall be collected from the
5 Board of Parole, the State Court Administrator, the Department of
6 Correctional Services, ~~the Division of Parole Supervision,~~ the Office of
7 Probation Administration, the Nebraska State Patrol, counties, local law
8 enforcement, and any other entity associated with criminal justice. The
9 division and the Supreme Court shall have access to such data to
10 implement the Community Corrections Act.

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

13 47-629 (1) The Board of Parole may parole an offender to a community
14 correctional facility or program pursuant to guidelines developed by the
15 division.

16 (2) The Department of Correctional Services ~~and the Division of~~
17 ~~Parole Supervision~~ shall utilize community correctional facilities and
18 programs as appropriate.

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

21 47-903 For purposes of the Office of Inspector General of the
22 Nebraska Correctional System Act, the following definitions apply:

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

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

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

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

30 (4) ~~(5)~~ Inspector General means the Inspector General of the
31 Nebraska Correctional System appointed under section 47-904;

1 ~~(5) (6)~~ Malfeasance means a wrongful act that the actor has no legal
2 right to do or any wrongful conduct that affects, interrupts, or
3 interferes with performance of an official duty;

4 ~~(6) (7)~~ Management means supervision of subordinate employees;

5 ~~(7) (8)~~ Misfeasance means the improper performance of some act that
6 a person may lawfully do;

7 ~~(8) (9)~~ Obstruction means hindering an investigation, preventing an
8 investigation from progressing, stopping or delaying the progress of an
9 investigation, or making the progress of an investigation difficult or
10 slow;

11 ~~(9) (10)~~ Office means the office of Inspector General of the
12 Nebraska Correctional System and includes the Inspector General and other
13 employees of the office;

14 ~~(10) (11)~~ Private agency means an entity that contracts with the
15 department or contracts to provide services to another entity that
16 contracts with the department; and

17 ~~(11) (12)~~ Record means any recording in written, audio, electronic
18 transmission, or computer storage form, including, but not limited to, a
19 draft, memorandum, note, report, computer printout, notation, or message,
20 and includes, but is not limited to, medical records, mental health
21 records, case files, clinical records, financial records, and
22 administrative records.

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

25 47-908 All employees of the department ~~, all employees of the~~
26 ~~Division of Parole Supervision,~~ and all owners, operators, managers,
27 supervisors, and employees of private agencies shall cooperate with the
28 office. Cooperation includes, but is not limited to, the following:

29 (1) Provision of full access to and production of records and
30 information. Providing access to and producing records and information
31 for the office is not a violation of confidentiality provisions under any

1 statute, rule, or regulation if done in good faith for purposes of an
2 investigation under the Office of Inspector General of the Nebraska
3 Correctional System Act;

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

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

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

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

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

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

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

19 47-919 The department ~~Division of Parole Supervision~~ shall provide
20 the Public Counsel and the Inspector General with direct computer access
21 to all computerized records, reports, and documents maintained in
22 connection with administration of the Nebraska parole system, except that
23 access for the Public Counsel and the Inspector General to a parolee's
24 medical or mental health records shall be subject to the parolee's
25 consent.

26 **Sec. 59.** Section 47-1102, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 47-1102 (1) The Legislature finds that studies have shown that post-
29 prison outcomes tend to be better for committed offenders who participate
30 in work release programs prior to discharge from custody. Specifically,
31 findings indicate that committed offenders who participated in work

1 release programs had a higher likelihood of obtaining post-release
2 employment within the first calendar quarter after release and also had a
3 significantly lower rate of recidivism than committed offenders who did
4 not participate in work release programs prior to discharge from custody.
5 In addition, studies indicate that committed offenders who participated
6 in privately operated work release programs were significantly more
7 likely to become employed after release.

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

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

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

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

22 **Sec. 60.** Section 47-1103, Revised Statutes Cumulative Supplement,
23 2024, is amended to read:

24 47-1103 For purposes of the Community Work Release and Reentry
25 Centers Act:

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

28 (2) Board means the Board of Parole;

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

30 (4) Community work release and reentry center or center means a
31 residential home, halfway house, or other facility operated by a private

1 provider pursuant to an agreement in writing either with the ~~division or~~
2 the department for providing housing and supervision of committed
3 offenders placed in the center by the department ~~division~~ for work
4 release and for vocational training, education, programming, or
5 behavioral health or mental health treatment;

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

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

8 (6) ~~(7)~~ Individualized release plan means a detailed written plan
9 outlining a committed offender's future vocational goals, training,
10 employment, and needed treatment services following the committed
11 offender's release from a community work release and reentry center;

12 (7) ~~(8)~~ Private provider means a partnership, corporation,
13 association, joint venture, organization, or similar entity which is
14 operated on a nonprofit basis and which, under a contract with ~~either the~~
15 ~~division or~~ the department, has agreed to operate a community work
16 release and reentry center pursuant to the act;

17 (8) ~~(9)~~ Probation administration means the Office of Probation
18 Administration;

19 (9) ~~(10)~~ Reentering person means an individual who is subject to
20 supervision by the board ~~division~~ or probation administration, not
21 including juvenile probation, or who was recently in the custody of the
22 department or a county jail and was released with no supervision;

23 (10) ~~(11)~~ Reentry housing means temporary housing for reentering
24 persons, generally in the first year following a period of incarceration;
25 and

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

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

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

3 **Sec. 61.** Section 47-1104, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 47-1104 (1) The department ~~division~~ may place a parole-eligible
6 committed offender at a community work release and reentry center as
7 provided in the Community Work Release and Reentry Centers Act.

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

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

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

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

21 **Sec. 62.** Section 47-1105, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 47-1105 (1) The ~~division and the~~ department may exercise all powers
24 and perform all duties necessary and proper for carrying out their
25 responsibilities under the Community Work Release and Reentry Centers
26 Act.

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

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

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

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

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

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

13 (a) Specialized educational or vocational training; and

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

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

20 (a) Regarding the behavior of committed offenders;

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

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

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

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

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

1 hours.

2 **Sec. 63.** Section 47-1106, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 47-1106 The ~~division and the~~ department shall set standards for the
5 appropriate staffing levels of community work release and reentry
6 centers. The ~~division and the~~ department shall require each center to:

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

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

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

13 **Sec. 64.** Section 47-1107, Revised Statutes Cumulative Supplement,
14 2024, is amended to read:

15 47-1107 (1) The ~~division and the~~ department shall require each
16 community work release and reentry center to establish an individualized
17 release plan for each committed offender assigned to the center. The
18 staff of a center shall assist ~~the division and the~~ department in making
19 reasonable advance preparations for the release of such committed
20 offenders.

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

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

1 coordination with the assigned district probation officer.

2 **Sec. 65.** Section 47-1108, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 47-1108 (1) The ~~division and the~~ department shall set requirements
5 for the maintenance of the individual records of committed offenders
6 assigned to a community work release and reentry center.

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

11 **Sec. 66.** Section 47-1109, Revised Statutes Cumulative Supplement,
12 2024, is amended to read:

13 47-1109 The ~~division and the~~ department shall establish an internal
14 system for assessing the achievements of community work release and
15 reentry centers and the effectiveness of the Community Work Release and
16 Reentry Centers Act as a whole. The ~~division and the~~ department shall
17 develop and maintain measurable goals and objectives for such assessment.

18 **Sec. 67.** Section 47-1110, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 47-1110 (1) The department ~~division~~ shall designate a parole officer
21 to monitor the performance of each parole-eligible committed offender who
22 is assigned to a community work release and reentry center. The
23 designated parole officer shall be required to periodically report to the
24 department ~~division~~ on the progress of the committed offender.

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

30 **Sec. 68.** Section 47-1111, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 47-1111 The ~~division and the~~ department shall develop an internal
2 program to conduct annual reviews of the performance of each community
3 work release and reentry center. A senior staff person of the ~~division~~
4 and the department shall visit each center at least twice each year.

5 **Sec. 69.** Section 47-1113, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 47-1113 The ~~division and the~~ department may allow a community work
8 release and reentry center to have access to all of the records,
9 documents, and reports in the custody of the ~~division or the~~ department,
10 other than presentence investigation reports, that relate to any
11 committed offender who is assigned to the center.

12 **Sec. 70.** Section 47-1114, Revised Statutes Cumulative Supplement,
13 2024, is amended to read:

14 47-1114 (1) By July 1, 2026, the ~~division and the~~ department shall
15 develop a strategic plan and procedure to allow private providers to bid
16 on agreements to establish community work release and reentry centers
17 pursuant to the Community Work Release and Reentry Centers Act.

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

21 **Sec. 71.** Section 47-1115, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 47-1115 (1) The department, with the assistance of the board, shall
24 establish a program to encourage the development of reentry housing,
25 coordinate the provisions of reentry services, and provide standards for
26 reentry housing. Through this program, the department shall:

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

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

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

3 (d) Communicate with relevant agencies regarding evaluation results
4 and compliance with minimum standards;

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

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

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

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

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

27 **Sec. 72.** Section 47-1116, Revised Statutes Cumulative Supplement,
28 2024, is amended to read:

29 47-1116 (1) Reentry housing facilities shall cooperate with
30 investigations and evaluations conducted pursuant to the Community Work
31 Release and Reentry Centers Act and shall provide the department, board,

1 ~~division~~, probation administration, and the Office of Public Counsel with
2 reasonable access to facilities and records related to the provision of
3 reentry housing.

4 (2) The department or board may request the State Fire Marshal to
5 investigate any reentry housing facility for fire safety under section
6 81-502. The State Fire Marshal shall assess a fee for such inspection
7 under section 81-505.01 payable by the facility. The State Fire Marshal
8 may delegate the authority to make such inspections to qualified local
9 fire prevention personnel under section 81-502.

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

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

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

26 **Sec. 73.** Section 47-1117, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 47-1117 (1) The Reentry Continuity Advisory Board is created. The
29 board shall include the following members:

- 30 (a) The Inspector General of the Nebraska Correctional System;
31 (b) The Director of Correctional Services or his or her designee;

- 1 (c) The chairperson of the Board of Parole or his or her designee;
- 2 (d) The probation administrator or his or her designee; and
- 3 (e) Five additional members to be appointed by the Governor. Such
- 4 members shall include:
 - 5 (i) An individual with experience in reentry and restorative justice
 - 6 service delivery;
 - 7 (ii) A victims' rights representative;
 - 8 (iii) A formerly incarcerated individual;
 - 9 (iv) An individual with expertise in mental or behavioral health;
 - 10 and
 - 11 (v) An individual with experience in public policy.
- 12 (2) The advisory board shall select a chairperson from among its
- 13 members.
- 14 (3) The advisory board shall identify areas for improving continuity
- 15 and collaboration among the department, ~~the division,~~ the board,
- 16 probation administration, and any other relevant criminal justice
- 17 entities and offer advice on practices that will enhance the continuity
- 18 of reentry services and reentry housing for individuals in the criminal
- 19 justice system.
- 20 (4) The advisory board shall:
 - 21 (a) Conduct regular meetings;
 - 22 (b) Provide advice and assistance to the department and board
 - 23 relating to reentry housing in Nebraska;
 - 24 (c) Promote the interests of reentering persons and their families;
 - 25 (d) Promote public safety through effective reintegration into the
 - 26 community;
 - 27 (e) Provide input on the process of evaluating reentry housing
 - 28 facilities;
 - 29 (f) Engage with neighborhood groups and other stakeholders;
 - 30 (g) Provide reports as requested by the department and board; and
 - 31 (h) Engage in other activities as requested by the department and

1 board.

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

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

10 (a) The use of evidence-based risk assessments and evidence-based
11 programming;

12 (b) Participation in rehabilitation and education programs;

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

16 (d) Population and demographic data;

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

18 (f) Identified gaps in services;

19 (g) Recidivism;

20 (h) Institutional conduct; and

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

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

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

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

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

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

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

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

29 **Sec. 74.** Section 47-1119, Revised Statutes Cumulative Supplement,
30 2024, is amended to read:

31 47-1119 The department ~~, division,~~ and board may adopt and

1 promulgate rules and regulations to carry out the Community Work Release
2 and Reentry Centers Act.

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

5 48-215 It shall be unlawful for any person, firm, or corporation,
6 engaged to any extent whatsoever in the State of Nebraska in the
7 production, manufacture, or distribution of military or naval material,
8 equipment, or supplies for the State of Nebraska or the government of the
9 United States, to refuse to employ any person in any capacity, if such
10 ~~said~~ person is a citizen and is qualified, on account of the race, color,
11 creed, religion, ~~or~~ national origin, or military or veteran status of
12 such ~~said~~ person.

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

15 48-628.13 Good cause for voluntarily leaving employment shall
16 include, but not be limited to, the following reasons:

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

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

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

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

30 (5)(a) An individual is a construction worker and left his or her
31 employment voluntarily for the purpose of accepting previously secured

1 insured work in the construction industry if the commissioner finds that:

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

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

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

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

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

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

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

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

30 (11) An individual has made all reasonable efforts to preserve
31 employment but voluntarily leaves employment for the purpose of caring

1 for a family member with a serious health condition. For purposes of this
2 subdivision:

3 (a) Family member means:

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

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

13 (iii) The individual's spouse; or

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

17 (b) Serious health condition has the same meaning as in 29 U.S.C.
18 2611, as such section existed on January 1, 2021; or

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

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

22 ~~48-1125~~ Sections 48-1102 to 48-1126 and sections 77, 78, and 91 of
23 this act ~~48-1101 to 48-1125~~ shall be known and may be cited as the
24 Nebraska Fair Employment Practice Act.

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

27 ~~48-1101~~ (1) It is the policy of this state to foster the employment
28 of all employable persons in the state on the basis of merit regardless
29 of their race, color, religion, sex, disability, ~~or~~ national origin, or
30 military or veteran status and to safeguard their right to obtain and
31 hold employment without discrimination because of their race, color,

1 religion, sex, disability, ~~or~~ national origin, or military or veteran
2 status. Denying equal opportunity for employment because of race, color,
3 religion, sex, disability, ~~or~~ national origin, or military or veteran
4 status is contrary to the principles of freedom and is a burden on the
5 objectives of the public policy of this state.

6 (2) Except for the veterans preference provided for in sections
7 48-225 to 48-231, the The policy of this state does not require any
8 person to employ an applicant for employment because of his or her race,
9 color, religion, sex, disability, ~~or~~ national origin, or military or
10 veteran status, and the policy of this state does not require any
11 employer, employment agency, labor organization, or joint labor-
12 management committee to grant preferential treatment to any individual or
13 to any group because of race, color, religion, sex, disability, ~~or~~
14 national origin, or military or veteran status.

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

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

25 48-1104 It shall be an unlawful employment practice for an employer:

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

31 (2) To limit, advertise, solicit, segregate, or classify employees

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

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

8 48-1105 It shall be an unlawful employment practice for an
9 employment agency to:

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

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

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

19 48-1106 It shall be an unlawful employment practice for a labor
20 organization:

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

25 (2) To limit, segregate, or classify its membership, or to classify
26 or fail or refuse to refer for employment any individual, in any way
27 which would deprive or tend to deprive any individual of employment
28 opportunities, or would limit such employment opportunities or otherwise
29 adversely affect such individual's status as an employee or as an
30 applicant for employment, because of such individual's race, color,
31 religion, sex, disability, marital status, ~~or~~ national origin, or

1 military or veteran status; or

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

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

6 48-1107 It shall be an unlawful employment practice for any
7 employer, labor organization, or joint labor-management committee
8 controlling apprenticeship or other training or retraining, including on-
9 the-job training programs, to discriminate against any individual because
10 of race, color, religion, sex, disability, marital status, ~~or~~ national
11 origin, or military or veteran status, in admission to, or employment in,
12 any program established to provide apprenticeship or other training.

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

15 48-1108 Notwithstanding any other provision of the Nebraska Fair
16 Employment Practice Act:

17 (1) It shall not be an unlawful employment practice for an employer
18 to hire and employ employees, for an employment agency to classify or
19 refer for employment any individual, for a labor organization to classify
20 its membership or to classify or refer for employment any individual, or
21 for an employer, labor organization, or joint labor-management committee
22 controlling apprenticeship or other training or retraining programs to
23 admit or employ any individual in any such program on the basis of
24 religion, sex, disability, marital status, ~~or~~ national origin, or
25 military or veteran status in those certain instances when religion, sex,
26 disability, marital status, ~~or~~ national origin, or military or veteran
27 status is a bona fide occupational qualification reasonably necessary to
28 the normal operation of that particular business or enterprise;

29 (2) It shall not be an unlawful employment practice for a school,
30 college, university, or other educational institution or institution of
31 learning to hire and employ employees of a particular religion if such

1 school, college, university, or other educational institution or
2 institution of learning is, in whole or in substantial part, owned,
3 supported, controlled, or managed by a particular religion or by a
4 particular religious corporation, association, or society or if the
5 curriculum of such school, college, university, or other educational
6 institution of learning is directed toward the propagation of a
7 particular religion;

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

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

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

15 (c) The standard is applied equally; and

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

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

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

24 48-1111 (1) Except as otherwise provided in the Nebraska Fair
25 Employment Practice Act, it shall not be an unlawful employment practice
26 for an employer to apply different standards of compensation, or
27 different terms, conditions, or privileges of employment pursuant to a
28 bona fide seniority or merit system or a system which measures earnings
29 by quantity or quality of production or to employees who work in
30 different locations, if such differences are not the result of an
31 intention to discriminate because of race, color, religion, sex,

1 disability, marital status, ~~or~~ national origin, or military or veteran
2 status, nor shall it be an unlawful employment practice for an employer
3 to give and to act upon the results of any professionally developed
4 ability test if such test, its administration, or action upon the results
5 is not designed, intended, or used to discriminate because of race,
6 color, religion, sex, disability, marital status, ~~or~~ national origin, or
7 military or veteran status.

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

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

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

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

24 (4) ~~(2)~~ Except as otherwise provided in the Nebraska Fair Employment
25 Practice Act, women affected by pregnancy, childbirth, or related medical
26 conditions shall be treated the same for all employment-related purposes,
27 including receipt of employee benefits, as other persons not so affected
28 but similar in their ability or inability to work, and nothing in this
29 section shall be interpreted to provide otherwise.

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

1 an abortion.

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

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

7 48-1113 Nothing in the Nebraska Fair Employment Practice Act shall
8 be interpreted to require any employer, employment agency, labor
9 organization, or joint labor-management committee subject to the act to
10 grant preferential treatment to any individual or to any group because of
11 the race, color, religion, sex, disability, marital status, ~~or~~ national
12 origin, or military or veteran status of such individual or group on
13 account of an imbalance which may exist with respect to the total number
14 or percentage of persons of any race, color, religion, sex, disability,
15 marital status, ~~or~~ national origin, or military or veteran status
16 employed by any employer, referred or classified for employment by any
17 employment agency or labor organization, admitted to membership or
18 classified by any labor organization, or admitted to, or employed in, any
19 apprenticeship or other training program, in comparison with the total
20 number or percentage of persons of such race, color, religion, sex,
21 disability, marital status, ~~or~~ national origin, or military or veteran
22 status in any community, section, or other area, or in the available work
23 force in any community, section, or other area.

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

26 48-1115 Except as provided in section 91 of this act and except for
27 the veterans preference provided for in sections 48-225 to 48-231 or
28 section 48-238, it ~~It~~ shall be an unlawful employment practice for an
29 employer, labor organization, or employment agency to print or publish or
30 cause to be printed or published any notice or advertisement relating to
31 employment by such an employer or membership in or any classification or

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

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

13 48-1117 The commission shall have the following powers and duties:

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

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

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

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

31 (5) To require that every employer, employment agency, and labor

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

27 (6) To report, not less than once every two years, to the Clerk of
28 the Legislature and the Governor, on the hearings it has conducted and
29 the decisions it has rendered, the other work performed by it to carry
30 out the purposes of the act, and to make recommendations for such further
31 legislation concerning abuses and discrimination because of race, color,

1 religion, sex, disability, marital status, ~~or~~ national origin, or
2 military or veteran status, as may be desirable. The report shall also
3 include the number of complaints filed under the act alleging a violation
4 of subdivision (2) of section 48-1107.01 and the resolution of such
5 complaints. The report submitted to the Clerk of the Legislature shall be
6 submitted electronically. Each member of the Legislature shall receive an
7 electronic copy of the report required by this subdivision by making a
8 request for it to the chairperson of the commission; and

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

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

13 48-1119 (1) In case of failure to eliminate any unlawful employment
14 practice by informal methods of conference, conciliation, persuasion,
15 mediation, or arbitration, the commission may order a public hearing. If
16 such hearing is ordered, the commission shall cause to be issued and
17 served a written notice, together with a copy of the complaint, requiring
18 the person, employer, labor organization, or employment agency named in
19 the complaint, hereinafter referred to as respondent, to answer such
20 charges at a hearing before the commission at a time and place which
21 shall be specified in such notice. Such hearing shall be within the
22 county where the alleged unlawful employment practice occurred. The
23 complainant shall be a party to the proceeding, and in the discretion of
24 the commission any other person whose testimony has a bearing on the
25 matter may be allowed to intervene therein. Both the complainant and the
26 respondent, in addition to the commission, may introduce witnesses at the
27 hearing. The respondent may file a verified answer to the allegations of
28 the complaint and may appear at such hearing in person and with or
29 without counsel. Testimony or other evidence may be introduced by either
30 party. All evidence shall be under oath and a record thereof shall be
31 made and preserved. Such proceedings shall, so far as practicable, be

1 conducted in accordance with the rules of evidence applicable in the
2 district courts of the State of Nebraska, and shall be of public record.

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

20 (3) After the conclusion of the hearing, the commission shall,
21 within ten days of the receipt of the transcript or the receipt of the
22 recommendations from the hearing officer, make and file its findings of
23 fact and conclusions of law and make and enter an appropriate order. The
24 hearing officer need not refer to the page and line numbers of the
25 transcript when making his or her recommendation to the commission. Such
26 findings of fact and conclusions of law shall be in sufficient detail to
27 enable a court on appeal to determine the controverted questions
28 presented by the proceedings and whether proper weight was given to the
29 evidence. If the commission determines that the respondent has
30 intentionally engaged in or is intentionally engaging in any unlawful
31 employment practice, it shall issue and cause to be served on such

1 respondent an order requiring such respondent to cease and desist from
2 such unlawful employment practice and order such other affirmative action
3 as may be appropriate which may include, but shall not be limited to,
4 reinstatement or hiring of employees, with or without backpay. Backpay
5 liability shall not accrue from a date more than two years prior to the
6 filing of the charge with the commission. Interim earnings or amounts
7 earnable with reasonable diligence by the person or persons discriminated
8 against shall operate to reduce the backpay otherwise allowable.

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

21 (5) No order of the commission shall require the admission or
22 reinstatement of an individual as a member of a labor organization or the
23 hiring, reinstatement, or promotion of an individual as an employee, or
24 the payment to him or her of any backpay, if such individual was refused
25 admission, suspended, or expelled, or was refused employment or
26 advancement or was suspended or discharged for any reason other than
27 discrimination on account of race, color, religion, sex, disability,
28 marital status, ~~or~~ national origin, or military or veteran status or in
29 violation of section 48-1114. If the commission finds that a respondent
30 has not engaged in any unfair employment practice, it shall within thirty
31 days state its findings of fact and conclusions of law. A copy of any

1 order shall be served upon the person against whom it runs or his or her
2 attorney and notice thereof shall be given to the other parties to the
3 proceedings or their attorneys. Such order shall take effect twenty days
4 after service thereof unless otherwise provided and shall continue in
5 force either for a period which may be designated therein or until
6 changed or revoked by the commission.

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

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

14 48-1122 Every contract to which the state or any of its political
15 subdivisions is a party shall contain a provision requiring the
16 contractor and his or her subcontractors not to discriminate against any
17 employee or applicant for employment, to be employed in the performance
18 of such contract, with respect to his or her hire, tenure, terms,
19 conditions, or privileges of employment, because of his or her race,
20 color, religion, sex, disability, ~~or~~ national origin, or military or
21 veteran status.

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

24 48-1124 Nothing contained in the Nebraska Fair Employment Practice
25 Act shall be deemed to repeal any of the provisions of the civil rights
26 law, any other law of this state, or any municipal ordinance relating to
27 discrimination because of race, creed, color, religion, sex, disability,
28 ~~or~~ national origin, or military or veteran status.

29 **Sec. 91.** The inclusion of military or veteran status as a protected
30 class in the Nebraska Fair Employment Practice Act and sections 23-2525,
31 23-2531, and 23-2541:

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

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

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

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

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

12 49-801 Unless the context is shown to intend otherwise, words and
13 phrases in the statutes of Nebraska hereafter enacted are used in the
14 following sense:

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

18 (2) Action includes ~~shall include~~ any proceeding in any court of
19 this state;

20 (3) Attorney means ~~shall mean~~ attorney at law;

21 (4) Company includes ~~shall include~~ any corporation, partnership,
22 limited liability company, joint-stock company, joint venture, or
23 association;

24 (5) Domestic when applied to corporations means ~~shall mean~~ all those
25 created by authority of this state;

26 (6) Federal refers ~~shall refer~~ to the United States;

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

29 (8) Grantee includes ~~shall include~~ every person to whom any estate
30 or interest passes in or by any conveyance;

31 (9) Grantor includes ~~shall include~~ every person from or by whom any

1 estate or interest passes in or by any conveyance;

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

4 (11) Land or real estate includes ~~shall include~~ lands, tenements,
5 and hereditaments and all rights thereto and interest therein other than
6 a chattel interest;

7 (12) Magistrate includes ~~shall include~~ judge of the county court and
8 clerk magistrate;

9 (13) Military or veteran status means a person:

10 (a) Is serving active duty service in the armed forces of the United
11 States, including any reserve component or the National Guard;

12 (b) Has served on such active duty and was discharged or otherwise
13 separated with a characterization of honorable or general (under
14 honorable conditions); or

15 (c) Is a dependent, as defined in 50 U.S.C. 3911, of a person
16 described in subdivision (13)(a) or (b) of this section;

17 (14) ~~(13)~~ Month means ~~shall mean~~ calendar month;

18 (15) ~~(14)~~ Oath includes ~~shall include~~ affirmation in all cases in
19 which an affirmation may be substituted for an oath;

20 (16) ~~(15)~~ Peace officer includes ~~shall include~~ sheriffs, coroners,
21 jailers, marshals, police officers, state highway patrol officers,
22 members of the National Guard on active service by direction of the
23 Governor during periods of emergency, and all other persons with similar
24 authority to make arrests;

25 (17) ~~(16)~~ Person includes ~~shall include~~ bodies politic and
26 corporate, societies, communities, the public generally, individuals,
27 partnerships, limited liability companies, joint-stock companies, and
28 associations;

29 (18) ~~(17)~~ Personal estate includes ~~shall include~~ money, goods,
30 chattels, claims, and evidences of debt;

31 (19) ~~(18)~~ Process means ~~shall mean~~ a summons, subpoena, or notice to

1 appear issued out of a court in the course of judicial proceedings;

2 (20) (19) Service animal has ~~shall have~~ the same meaning as in 28
3 C.F.R. 36.104, as such regulation existed on January 1, 2008;

4 (21) (20) State when applied to different states of the United
5 States shall be construed to extend to and include the District of
6 Columbia and the several territories organized by Congress;

7 (22) (21) Sworn includes ~~shall include~~ affirmed in all cases in
8 which an affirmation may be substituted for an oath;

9 (23) (22) The United States includes ~~shall include~~ territories,
10 outlying possessions, and the District of Columbia;

11 (24) (23) Violate includes ~~shall include~~ failure to comply with;

12 (25) (24) Writ shall signify an order or citation in writing issued
13 in the name of the state out of a court or by a judicial officer; and

14 (26) (25) Year means ~~shall mean~~ calendar year.

15 **Sec. 93.** Section 51-211, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 51-211 (1) The library board may erect, lease, or occupy an
18 appropriate building for the use of a library, appoint a suitable
19 librarian and assistants, fix the compensation of such appointees, and
20 remove such appointees at the pleasure of the board. The governing body
21 of the county, city, or village in which the library is located shall
22 approve any personnel administrative or compensation policy or procedure
23 before implementation of such policy or procedure by the library board.

24 (2) The library board may establish rules and regulations for the
25 government of such library as may be deemed necessary for its
26 preservation and to maintain its usefulness and efficiency. The library
27 board may fix and impose, by general rules, penalties and forfeitures for
28 trespasses upon or injury to the library grounds, rooms, books, or other
29 property, for failure to return any book, or for violation of any bylaw,
30 rule, or regulation and fix and impose reasonable fees, not to exceed the
31 library's actual cost, for nonbasic services. The board shall have and

1 exercise such power as may be necessary to carry out the spirit and
2 intent of sections 51-201 to 51-219 in establishing and maintaining a
3 public library and reading room.

4 (3) The public library shall make its basic services available
5 without charge to all residents of the political subdivision which
6 supplies its tax support.

7 (4) No service shall be denied to any person because of race, sex,
8 religion, age, color, national origin, ancestry, physical handicap, ~~or~~
9 marital status, or military or veteran status.

10 **Sec. 94.** Section 58-216, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 58-216 Low-income or moderate-income person shall mean any person
13 irrespective of race, religion, creed, national origin, ~~or sex, or~~
14 military or veteran status determined by the authority to be eligible for
15 such assistance as is made available by the Nebraska Investment Finance
16 Authority Act on account of insufficient personal or family income,
17 taking into consideration without limiting the generality thereof such
18 factors as:

- 19 (1) The amount of income of such person available for housing needs;
20 (2) Size of family;
21 (3) Cost and condition of housing available;
22 (4) Whether such person is elderly, infirm, or disabled;
23 (5) The ability of such person to compete successfully in the normal
24 private housing market and to pay the amounts at which private enterprise
25 is providing sanitary, safe, and uncrowded housing; and
26 (6) Existing federal guidelines or standards for determining low
27 income and moderate income.

28 **Sec. 95.** Section 58-808, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 58-808 Private health care institution means any private not-for-
31 profit corporation or institution that (1) is licensed under the Health

1 Care Facility Licensure Act, (2) is described in section 501(c)(3) of the
2 Internal Revenue Code and is exempt from federal income taxation under
3 section 501(a) of the Internal Revenue Code, (3) is located within this
4 state and is not owned or controlled by the state or any political
5 subdivision, agency, instrumentality, district, or municipality thereof,
6 and (4) does not violate any Nebraska or federal law against
7 discrimination on the basis of race, color, creed, national origin,
8 ancestry, age, gender, ~~or~~ handicap, or military or veteran status.

9 **Sec. 96.** Section 58-809, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 58-809 Private institution of higher education means a not-for-
12 profit educational institution located within this state which is not
13 owned or controlled by the state or any political subdivision, agency,
14 instrumentality, district, or municipality thereof, which is authorized
15 by law to provide a program of education beyond the high school level,
16 and which:

17 (1) Admits as regular students only individuals having a certificate
18 of graduation from a high school or the recognized equivalent of such a
19 certificate;

20 (2) Provides an educational program for which it awards a bachelor's
21 degree; provides an educational program, admission into which is
22 conditioned upon the prior attainment of a bachelor's degree or its
23 equivalent, for which it awards a postgraduate degree; provides a program
24 of not less than two years in length which is acceptable for full credit
25 toward a bachelor's degree; or offers a two-year program in engineering,
26 mathematics, or the physical or biological sciences which is designed to
27 prepare the student to work as a technician and at a semiprofessional
28 level in engineering, research, medicine, or other technological fields
29 which require the understanding and application of basic engineering,
30 scientific, or mathematical principles or knowledge;

31 (3) Is accredited by an accrediting agency or association or, if not

1 so accredited, is an institution whose credits are accepted, on transfer,
2 by not less than three institutions which are so accredited, for credit
3 on the same basis as if transferred from an institution so accredited;
4 and

5 (4) Has a student admissions policy that does not violate any other
6 Nebraska or federal law against discrimination on the basis of race,
7 color, creed, national origin, ancestry, age, gender, ~~or~~ handicap, or
8 military or veteran status.

9 **Sec. 97.** Section 58-810, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 58-810 Private social services institution means any private not-
12 for-profit corporation or institution that (1) provides health, safety,
13 and welfare assistance, including emergency, social, housing, and related
14 support services, to members of the general public in the state, (2) is
15 described in section 501(c)(3) of the Internal Revenue Code and is exempt
16 from federal income taxation under section 501(a) of the Internal Revenue
17 Code, (3) is located within this state and is not owned or controlled by
18 the state or any political subdivision, agency, instrumentality,
19 district, or municipality thereof, and (4) does not violate any Nebraska
20 or federal law against discrimination on the basis of race, color, creed,
21 national origin, ancestry, age, gender, ~~or~~ handicap, or military or
22 veteran status.

23 **Sec. 98.** Section 68-1605, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 68-1605 (1) The department shall use the funds in the Homeless
26 Shelter Assistance Trust Fund to finance grants for projects or programs
27 that provide for persons or families with special housing needs.

28 (2) Projects and programs to which funds shall be provided include
29 eligible community, neighborhood-based, housing-assistance organizations,
30 institutions, associations, and societies or corporations that:

31 (a) Are exempt from taxation under section 501(c)(3) of the Internal

1 Revenue Code as defined in section 49-801.01;

2 (b) Do not discriminate on the basis of age, religion, sex, race,
3 color, ~~or~~ national origin, or military or veteran status. This
4 subdivision does not prohibit otherwise nondiscriminatory conduct
5 designed to benefit veterans or servicemembers or their family members,
6 such as providing housing limited to veterans or servicemembers or their
7 family members, or otherwise offering benefits that are limited to
8 veterans or servicemembers or their family members;

9 (c) Provide residential housing for at least eight hours of every
10 twenty-four-hour period; and

11 (d) Operate a drug-free premises.

12 (3) The department shall establish an advisory committee consisting
13 of individuals and groups involved with housing issues, in particular
14 those pertaining to persons or families with special housing needs, to
15 advise and assist the department in establishing criteria, priorities,
16 and guidelines for eligibility requirements, application requirements and
17 dates, public notification, and monitoring and shall assist the
18 department in adopting and promulgating rules and regulations for
19 providing grants from the fund.

20 (4) An application submitted by an organization representing a
21 number of eligible applicants may be considered even though the
22 representing organization may itself not qualify under this section.

23 (5) In making grants pursuant to the Homeless Shelter Assistance
24 Trust Fund Act, the department shall consider, but not be limited to, the
25 following factors:

26 (a) The number of night-lodging units provided by the applicant as
27 measured by the number of persons housed per night;

28 (b) Participation by the applicant in community planning processes
29 and activities aimed at preventing and alleviating homelessness;

30 (c) Other verifiable units of service provided by the applicant; and

31 (d) The geographic distribution of funds.

1 **Sec. 99.** Section 69-2403, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 69-2403 (1) Except as provided in this section ~~and section 69-2409,~~
4 a person shall not:

5 (a) ~~Purchase~~ purchase, lease, rent, or receive transfer of a handgun
6 until he or she has obtained a certificate in accordance with section
7 69-2404; ~~or . Except as provided in this section and section 69-2409, a~~
8 ~~person shall not sell~~

9 (b) ~~Sell~~, lease, rent, or transfer a handgun to a person who has not
10 obtained a certificate.

11 (2) The certificate shall not be required if:

12 (a) The person acquiring the handgun is a licensed firearms dealer
13 under federal law;

14 (b) The handgun is an antique handgun;

15 (c) The person acquiring the handgun is authorized to do so on
16 behalf of a law enforcement agency;

17 (d) The transfer is a temporary transfer of a handgun and the
18 transferee remains (i) in the line of sight of the transferor or (ii)
19 within the premises of an established shooting facility;

20 (e) The transfer is between a person and his or her spouse, sibling,
21 parent, child, aunt, uncle, niece, nephew, or grandparent;

22 (f) The person acquiring the handgun is a holder of a valid permit
23 under the Concealed Handgun Permit Act; or

24 (g) The person acquiring the handgun is a peace officer as defined
25 in section 69-2429.

26 **Sec. 100.** Section 69-2409.01, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 69-2409.01 (1)(a) ~~(1)~~ For purposes of criminal history record
29 information checks relating to firearms or explosives ~~sections 69-2401 to~~
30 ~~69-2425,~~ the Nebraska State Patrol shall be furnished with only such
31 information as may be necessary for the purposes ~~sole purpose~~ of

1 determining whether an individual is:

2 (i) Qualified to receive a permit to carry a concealed handgun under
3 section 69-2433; or

4 (ii) Disqualified ~~disqualified~~ from purchasing or possessing
5 firearms or explosives a handgun pursuant to state or federal law ~~or is~~
6 ~~subject to the disability provisions of 18 U.S.C. 922(d)(4) and (g)(4).~~

7 ~~(b) Such information shall be furnished by the Department of Health~~
8 ~~and Human Services.~~ The clerks of the various courts shall furnish to the
9 Department of Health and Human Services and Nebraska State Patrol, as
10 soon as practicable but within thirty days after a court order is issued,
11 in a form and manner prescribed by the Department of Health and Human
12 Services or the Nebraska State Patrol, as applicable ~~an order of~~
13 ~~commitment or discharge is issued or after removal of firearm-related~~
14 ~~disabilities pursuant to section 71-963,~~ all information necessary to set
15 up and maintain the database required by this section. The clerks of the
16 various courts shall furnish ~~This information shall include (a)~~
17 ~~information regarding those persons who:~~

18 (i) Are disqualified from purchasing or possessing firearms or
19 explosives pursuant to state or federal law, including, but not limited
20 to, 18 U.S.C. 922(d)(4) and (g)(4);

21 (ii) Are ~~are~~ currently receiving mental health treatment pursuant to
22 a commitment order of a mental health board or ~~who~~ have been
23 discharged; ~~;~~

24 (iii) Have ~~(b) information regarding those persons who have been~~
25 ~~committed to treatment pursuant to section 29-3702; , and~~

26 (iv) Meet the definition of adjudicated as a mental defective or
27 committed to a mental institution pursuant to 27 C.F.R. 478.11, including
28 individuals found not responsible by reason of insanity, found not
29 competent to stand trial, found to lack the mental capacity to manage
30 their own affairs, or otherwise found by a court to be not competent; and

31 (v) Have ~~(c) information regarding those persons who have had~~

1 firearm-related disabilities removed pursuant to section 71-963.

2 (c) The mental health board shall notify the Department of Health
3 and Human Services and the Nebraska State Patrol when an individual's
4 firearm-related such disabilities have been removed pursuant to section
5 71-963.

6 (d) The department ~~Department of Health and Human Services~~ shall
7 ~~also~~ maintain in the database information provided by the clerks of the
8 various courts pursuant to this section and a listing of persons
9 committed to treatment pursuant to section 29-3702.

10 (e) To ensure the accuracy of the database, any information
11 maintained or disclosed under this subsection shall be updated,
12 corrected, modified, or removed, as appropriate, and as soon as
13 practicable, from any database that the state or federal government
14 maintains and makes available to the National Instant Criminal Background
15 Check System. The procedures for furnishing the information shall
16 guarantee that no information is released beyond what is necessary for
17 purposes of this section.

18 (2) In order to comply with sections 69-2401 and 69-2403 to 69-2408
19 and this section, the Nebraska State Patrol shall provide to the chief of
20 police or sheriff of an applicant's place of residence ~~or a licensee in~~
21 ~~the process of a criminal history record check pursuant to section~~
22 ~~69-2411~~ only the information regarding whether or not the applicant is
23 disqualified from purchasing or possessing a handgun.

24 (3) Any person, agency, or mental health board participating in good
25 faith in the reporting or disclosure of records and communications under
26 this section is immune from any liability, civil, criminal, or otherwise,
27 that might result by reason of the action.

28 (4) Any person who intentionally causes the Nebraska State Patrol to
29 request information pursuant to this section without reasonable belief
30 that the named individual has submitted a written application under
31 section 69-2404 or 69-2430 or is otherwise subject to a criminal history

1 ~~record information check pursuant to law has completed a consent form~~
2 ~~under section 69-2410 shall be guilty of a Class II misdemeanor in~~
3 ~~addition to other civil or criminal liability under state or federal law.~~

4 ~~(5) The Nebraska State Patrol and the Department of Health and Human~~
5 ~~Services shall report electronically to the Clerk of the Legislature on a~~
6 ~~biannual basis the following information about the database: (a) The~~
7 ~~number of total records of persons unable to purchase or possess firearms~~
8 ~~because of disqualification or disability shared with the National~~
9 ~~Instant Criminal Background Check System; (b) the number of shared~~
10 ~~records by category of such persons; (c) the change in number of total~~
11 ~~shared records and change in number of records by category from the~~
12 ~~previous six months; (d) the number of records existing but not able to~~
13 ~~be shared with the National Instant Criminal Background Check System~~
14 ~~because the record was incomplete and unable to be accepted by the~~
15 ~~National Instant Criminal Background Check System; and (e) the number of~~
16 ~~hours or days, if any, during which the database was unable to share~~
17 ~~records with the National Instant Criminal Background Check System and~~
18 ~~the reason for such inability. The report shall also be published on the~~
19 ~~websites of the Nebraska State Patrol and the Department of Health and~~
20 ~~Human Services.~~

21 **Sec. 101.** Section 69-2410, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 69-2410 No importer, manufacturer, or dealer licensed pursuant to 18
24 U.S.C. 923 shall sell or deliver any handgun to another person other than
25 a licensed importer, manufacturer, dealer, or collector until he or she
26 has:

27 (1) ~~(1)(a)~~ Inspected a valid certificate issued to such person
28 pursuant to sections 69-2401, 69-2403 to 69-2408, and 69-2409.01; and

29 (2) ~~(b)~~ Inspected a valid identification containing a photograph of
30 such person which appropriately and completely identifies such person. ~~÷~~
31 ~~or~~

1 ~~(2)(a) Obtained a completed consent form from the potential buyer or~~
2 ~~transferee, which form shall be established by the Nebraska State Patrol~~
3 ~~and provided by the licensed importer, manufacturer, or dealer. The form~~
4 ~~shall include the name, address, date of birth, gender, race, and country~~
5 ~~of citizenship of such potential buyer or transferee. If the potential~~
6 ~~buyer or transferee is not a United States citizen, the completed consent~~
7 ~~form shall contain the potential buyer's or transferee's place of birth~~
8 ~~and his or her alien or admission number;~~

9 ~~(b) Inspected a valid identification containing a photograph of the~~
10 ~~potential buyer or transferee which appropriately and completely~~
11 ~~identifies such person;~~

12 ~~(c) Requested by toll-free telephone call or other electromagnetic~~
13 ~~communication that the Nebraska State Patrol conduct a criminal history~~
14 ~~record check; and~~

15 ~~(d) Received a unique approval number for such inquiry from the~~
16 ~~Nebraska State Patrol indicating the date and number on the consent form.~~

17 **Sec. 102.** Section 69-2420, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 69-2420 Any person who, in connection with the purchase, transfer,
20 or attempted purchase of a handgun pursuant to section ~~sections~~ 69-2410
21 to ~~69-2423~~, knowingly and intentionally makes any materially false oral
22 or written statement or knowingly and intentionally furnishes any false
23 identification intended or likely to deceive the licensee shall be guilty
24 of a Class IV felony.

25 **Sec. 103.** Section 71-901, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 71-901 Sections 71-901 to 71-964 and sections 106 and 107 of this
28 act shall be known and may be cited as the Nebraska Mental Health
29 Commitment Act.

30 **Sec. 104.** Section 71-903, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 71-903 For purposes of the Nebraska Mental Health Commitment Act,
2 unless the context otherwise requires, the definitions found in sections
3 71-904 to 71-914.02 and sections 106 and 107 of this act shall apply.

4 **Sec. 105.** Section 71-904, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 71-904 Administrator means the administrator or other chief
7 administrative officer of a treatment facility, medical facility, jail,
8 or Department of Correctional Services facility or his or her designee.

9 **Sec. 106.** Dangerous sex offender has the same meaning as in section
10 83-174.01.

11 **Sec. 107.** Videoconferencing means conducting or participating in a
12 hearing or evaluation electronically or telephonically with audiovisual
13 interaction among the participants.

14 **Sec. 108.** Section 71-915, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 71-915 (1) The presiding judge in each district court judicial
17 district shall create at least one but not more than three mental health
18 boards in such district and shall appoint sufficient members and
19 alternate members to such boards. Members and alternate members of a
20 mental health board shall be appointed for four-year terms. The presiding
21 judge may remove members and alternate members of the board at his or her
22 discretion. Vacancies shall be filled for the unexpired term in the same
23 manner as provided for the original appointment. Members of the mental
24 health board shall have the same immunity as judges of the district
25 court.

26 (2) Each mental health board shall consist of an attorney licensed
27 to practice law in this state and any two of the following but not more
28 than one from each category: A physician, a psychologist, a psychiatric
29 nurse, a licensed clinical social worker or a licensed independent
30 clinical social worker, a licensed independent mental health practitioner
31 who is not a social worker, or a layperson with a demonstrated interest

1 in mental health and substance dependency issues. The attorney shall be
2 chairperson of the board. Members and alternate members of a mental
3 health board shall take and subscribe an oath to support the United
4 States Constitution and the Constitution of Nebraska and to faithfully
5 discharge the duties of the office according to law.

6 (3) The mental health board shall have the power to issue subpoenas,
7 to administer oaths, and to do any act necessary and proper for the board
8 to carry out its duties. No mental health board hearing shall be
9 conducted unless three members or alternate members are present and able
10 to vote. Any action taken at any mental health board hearing shall be by
11 majority vote. Upon the agreement of all parties, any hearing before the
12 mental health board may be conducted by videoconferencing.

13 (4) The mental health board shall prepare and file an annual
14 inventory statement with the county board of its county of all county
15 personal property in its custody or possession. Members of the mental
16 health board shall be compensated and shall be reimbursed for their
17 actual and necessary expenses by the county or counties being served by
18 such board. Compensation shall be at an hourly rate to be determined by
19 the presiding judge of the district court, except that such compensation
20 shall not be less than fifty dollars for each hearing of the board.
21 Members shall also be reimbursed for their actual and necessary expenses,
22 not including charges for meals. Mileage shall be determined pursuant to
23 section 23-1112.

24 **Sec. 109.** Section 71-919, Revised Statutes Cumulative Supplement,
25 2024, is amended to read:

26 71-919 (1)(a) A law enforcement officer may take a person into
27 emergency protective custody, cause him or her to be taken into emergency
28 protective custody, or continue his or her custody if he or she is
29 already in custody if the officer has probable cause to believe:

30 (i) Such person is mentally ill and dangerous or a dangerous sex
31 offender and that the harm described in section 71-908 or subdivision (1)

1 of section 83-174.01 is likely to occur before mental health board
2 proceedings under the Nebraska Mental Health Commitment Act or the Sex
3 Offender Commitment Act may be initiated to obtain custody of the person;
4 or

5 (ii) For a person domiciled within Indian country in Nebraska, that
6 such person is mentally ill and dangerous or a dangerous sex offender
7 under tribal law and that harm comparable to that described in section
8 71-908 or subdivision (1) of section 83-174.01 or the equivalent under
9 tribal law is likely to occur before mental health proceedings under
10 tribal law may be initiated to obtain custody of the person.

11 (b) Such person shall be admitted to an appropriate and available
12 medical facility, jail, or Department of Correctional Services facility
13 as provided in subsection (2) of this section.

14 (c)(i) Except as provided in subdivision (1)(c)(ii) of this section,
15 each county shall make arrangements with appropriate facilities inside or
16 outside the county for such purpose and shall pay the cost of the
17 emergency protective custody of persons from such county in such
18 facilities.

19 (ii) For a subject domiciled within Indian country in Nebraska for
20 whom emergency protective custody is initiated under tribal law, the
21 tribe shall make arrangements with appropriate facilities inside or
22 outside the tribe for such purpose and shall make arrangements for
23 payment of the cost of the emergency protective custody of persons from
24 such tribe in such facilities.

25 (d) A mental health professional who has probable cause to believe
26 that a person is mentally ill and dangerous or a dangerous sex offender
27 may cause such person to be taken into custody and shall have a limited
28 privilege to hold such person until a law enforcement officer or other
29 authorized person arrives to take custody of such person.

30 (2)(a) For purposes of this subsection, convicted sex offender means
31 a person with a prior conviction for an offense listed in section

1 29-4003.

2 (b) A person taken into emergency protective custody under this
3 section who is not a convicted sex offender shall be admitted to an
4 appropriate and available medical facility, except that such person may
5 instead be admitted to a jail or other facility with an available mental
6 health bed under the Regional Mental Health Expansion Pilot Program Act
7 until an appropriate medical facility is available ~~unless such person has~~
8 ~~a prior conviction for a sex offense listed in section 29-4003.~~

9 (c) ~~(b)~~ A person taken into emergency protective custody under this
10 section who is not a convicted sex offender ~~has a prior conviction for a~~
11 ~~sex offense listed in section 29-4003~~ shall be admitted to a jail or
12 Department of Correctional Services facility unless a medical or
13 psychiatric emergency exists for which treatment at a medical facility is
14 required. The person in emergency protective custody shall remain at the
15 medical facility until the medical or psychiatric emergency has passed
16 and it is safe to transport such person, at which time the person shall
17 be transferred to an available jail or Department of Correctional
18 Services facility.

19 (3)(a) Except as provided in subdivision (3)(b) of this section,
20 upon admission to a facility or jail of a person taken into emergency
21 protective custody by a law enforcement officer under this section, such
22 officer shall execute a written certificate prescribed and provided by
23 the Department of Health and Human Services. The certificate shall allege
24 the officer's belief that the person in custody is mentally ill and
25 dangerous or a dangerous sex offender and shall contain a summary of the
26 person's behavior supporting such allegations. A copy of such certificate
27 shall be immediately forwarded to the county attorney.

28 (b) In the case of a subject domiciled within Indian country who is
29 taken into emergency protective custody by a law enforcement officer
30 under tribal law, upon admission to a facility or jail, such officer
31 shall execute written documentation in a format provided by the tribe. At

1 a minimum, such documentation shall clearly identify the subject,
2 identify the relevant tribe, allege the officer's belief that the person
3 in custody is mentally ill and dangerous or a dangerous sex offender
4 under tribal law, and contain a summary of the subject's behavior
5 supporting such allegations. A copy of such documentation shall be
6 immediately forwarded to the appropriate tribal prosecutor or tribal
7 official.

8 (4)(a) {4} The administrator of the facility or jail shall have such
9 person evaluated by a mental health professional as soon as reasonably
10 possible but not later than thirty-six hours after admission. The mental
11 health professional shall not be the mental health professional who
12 causes such person to be taken into custody under this section and shall
13 not be a member or alternate member of the mental health board that will
14 preside over any hearing under the Nebraska Mental Health Commitment Act
15 or the Sex Offender Commitment Act with respect to such person. Upon the
16 agreement of all parties, the evaluation may be conducted by
17 videoconferencing if the mental health professional thinks it appropriate
18 under the circumstances.

19 (b) A person shall be released from emergency protective custody
20 after completion of such evaluation unless the mental health professional
21 determines, in his or her clinical opinion, that such person is mentally
22 ill and dangerous or a dangerous sex offender. In the case of a subject
23 domiciled within Indian country who is taken into emergency protective
24 custody under tribal law, the mental health professional shall notify an
25 appropriate tribal prosecutor or official of such release.

26 **Sec. 110.** Section 71-920, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 71-920 (1) Except as provided in subsection (3) of this section, a
29 mental health professional who, upon evaluation of a person admitted for
30 emergency protective custody under section 71-919, determines that such
31 person is mentally ill and dangerous shall execute a written certificate

1 as provided in subsection (2) of this section not later than twenty-four
2 hours after the completion of such evaluation. A copy of such certificate
3 shall be immediately forwarded to the county attorney.

4 (2) The certificate shall be in writing and shall include the
5 following information:

6 (a) The subject's name and address, if known;

7 (b) The name and address of the subject's spouse, legal counsel,
8 guardian or conservator, and next-of-kin, if known;

9 (c) The name and address of anyone providing psychiatric or other
10 care or treatment to the subject, if known;

11 (d) The name and address of any other person who may have knowledge
12 of the subject's mental illness or substance dependence who may be called
13 as a witness at a mental health board hearing with respect to the
14 subject, if known;

15 (e) The name and address of the ~~medical~~ facility or jail in which
16 the subject is being held for emergency protective custody and
17 evaluation;

18 (f) The name and work address of the certifying mental health
19 professional;

20 (g) A statement by the certifying mental health professional that he
21 or she has evaluated the subject since the subject was admitted for
22 emergency protective custody and evaluation; and

23 (h) A statement by the certifying mental health professional that,
24 in his or her clinical opinion, the subject is mentally ill and dangerous
25 and the clinical basis for such opinion.

26 (3) In the case of a subject domiciled within Indian country who is
27 taken into emergency protective custody by a law enforcement officer
28 under tribal law, a mental health professional who, upon evaluation of
29 such person, determines that such person is mentally ill and dangerous
30 shall execute appropriate written documentation in a format provided by
31 the tribe not later than twenty-four hours after the completion of such

1 evaluation. A copy of such certificate shall be immediately forwarded to
2 the person designated by the tribe.

3 **Sec. 111.** Section 71-922, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 71-922 (1) Mental health board proceedings shall be deemed to have
6 commenced upon the earlier of (a) the filing of a petition under section
7 71-921 or (b) notification by the county attorney to the law enforcement
8 officer who took the subject into emergency protective custody under
9 section 71-920 or the administrator of the ~~treatment center or medical~~
10 facility or jail having charge of the subject of his or her intention to
11 file such petition. The county attorney shall file such petition as soon
12 as reasonably practicable after such notification.

13 (2) A petition filed by the county attorney under section 71-921 may
14 contain a request for the emergency protective custody and evaluation of
15 the subject prior to commencement of a mental health board hearing
16 pursuant to such petition with respect to the subject. Upon receipt of
17 such request and upon a finding of probable cause to believe that the
18 subject is mentally ill and dangerous as alleged in the petition, the
19 court or chairperson of the mental health board may issue a warrant
20 directing the sheriff to take custody of the subject. If the subject is
21 already in emergency protective custody under a certificate filed under
22 section 71-919, a copy of such certificate shall be filed with the
23 petition. The subject in such custody shall be held in the nearest
24 appropriate and available medical facility and shall not be placed in a
25 jail or other correctional facility except as required or authorized by
26 subsection (2) of section 71-919. Each county shall make arrangements
27 with appropriate medical facilities inside or outside the county for such
28 purpose and shall pay the cost of the emergency protective custody of
29 persons from such county in such facilities.

30 (3) The petition and all subsequent pleadings and filings in the
31 case shall be entitled In the Interest of, Alleged to be

1 Mentally Ill and Dangerous. The county attorney may dismiss the petition
2 at any time prior to the commencement of the hearing of the mental health
3 board under section 71-924, and upon such motion by the county attorney,
4 the mental health board shall dismiss the petition.

5 **Sec. 112.** Section 71-924, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 71-924 (1) A hearing shall be held by the mental health board to
8 determine whether there is clear and convincing evidence that the subject
9 is mentally ill and dangerous as alleged in the petition.

10 (2) At the commencement of the hearing, the board shall inquire
11 whether the subject has received a copy of the petition and list of
12 rights accorded him or her by sections 71-943 to 71-960 and whether he or
13 she has read and understood them. The board shall explain to the subject
14 any part of the petition or list of rights which he or she has not read
15 or understood. The board shall inquire of the subject whether he or she
16 admits or denies the allegations of the petition. If the subject admits
17 the allegations, the board shall proceed to enter a treatment order
18 pursuant to section 71-925. If the subject denies the allegations of the
19 petition, the board shall proceed with a hearing on the merits of the
20 petition.

21 (3) Upon the agreement of all parties, a hearing before the mental
22 health board under this section may be conducted by videoconferencing.

23 **Sec. 113.** Section 71-926, Revised Statutes Cumulative Supplement,
24 2024, is amended to read:

25 71-926 (1) At the conclusion of a mental health board hearing under
26 section 71-924 and prior to the entry of a treatment order by the board
27 under section 71-925, the board may (a) order that the subject be
28 retained in custody until the entry of such order and the subject may be
29 admitted for treatment pursuant to such order or (b) order the subject
30 released from custody under such conditions as the board deems necessary
31 and appropriate to prevent the harm described in section 71-908 and to

1 assure the subject's appearance at a later disposition hearing by the
2 board. A subject shall be retained in custody under this section at the
3 nearest appropriate and available medical facility and shall not be
4 placed in a jail or other correctional facility except as required or
5 authorized by subsection (2) of section 71-919. Each county shall make
6 arrangements with appropriate medical facilities inside or outside the
7 county for such purpose and shall pay the cost of the emergency
8 protective custody of persons from such county in such facilities.

9 (2) A subject who has been ordered to receive inpatient or
10 outpatient treatment by a mental health board may be provided treatment
11 while being retained in emergency protective custody and pending
12 admission of the subject for treatment pursuant to such order.

13 (3)(a) In the case of a subject domiciled within Indian country who
14 is taken into emergency protective custody by a law enforcement officer
15 under tribal law, at the conclusion of a mental health hearing under
16 tribal law and prior to entry of a treatment order by the tribal court,
17 the tribal court may order that the subject be:

18 (i) Retained in custody until entry of such order and the subject
19 may be admitted for treatment pursuant to such order; or

20 (ii) Released from custody under such conditions as the tribal court
21 deems necessary and appropriate to prevent harm comparable to that
22 described in section 71-908 or the equivalent under tribal law and to
23 assure the subject's appearance at a later disposition hearing. A subject
24 shall be retained in custody under this section at the nearest
25 appropriate and available medical facility and shall not be placed in a
26 jail or other correctional facility except as required or authorized by
27 subsection (2) of section 71-919.

28 (b) Each tribe shall make arrangements with appropriate medical
29 facilities inside or outside the tribe for such purpose and shall make
30 arrangements for payment of the cost of the emergency protective custody
31 of persons from such tribe in such facilities.

1 (c) A subject who has been ordered to receive inpatient or
2 outpatient treatment pursuant to tribal law may be provided treatment
3 while being retained in emergency protective custody and pending
4 admission of the subject for treatment pursuant to such order.

5 **Sec. 114.** Section 71-939, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 71-939 (1)(a) When any person receiving treatment at a treatment
8 facility or program for persons with mental illness or substance
9 dependence pursuant to an order of a court or mental health board is
10 absent without authorization from such treatment facility or program, the
11 administrator or program director of such treatment facility or program
12 shall immediately notify the Nebraska State Patrol and the court or clerk
13 of the mental health board of the judicial district from which such
14 person was committed.

15 (b) The clerk shall issue the warrant of the board directed to the
16 sheriff of the county for the arrest and detention of such person. Such
17 warrant may be executed by the sheriff or any other peace officer.

18 (2)(a) When any person receiving treatment at a treatment facility
19 or program for persons with mental illness or substance dependence
20 pursuant to an order of a tribal court as provided in section 71-964 is
21 absent without authorization from such treatment facility or program, the
22 administrator or program director of such treatment facility or program
23 shall immediately notify the Nebraska State Patrol and the appropriate
24 tribal prosecutor or official.

25 (b) The appropriate tribal official may issue a warrant directed to
26 a peace officer or sheriff of any county for the arrest and detention of
27 such person. Such warrant may be executed by the sheriff or any other
28 peace officer.

29 (3) The notification required by subdivision (1)(a) or (2)(a) of
30 this section shall include the person's name and description and a
31 determination by a psychiatrist, clinical director, administrator, or

1 program director as to whether the person is believed to be currently
2 dangerous to others.

3 (4) Pending the issuance of such warrant, any peace officer may
4 seize and detain such person when the peace officer has probable cause to
5 believe that the person is reported to be absent without authorization as
6 described in this section. Such person shall be returned to the treatment
7 facility or program or shall be taken to a facility or jail as described
8 in section 71-919 until he or she can be returned to such treatment
9 facility or program.

10 **Sec. 115.** Section 71-941, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 71-941 (1) A person arrested upon a warrant pursuant to section
13 71-940 shall not be delivered to a demanding state until he or she is
14 notified of the demand for his or her surrender and has had an
15 opportunity to apply for a writ of habeas corpus. If an application is
16 filed, notice of the time and place for hearing on the writ shall be
17 given to the county attorney of the county where the arrest was made. The
18 person arrested shall have the right to counsel and the right to have
19 counsel appointed for him or her if the person is indigent. Pending the
20 determination of the court upon the application for the writ, the person
21 detained shall be maintained in a suitable facility or jail as described
22 in section 71-919 or a hospital for persons with mental illness.

23 (2) At a hearing on a writ of habeas corpus, the State of Nebraska
24 shall show that there is probable cause to believe that (a) such person
25 is absent without authorization from a treatment facility or program for
26 persons with mental illness or substance dependence to which he or she
27 was committed located in the demanding state, (b) the demanding state has
28 reason to believe that such person is currently dangerous to himself,
29 herself, or others, and (c) the demanding state is willing to accept the
30 person back for further treatment.

31 **Sec. 116.** Section 71-951, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 71-951 All mental health board hearings under the Nebraska Mental
3 Health Commitment Act shall be closed to the public except at the request
4 of the subject and shall be held in a courtroom or at any convenient and
5 suitable place designated by the mental health board. The board shall
6 have the right to conduct the proceeding where the subject is currently
7 residing if the subject is unable to travel. Upon the agreement of all
8 parties, any hearing before the mental health board may be conducted by
9 videoconferencing.

10 **Sec. 117.** Section 71-952, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 71-952 A subject shall appear personally or by videoconferencing and
13 be afforded the opportunity to testify in his or her own behalf and to
14 present witnesses and tangible evidence in defending against the petition
15 at the hearing.

16 **Sec. 118.** Section 71-954, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 71-954 (1) Except as provided in subsection (2) of this section, a A
19 subject shall have the right at a hearing held under the Nebraska Mental
20 Health Commitment Act or the Sex Offender Commitment Act to confront and
21 cross-examine adverse witnesses and evidence equivalent to the rights of
22 confrontation granted by Amendments VI and XIV of the United States
23 Constitution and Article I, section 11, of the Constitution of Nebraska.

24 (2) This section does not prohibit a mental health board from
25 conducting a hearing using videoconferencing.

26 **Sec. 119.** Section 71-958, Revised Statutes Cumulative Supplement,
27 2024, is amended to read:

28 71-958 Any qualified mental health professional, upon being
29 authorized by the administrator of the ~~treatment~~ facility or jail having
30 custody of the subject, may provide appropriate medical treatment for the
31 subject while in custody, except that a subject shall not be subjected to

1 such quantities of medication or other treatment within such period of
2 time prior to any hearing held under the Nebraska Mental Health
3 Commitment Act or the Sex Offender Commitment Act or, for a subject who
4 is domiciled in Indian country and committed for treatment as provided in
5 section 71-964, a hearing held under the equivalent tribal law, as will
6 substantially impair his or her ability to assist in his or her defense
7 at such hearing.

8 **Sec. 120.** Section 71-961, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 71-961 (1) All records kept on any subject shall remain confidential
11 except as otherwise provided by law. Such records shall be accessible to
12 (a) the subject, except as otherwise provided in subsection (2) of this
13 section, (b) the subject's legal counsel, (c) the subject's guardian or
14 conservator, if any, (d) the mental health board having jurisdiction over
15 the subject, (e) persons authorized by an order of a judge or court, (f)
16 persons authorized by written permission of the subject, (g) agents or
17 employees of the Department of Health and Human Services upon delivery of
18 a subpoena from the department in connection with a licensing or
19 licensure investigation by the department, (h) individuals authorized to
20 receive notice of the release of a sex offender pursuant to section
21 83-174, (i) the Nebraska State Patrol or the department pursuant to
22 section 69-2409.01, (j) the Department of Correctional Services Division
23 ~~of Parole Supervision~~ if the subject meets the requirements for lifetime
24 community supervision pursuant to section 83-174.03, and (k) any tribal
25 court having jurisdiction over a subject who is domiciled in Indian
26 country and committed for treatment as provided in section 71-964.

27 (2) Upon application by the county attorney or by the administrator
28 of the treatment facility where the subject is in custody and upon a
29 showing of good cause therefor, a judge of the district court of the
30 county where the mental health board proceedings were held or of the
31 county where the treatment facility is located may order that the records

1 not be made available to the subject if, in the judgment of the court,
2 the availability of such records to the subject will adversely affect his
3 or her mental illness or personality disorder and the treatment thereof.

4 (3) When a subject is absent without authorization from a treatment
5 facility or program described in section 71-939 or 71-1223 and is
6 considered to be dangerous to others, the subject's name and description
7 and a statement that the subject is believed to be considered dangerous
8 to others may be disclosed in order to aid in the subject's apprehension
9 and to warn the public of such danger.

10 **Sec. 121.** Section 71-1203, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 71-1203 For purposes of the Sex Offender Commitment Act:

13 (1) The definitions found in sections 71-904.02, 71-905, 71-906,
14 71-907, 71-910, 71-911, 71-914.01, 71-914.02, and 83-174.01 and sections
15 106 and 107 of this act apply;

16 (2) Administrator means the administrator or other chief
17 administrative officer of a treatment facility, medical facility, jail,
18 or Department of Correctional Services facility or his or her designee;

19 (3) Outpatient treatment means treatment ordered by a mental health
20 board directing a subject to comply with specified outpatient treatment
21 requirements, including, but not limited to, (a) taking prescribed
22 medication, (b) reporting to a mental health professional or treatment
23 facility for treatment or for monitoring of the subject's condition, or
24 (c) participating in individual or group therapy or educational,
25 rehabilitation, residential, or vocational programs;

26 (4)(a) Subject means any person concerning whom (i) a certificate
27 has been filed under section 71-1204, (ii) a certificate has been filed
28 under section 71-919 and such person is held pursuant to subdivision (2)
29 (b) of section 71-919, or (iii) a petition has been filed under the Sex
30 Offender Commitment Act.

31 (b) Subject also includes a person who is a member of a tribe or

1 eligible for membership in a tribe, who is domiciled within Indian
2 country in Nebraska, and concerning whom sex offender involuntary
3 commitment or emergency protective custody proceedings have been
4 initiated under tribal law.

5 (c) Subject does not include any person under eighteen years of age
6 unless such person is an emancipated minor; and

7 (5) Treatment facility means a facility which provides services for
8 persons who are dangerous sex offenders.

9 **Sec. 122.** Section 71-1204, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 71-1204 (1) Except as provided in subsection (3) of this section, a
12 mental health professional who, upon evaluation of a person admitted for
13 emergency protective custody under section 71-919, determines that such
14 person is a dangerous sex offender shall execute a written certificate as
15 provided in subsection (2) of this section not later than twenty-four
16 hours after the completion of such evaluation. A copy of such certificate
17 shall be immediately forwarded to the county attorney.

18 (2) The certificate shall be in writing and shall include the
19 following information:

20 (a) The subject's name and address, if known;

21 (b) The name and address of the subject's spouse, legal counsel,
22 guardian or conservator, and next of kin, if known;

23 (c) The name and address of anyone providing psychiatric or other
24 care or treatment to the subject, if known;

25 (d) The name and address of any other person who may have knowledge
26 of the subject's mental illness or personality disorder who may be called
27 as a witness at a mental health board hearing with respect to the
28 subject, if known;

29 (e) The name and address of the ~~medical~~ facility or jail in which
30 the subject is being held for emergency protective custody and
31 evaluation;

1 (f) The name and work address of the certifying mental health
2 professional;

3 (g) A statement by the certifying mental health professional that he
4 or she has evaluated the subject since the subject was admitted for
5 emergency protective custody and evaluation; and

6 (h) A statement by the certifying mental health professional that,
7 in his or her clinical opinion, the subject is a dangerous sex offender
8 and the clinical basis for such opinion.

9 (3) In the case of a subject domiciled within Indian country who is
10 taken into emergency protective custody by a law enforcement officer
11 under tribal law, a mental health professional who, upon evaluation of
12 such person, determines that such person is a dangerous sex offender
13 shall execute appropriate written documentation in a format provided by
14 the tribe not later than twenty-four hours after the completion of such
15 evaluation. A copy of such certificate shall be immediately forwarded to
16 the person designated by the tribe.

17 **Sec. 123.** Section 71-1206, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 71-1206 (1) Mental health board proceedings shall be deemed to have
20 commenced upon the earlier of (a) the filing of a petition under section
21 71-1205 or (b) notification by the county attorney to the law enforcement
22 officer who took the subject into emergency protective custody under
23 section 71-919 or the administrator of the ~~treatment~~ facility or jail
24 having charge of the subject of the intention of the county attorney to
25 file such petition. The county attorney shall file such petition as soon
26 as reasonably practicable after such notification.

27 (2) A petition filed by the county attorney under section 71-1205
28 may contain a request for the emergency protective custody and evaluation
29 of the subject prior to commencement of a mental health board hearing
30 pursuant to such petition with respect to the subject. Upon receipt of
31 such request and upon a finding of probable cause to believe that the

1 subject is a dangerous sex offender as alleged in the petition, the court
2 or chairperson of the mental health board may issue a warrant directing
3 the sheriff to take custody of the subject. If the subject is already in
4 emergency protective custody under a certificate filed under section
5 71-919, a copy of such certificate shall be filed with the petition. The
6 subject in such custody, including pursuant to tribal law as provided in
7 section 71-1226.01, shall be held in an appropriate and available medical
8 facility, jail, or Department of Correctional Services facility. A
9 dangerous sex offender shall not be admitted to a medical facility for
10 emergency protective custody unless a medical or psychiatric emergency
11 exists requiring treatment not available at a jail or correctional
12 facility.

13 (3)(a) Except as provided in subdivision (3)(b) of this section,
14 each county shall make arrangements with appropriate facilities inside or
15 outside the county for such purpose and shall pay the cost of the
16 emergency protective custody of persons from such county in such
17 facilities.

18 (b) For a subject domiciled within Indian country in Nebraska for
19 whom emergency protective custody is initiated under tribal law, the
20 tribe shall make arrangements with appropriate facilities inside or
21 outside the tribe for such purpose and shall make arrangements for the
22 payment of the cost of the emergency protective custody of persons from
23 such tribe in such facilities.

24 (4) The petition and all subsequent pleadings and filings in the
25 case shall be entitled In the Interest of , Alleged to be a
26 Dangerous Sex Offender. The county attorney may dismiss the petition at
27 any time prior to the commencement of the hearing of the mental health
28 board under section 71-1208, and upon such motion by the county attorney,
29 the mental health board shall dismiss the petition.

30 **Sec. 124.** Section 71-1208, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-1208 (1) A hearing shall be held by the mental health board to
2 determine whether there is clear and convincing evidence that the subject
3 is a dangerous sex offender as alleged in the petition.

4 (2) At the commencement of the hearing, the board shall inquire
5 whether the subject has received a copy of the petition and list of
6 rights accorded him or her by sections 71-943 to 71-960 and whether he or
7 she has read and understood them. The board shall explain to the subject
8 any part of the petition or list of rights which he or she has not read
9 or understood. The board shall inquire of the subject whether he or she
10 admits or denies the allegations of the petition. If the subject admits
11 the allegations, the board shall proceed to enter a treatment order
12 pursuant to section 71-1209. If the subject denies the allegations of the
13 petition, the board shall proceed with a hearing on the merits of the
14 petition.

15 (3) Upon the agreement of all parties, a hearing before the mental
16 health board under this section may be conducted by videoconferencing.

17 **Sec. 125.** Section 71-1223, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 71-1223 (1)(a) When any person receiving treatment at a treatment
20 facility or program for dangerous sex offenders pursuant to an order of a
21 court or mental health board is absent without authorization from such
22 treatment facility or program, the administrator or program director of
23 such treatment facility or program shall immediately notify the Nebraska
24 State Patrol and the court or clerk of the mental health board of the
25 judicial district from which such person was committed.

26 (b) The clerk shall issue the warrant of the board directed to the
27 sheriff of the county for the arrest and detention of such person. Such
28 warrant may be executed by the sheriff or any other peace officer.

29 (2)(a) When any person receiving treatment at a treatment facility
30 or program for persons with mental illness pursuant to an order of a
31 tribal court as provided in section 71-1226.01 is absent without

1 authorization from such treatment facility or program, the administrator
2 or program director of such treatment facility or program shall
3 immediately notify the Nebraska State Patrol and the appropriate tribal
4 prosecutor or official.

5 (b) The appropriate tribal official may issue a warrant directed to
6 a peace officer or sheriff of any county for the arrest and detention of
7 such person. Such warrant may be executed by the sheriff or any other
8 peace officer.

9 (3) The notification required by subdivision (1)(a) or (2)(a) of
10 this section shall include the person's name and description and a
11 determination by a psychiatrist, clinical director, administrator, or
12 program director as to whether the person is believed to be currently
13 dangerous to others.

14 (4) Pending the issuance of such warrant, any peace officer may
15 seize and detain such person when the peace officer has probable cause to
16 believe that the person is reported to be absent without authorization as
17 described in this section. Such person shall be returned to the treatment
18 facility or program or shall be taken to a facility or jail as described
19 in section 71-919 until he or she can be returned to such treatment
20 facility or program.

21 **Sec. 126.** Section 71-3426, Revised Statutes Cumulative Supplement,
22 2024, is amended to read:

23 71-3426 (1) A lead organization may establish a local team for the
24 lead organization's jurisdiction or for a group of cities, counties, or
25 districts, pursuant to an agreement between multiple lead organizations.
26 If multiple lead organizations decide to form a local team, only one
27 shall fulfill the role of lead organization. The lead organization shall
28 select the members of the local team.

29 (2) A local team shall consist of the core members that may include
30 one or more members from the following backgrounds:

31 (a) Officials from the lead organization or from another local

- 1 public health department or such officials' designees;
- 2 (b) Behavioral health providers or officials;
- 3 (c) Law enforcement personnel;
- 4 (d) Representatives of jails or detention centers;
- 5 (e) The coroner or the coroner's designee;
- 6 (f) Health care providers who specialize in the prevention,
- 7 diagnosis, and treatment of substance use disorders;
- 8 (g) Mental health providers who specialize in substance use
- 9 disorders;
- 10 (h) Representatives of emergency medical services providers in the
- 11 county;
- 12 (i) The Director of Children and Family Services of the Division of
- 13 Children and Family Services of the Department of Health and Human
- 14 Services or the director's designee; and
- 15 (j) Representatives from the Board of Parole, the Office of
- 16 Probation Administration, the Department of Correctional Services
- 17 ~~Division of Parole Supervision~~, or the Community Corrections Division of
- 18 the Nebraska Commission on Law Enforcement and Criminal Justice.
- 19 (3) A local team may also include, either as permanent or temporary
- 20 members:
 - 21 (a) A local school superintendent or the superintendent's designee;
 - 22 (b) A representative of a local hospital;
 - 23 (c) A health care provider who specializes in emergency medicine;
 - 24 (d) A health care provider who specializes in pain management;
 - 25 (e) A pharmacist with a background in prescription drug misuse and
 - 26 diversion;
 - 27 (f) A substance use disorder treatment provider from a licensed
 - 28 substance use disorder treatment program;
 - 29 (g) A poison control center representative;
 - 30 (h) A mental health provider who is a generalist;
 - 31 (i) A prescription drug monitoring program administrator or such

1 administrator's designee;

2 (j) A representative from a harm reduction provider;

3 (k) A recovery coach, peer support worker, or other representative
4 of the recovery community;

5 (l) A representative from the local drug court; and

6 (m) Any other individual necessary for the work of the local team.

7 (4) The lead organization shall select a chairperson for the local
8 team. The chairperson shall be an official of the lead organization or
9 such official's designee. The chairperson shall:

10 (a) Solicit and recruit members and appoint replacement members to
11 fill vacancies that may arise on the team. In carrying out this
12 responsibility, the chairperson shall, at a minimum, attempt to appoint
13 at least one member from each of the backgrounds or positions described
14 in subsection (2) of this section;

15 (b) Facilitate local team meetings and implement the protocols and
16 procedures of the local team;

17 (c) Request and collect the records and information needed for the
18 local team's case review. The chairperson shall remove all personal
19 identifying information from any records or information prior to
20 providing it to the local team;

21 (d) Gather, store, and distribute the necessary records and
22 information for reviews conducted by the team. The chairperson shall
23 carry out such duties in compliance with all local, state, and federal
24 confidentiality laws and regulations;

25 (e) Ensure that team members receive timely notification of upcoming
26 meetings;

27 (f) Ensure the team fulfills the requirements of section 71-3427 to
28 publish an annual report, including recommendations to prevent future
29 drug overdose deaths;

30 (g) Ensure that all members of the local team and all guest
31 observers and participants sign confidentiality forms as required under

1 section 71-3433;

2 (h) Oversee compliance with the Overdose Fatality Review Teams Act
3 and the protocols developed by the team;

4 (i) Serve as a liaison for the local team; and

5 (j) Perform such other duties as the team deems appropriate.

6 (5) Members of the local team shall not receive compensation for
7 their services as team members.

8 **Sec. 127.** Section 71-3430, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 71-3430 (1) Except as provided in subsection (4) of this section, on
11 written request of the lead organization, and as necessary to carry out
12 the purpose and duties of the local team, the lead organization shall be
13 provided with the following information:

14 (a) Nonprivileged information and records regarding the physical
15 health, mental health, and treatment for any substance use disorder
16 maintained by a health care provider, substance use disorder treatment
17 provider, hospital, or health system for an individual whose death is
18 being reviewed by the local team; and

19 (b) Information and records maintained by a state or local
20 government agency or entity, including, but not limited to, death
21 investigative information, coroner investigative information, law
22 enforcement investigative information, emergency medical services
23 reports, fire department records, prosecutorial records, parole and
24 probation information and records, court records, school records, and
25 information and records of a social services agency, including the
26 department, if the agency or entity provided services to an individual
27 whose death is being reviewed by the local team.

28 (2) Except as provided in subsection (4) of this section, the
29 following persons shall comply with a records request by the lead
30 organization made pursuant to subsection (1) of this section:

31 (a) A coroner;

1 (b) A fire department;

2 (c) A health system;

3 (d) A hospital;

4 (e) A law enforcement agency;

5 (f) A local or state governmental agency, including, but not limited
6 to, the department, local public health authorities, the Attorney
7 General, county attorneys, public defenders, the Commission on Public
8 Advocacy, the Department of Correctional Services, and the Office of
9 Probation Administration ~~, and the Division of Parole Supervision;~~

10 (g) A mental health provider;

11 (h) A health care provider;

12 (i) A substance use disorder treatment provider;

13 (j) A school, including a public or private elementary, secondary,
14 or postsecondary institution;

15 (k) An emergency medical services provider;

16 (l) A social services provider; and

17 (m) Any other person who is in possession of records pertinent to
18 the local team's investigation of an overdose fatality.

19 (3) A person subject to a records request by a lead organization
20 under subsection (1) of this section may charge the lead organization a
21 reasonable fee for the service of duplicating any records requested by
22 the lead organization, not to exceed the actual cost of duplication.

23 (4)(a) Compliance with any records request under this section is
24 subject to the federal Health Insurance Portability and Accountability
25 Act of 1996, Public Law 104-191, and regulations promulgated thereunder;
26 42 U.S.C. 290dd-2; 42 C.F.R. part 2; and the Child Protection and Family
27 Safety Act.

28 (b) The department is not required to comply with a records request
29 under subsection (2) of this section to the extent the information
30 requested:

31 (i) Was obtained by the prescription drug monitoring program created

1 under section 71-2454;

2 (ii) Is covered by section 68-313; or

3 (iii) Is covered by 42 C.F.R. 431.300 et seq.

4 (c) The disclosure or redisclosure of a medical record developed in
5 connection with the provision of substance abuse treatment services,
6 without the authorization of a person in interest, is subject to any
7 limitations that exist under the federal Health Insurance Portability and
8 Accountability Act of 1996, Public Law 104-191, and regulations
9 promulgated thereunder; 42 U.S.C. 290dd-2; and 42 C.F.R. part 2.

10 (5) Information requested by the lead organization shall be provided
11 within thirty calendar days after receipt of the written request, unless
12 an extension is granted by the chairperson. Written request includes a
13 request submitted via email or facsimile transmission.

14 (6)(a) A county attorney or the Attorney General may, upon request
15 by a lead organization, issue subpoenas to compel production of any of
16 the records and information specified in this section.

17 (b) Any willful failure to comply with such a subpoena may be
18 certified by the county attorney or Attorney General to the district
19 court for enforcement or punishment for contempt of court.

20 **Sec. 128.** Section 75-325, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 75-325 (1) Every transportation network company shall:

23 (a) Provide the commission with its email address and customer
24 service telephone number;

25 (b) Display for the passenger either a picture of the driver's
26 personal vehicle and a picture of the driver or the license plate number
27 of the driver's personal vehicle on the online-enabled application or
28 platform that a transportation network company uses to connect drivers
29 and passengers;

30 (c) Maintain an agent for service of process in Nebraska;

31 (d) Maintain accurate and up-to-date records of all drivers

1 providing services on behalf of the transportation network company,
2 including the vehicle identification number for all personal vehicles to
3 be operated in connection with the transportation network company;

4 (e)(i) Implement, enforce, and maintain a zero-tolerance policy on
5 the use of drugs or alcohol applicable to any driver providing service
6 for the transportation network company that prohibits a driver from using
7 any amount of drugs or alcohol while the driver is providing service,
8 (ii) provide a copy of the policy to the commission promptly upon
9 adoption, and (iii) provide a copy of any revision to the policy promptly
10 upon adoption;

11 (f) Implement an anti-discrimination policy that prohibits
12 discrimination by any driver providing service for the company on the
13 basis of race, national origin, religion, gender, physical or mental
14 disability, medical condition, marital status, ~~or age, or military or~~
15 veteran status and file the policy with the commission;

16 (g) Maintain a website that provides a customer service telephone
17 number or email address of the transportation network company and that
18 provides the telephone number and email address of the commission;

19 (h) Establish a driver training program designed to ensure that each
20 driver safely operates his or her personal vehicle prior to the driver
21 being able to offer services on the transportation network company's
22 online-enabled application or platform;

23 (i) Maintain records required under sections 75-301 to 75-343 to be
24 collected by the transportation network company, including records
25 regarding participating drivers; and

26 (j) Cooperate with the commission and any employees, investigators,
27 or duly authorized agents of the commission in the investigation of
28 complaints received by the commission from the public or in
29 investigations initiated by the commission.

30 (2) A transportation network company shall not allow a driver to
31 provide service if the company finds the driver to be in violation of its

1 zero-tolerance policy required pursuant to subdivision (1)(e) of this
2 section or if the driver has not successfully completed driver training
3 pursuant to subdivision (1)(h) of this section. The transportation
4 network company shall provide on its website and its online-enabled
5 application or platform notice of the zero-tolerance policy and the
6 procedures to report a complaint about a driver with whom the passenger
7 was matched when the passenger reasonably suspects the driver was under
8 the influence of drugs or alcohol during the course of the prearranged
9 ride. Upon receiving a complaint, a transportation network company shall
10 immediately suspend the driver against whom the complaint was issued and
11 conduct an investigation of the alleged violation. The suspension shall
12 last for the duration of the investigation.

13 (3) If the commission has reasonable cause to believe a
14 transportation network company is not enforcing the zero-tolerance policy
15 filed with the commission, the commission shall investigate and, after
16 notice and hearing, may enter an order requiring the transportation
17 network company to enforce such policy, which may include suspension of
18 the participating driver.

19 **Sec. 129.** Section 76-1495, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 76-1495 A landlord may not:

22 (1) Deny rental on the basis of race, color, religion, sex, or
23 national origin, or military or veteran status;

24 (2) Require any person, as a precondition to renting, leasing, or
25 otherwise occupying or removing from a mobile home space in a mobile home
26 park, to pay an entrance or exit fee of any kind unless for services
27 actually rendered or pursuant to a written agreement. A landlord may
28 restrict the movement of mobile homes to reasonable hours and may require
29 that all work in connection with the removal or installation of a mobile
30 home, including, but not limited to, the hookup or disconnection of
31 utilities, be done in a good and workmanlike manner;

1 (3) Deny any resident of a mobile home park the right to sell that
2 person's mobile home at a price of his or her own choosing. The tenant
3 shall, prior to selling the mobile home, give notice to the landlord,
4 including, but not limited to, the name of the prospective purchaser.
5 Unless otherwise agreed in writing, the landlord may reserve the right to
6 approve or disapprove the prospective purchaser of the mobile home as a
7 tenant within ten days after receiving notice of the intended sale. Any
8 disapproval shall be in writing and shall be delivered to such tenant
9 pursuant to section 76-1474. The landlord shall not unreasonably refuse
10 or restrict the sale by a tenant of a mobile home located in his or her
11 mobile home park, but the landlord may consider the size, ages, and
12 composition of the prospective purchaser's family in determining if the
13 mobile home purchaser may leave the home in the park. The landlord may
14 also, in order to upgrade the quality of the mobile home park, prescribe
15 reasonable requirements governing the age, physical appearance, size, or
16 quality of the mobile home. In the event of a sale to a third party or
17 mutual termination of the rental agreement, the landlord may within ten
18 days after receiving written notice of the pending sale or mutual
19 termination require that any mobile home that is no longer appropriate
20 for the mobile home park or that is in disrepair be repaired to the
21 landlord's satisfaction or removed from the park within sixty days. The
22 landlord shall specify in writing the reasons for disapproval of the
23 mobile home;

24 (4) Exact a commission or fee with respect to the price realized by
25 the tenant selling the mobile home, unless the park owner or operator has
26 acted as agent for the mobile home owner pursuant to a written agreement;
27 or

28 (5) Require a tenant to furnish permanent improvements which cannot
29 be removed by the tenant without damage to the mobile home or mobile home
30 space at the expiration of the rental agreement.

31 **Sec. 130.** Section 81-885.24, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 81-885.24 The commission may, upon its own motion, and shall, upon
3 the sworn complaint in writing of any person, investigate the actions of
4 any broker, associate broker, salesperson, or subdivider, may censure the
5 licensee or certificate holder, revoke or suspend any license or
6 certificate issued under the Nebraska Real Estate License Act, or enter
7 into consent orders, and, alone or in combination with such disciplinary
8 actions, may impose a civil fine on a licensee pursuant to section
9 81-885.10, whenever the license or certificate has been obtained by false
10 or fraudulent representation or the licensee or certificate holder has
11 been found guilty of any of the following unfair trade practices:

12 (1) Refusing because of religion, race, color, national origin,
13 ethnic group, sex, familial status, ~~or~~ disability, or military or veteran
14 status to show, sell, or rent any real estate for sale or rent to
15 prospective purchasers or renters;

16 (2) Intentionally using advertising which is misleading or
17 inaccurate in any material particular or in any way misrepresents any
18 property, terms, values, policies, or services of the business conducted;

19 (3) Failing to account for and remit any money coming into his or
20 her possession belonging to others;

21 (4) Commingling the money or other property of his or her principals
22 with his or her own;

23 (5) Failing to maintain and deposit in a separate trust account all
24 money received by a broker acting in such capacity, or as escrow agent or
25 the temporary custodian of the funds of others, in a real estate
26 transaction unless all parties having an interest in the funds have
27 agreed otherwise in writing;

28 (6) Accepting, giving, or charging any form of undisclosed
29 compensation, consideration, rebate, or direct profit on expenditures
30 made for a principal;

31 (7) Representing or attempting to represent a real estate broker,

1 other than the employer, without the express knowledge and consent of the
2 employer;

3 (8) Accepting any form of compensation or consideration by an
4 associate broker or salesperson from anyone other than his or her
5 employing broker without the consent of his or her employing broker;

6 (9) Acting in the dual capacity of agent and undisclosed principal
7 in any transaction;

8 (10) Guaranteeing or authorizing any person to guarantee future
9 profits which may result from the resale of real property;

10 (11) Placing a sign on any property offering it for sale or rent
11 without the written consent of the owner or his or her authorized agent;

12 (12) Offering real estate for sale or lease without the knowledge
13 and consent of the owner or his or her authorized agent or on terms other
14 than those authorized by the owner or his or her authorized agent;

15 (13) Inducing any party to a contract of sale or lease to break such
16 contract for the purpose of substituting, in lieu thereof, a new contract
17 with another principal;

18 (14) Negotiating a sale, exchange, listing, or lease of real estate
19 directly with an owner or lessor if he or she knows that such owner has a
20 written outstanding listing contract in connection with such property
21 granting an exclusive agency or an exclusive right to sell to another
22 broker or negotiating directly with an owner to withdraw from or break
23 such a listing contract for the purpose of substituting, in lieu thereof,
24 a new listing contract;

25 (15) Discussing or soliciting a discussion of, with an owner of a
26 property which is exclusively listed with another broker, the terms upon
27 which the broker would accept a future listing upon the expiration of the
28 present listing unless the owner initiates the discussion;

29 (16) Violating any provision of sections 76-2401 to 76-2430;

30 (17) Soliciting, selling, or offering for sale real estate by
31 offering free lots or conducting lotteries for the purpose of influencing

1 a purchaser or prospective purchaser of real estate;

2 (18) Providing any form of compensation or consideration to any
3 person for performing the services of a broker, associate broker, or
4 salesperson who has not first secured his or her license under the
5 Nebraska Real Estate License Act unless such person is (a) a nonresident
6 who is licensed in his or her resident regulatory jurisdiction or (b) a
7 citizen and resident of a foreign country which does not license persons
8 conducting the activities of a broker and such person provides reasonable
9 written evidence to the Nebraska broker that he or she is a resident
10 citizen of that foreign country, is not a resident of this country, and
11 conducts the activities of a broker in that foreign country;

12 (19) Failing to include a fixed date of expiration in any written
13 listing agreement and failing to leave a copy of the agreement with the
14 principal;

15 (20) Failing to deliver within a reasonable time a completed and
16 dated copy of any purchase agreement or offer to buy or sell real estate
17 to the purchaser and to the seller;

18 (21) Failing by a broker to deliver to the seller in every real
19 estate transaction, at the time the transaction is consummated, a
20 complete, detailed closing statement showing all of the receipts and
21 disbursements handled by such broker for the seller, failing to deliver
22 to the buyer a complete statement showing all money received in the
23 transaction from such buyer and how and for what the same was disbursed,
24 and failing to retain true copies of such statements in his or her files;

25 (22) Making any substantial misrepresentations;

26 (23) Acting for more than one party in a transaction without the
27 knowledge of all parties for whom he or she acts;

28 (24) Failing by an associate broker or salesperson to place, as soon
29 after receipt as practicable, in the custody of his or her employing
30 broker any deposit money or other money or funds entrusted to him or her
31 by any person dealing with him or her as the representative of his or her

1 licensed broker;

2 (25) Filing a listing contract or any document or instrument
3 purporting to create a lien based on a listing contract for the purpose
4 of casting a cloud upon the title to real estate when no valid claim
5 under the listing contract exists;

6 (26) Violating any rule or regulation adopted and promulgated by the
7 commission in the interest of the public and consistent with the Nebraska
8 Real Estate License Act;

9 (27) Failing by a subdivider, after the original certificate has
10 been issued, to comply with all of the requirements of the Nebraska Real
11 Estate License Act;

12 (28) Conviction of a felony or entering a plea of guilty or nolo
13 contendere to a felony charge by a broker or salesperson;

14 (29) Demonstrating negligence, incompetency, or unworthiness to act
15 as a broker, associate broker, or salesperson, whether of the same or of
16 a different character as otherwise specified in this section;

17 (30) Inducing or attempting to induce a person to transfer an
18 interest in real property, whether or not for monetary gain, or
19 discouraging another person from purchasing real property, by
20 representing that (a) a change has occurred or will or may occur in the
21 composition with respect to religion, race, color, national origin,
22 ethnic group, sex, familial status, or disability of the owners or
23 occupants in the block, neighborhood, or area or (b) such change will or
24 may result in the lowering of property values, an increase in criminal or
25 antisocial behavior, or a decline in the quality of schools in the block,
26 neighborhood, or area;

27 (31) Failing by a team leader to provide a current list of all team
28 members to his or her designated broker;

29 (32) Failing by a designated broker to maintain a record of all team
30 leaders and team members working under him or her;

31 (33) Utilizing advertising which does not prominently display the

1 name under which the designated broker does business as filed with the
2 commission;

3 (34) Utilizing team advertising or a team name suggesting the team
4 is an independent real estate brokerage;

5 (35) Charging or collecting, as part or all of his or her
6 compensation or consideration, any part of the earnest money or other
7 money paid to him or her or the entity under which he or she does
8 business in connection with any real estate transaction until the
9 transaction has been consummated or terminated. However, a payment for
10 goods or services rendered by a third party on behalf of the client shall
11 not be considered compensation or consideration if such payment does not
12 include any profit, compensation, or payment for services rendered by the
13 broker and the broker retains a record of the payment to the third party
14 for such goods or services;

15 (36) Failing to provide a copy of section 81-885.04 or written
16 instructions explaining the provisions of the exemption from licensure as
17 set forth in subdivision (9) of section 81-885.04 to any unlicensed
18 person who assists in procuring a potential client or customer as defined
19 in sections 76-2407 and 76-2409, respectively, for the purpose of the
20 listing, sale, purchase, exchange, renting, leasing, or optioning of any
21 real estate; or

22 (37) Offering or entering into a right-to-list home sale agreement.

23 **Sec. 131.** Section 81-1401, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 81-1401 For purposes of sections 81-1401 to 81-1414.19, unless the
26 context otherwise requires:

27 (1) Class I railroad means a rail carrier classified as Class I
28 pursuant to 49 C.F.R. part 1201 1-1;

29 (2) Commission means the Nebraska Commission on Law Enforcement and
30 Criminal Justice;

31 (3) Council means the Nebraska Police Standards Advisory Council;

1 (4) Director means the director of the Nebraska Law Enforcement
2 Training Center;

3 (5) Felony means a crime punishable by imprisonment for a term of
4 more than one year or a crime committed outside of Nebraska which would
5 be punishable by imprisonment for a term of more than one year if
6 committed in Nebraska;

7 (6) Handgun means any firearm with a barrel less than sixteen inches
8 in length or any firearm designed to be held and fired by the use of a
9 single hand;

10 (7) Law enforcement agency means the police department or the town
11 marshal in incorporated municipalities, the office of sheriff in
12 unincorporated areas, the Nebraska State Patrol, and Class I railroad
13 police departments;

14 (8)(a) Law enforcement officer means any person who has successfully
15 completed an entry-level law enforcement certification from a training
16 academy and who is responsible for the prevention or detection of crime
17 or the enforcement of the penal, traffic, or highway laws of the state or
18 any political subdivision of the state for more than one hundred hours
19 per year and is authorized by law to make arrests and includes, but is
20 not limited to:

21 (i) A full-time or part-time member of the Nebraska State Patrol;

22 (ii) A county sheriff;

23 (iii) A full-time or part-time employee of a county sheriff's
24 office;

25 (iv) A full-time or part-time employee of a municipal or village
26 police agency;

27 (v) A full-time or part-time Game and Parks Commission conservation
28 officer;

29 (vi) A full-time or part-time deputy state sheriff;

30 (vii) A full-time employee of an organized and paid fire department
31 of any city of the metropolitan class who is an authorized arson

1 investigator and whose duties consist of determining the cause, origin,
2 and circumstances of fires or explosions while on duty in the course of
3 an investigation;

4 (viii) A member of a law enforcement reserve force appointed in
5 accordance with section 81-1438; or

6 (ix) A full-time Class I railroad police officer;

7 (b) Law enforcement officer includes a noncertified conditional
8 officer;

9 (c) Law enforcement officer does not include employees of the
10 Department of Correctional Services, probation officers under the
11 Nebraska Probation System, parole officers appointed by the Director of
12 Correctional Supervision and Services of the ~~Division of Parole~~
13 ~~Supervision~~, or employees of the Department of Revenue under section
14 77-366; and

15 (d) Except for a noncertified conditional officer, a law enforcement
16 officer shall possess a valid law enforcement officer certificate or
17 diploma, as established by the council, in order to be vested with the
18 authority of this section;

19 (9) Misdemeanor crime of domestic violence has the same meaning as
20 in section 28-1206;

21 (10) Noncertified conditional officer means a person appointed
22 pursuant to subsection (6) of section 81-1414;

23 (11) Serious misconduct means improper or illegal actions taken by a
24 law enforcement officer that have a rational connection with the person's
25 fitness or capacity to serve as a law enforcement officer and includes,
26 but is not limited to:

27 (a) Conviction of a felony or misdemeanor crime of domestic
28 violence;

29 (b) Fabrication of evidence;

30 (c) Repeated substantiated allegations of the use of excessive
31 force;

1 (d) Acceptance of a bribe;

2 (e) Commission of fraud or perjury; or

3 (f) Sexual assault;

4 (12) Training academy means:

5 (a) The training center; or

6 (b) Another council-approved law enforcement training facility

7 which:

8 (i) Offers certification training that meets or exceeds the
9 certification training curriculum of the training center; and

10 (ii) Is operated and maintained by a law enforcement agency or by
11 multiple law enforcement agencies pursuant to the Interlocal Cooperation
12 Act;

13 (13) Training center means the Nebraska Law Enforcement Training
14 Center; and

15 (14) Training school means a public or private institution of higher
16 education, including the University of Nebraska, the Nebraska state
17 colleges, and the community colleges of this state, that offers training
18 in a council-approved pre-certification course.

19 **Sec. 132.** Section 83-170, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 83-170 As used in the Nebraska Treatment and Corrections Act, unless
22 the context otherwise requires:

23 (1) Board means the Board of Parole;

24 (2) Committed offender means any person who, under any provision of
25 law, is sentenced or committed to a facility operated by the department
26 or is sentenced or committed to the department other than a person
27 adjudged to be as described in subdivision (1), (2), (3)(b), or (4) of
28 section 43-247 by a juvenile court;

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

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

31 ~~(5) Director of Supervision and Services means the Director of~~

1 ~~Supervision and Services appointed pursuant to section 83-1,101;~~

2 ~~(5) (6)~~ Facility means any prison, reformatory, training school,
3 reception center, community guidance center, group home, or other
4 institution operated by the department;

5 ~~(6) (7)~~ Good time means any reduction of sentence granted pursuant
6 to sections 83-1,107 and 83-1,108;

7 ~~(7) (8)~~ Maximum term means the maximum sentence provided by law or
8 the maximum sentence imposed by a court, whichever is shorter;

9 ~~(8) (9)~~ Minimum term means the minimum sentence provided by law or
10 the minimum sentence imposed by a court, whichever is longer;

11 ~~(9) (10)~~ Pardon authority means the power to remit fines and
12 forfeitures and to grant respites, reprieves, pardons, or commutations;

13 ~~(10) (11)~~ Parole term means the time from release on parole to the
14 completion of the maximum term, reduced by good time;

15 ~~(11) (12)~~ Person committed to the department means any person
16 sentenced or committed to a facility within the department;

17 ~~(12) (13)~~ Restrictive housing means conditions of confinement that
18 provide limited contact with other offenders, strictly controlled
19 movement while out of cell, and out-of-cell time of less than twenty-four
20 hours per week; and

21 ~~(13) (14)~~ Solitary confinement means the status of confinement of an
22 inmate in an individual cell having solid, soundproof doors and which
23 deprives the inmate of all visual and auditory contact with other
24 persons.

25 **Sec. 133.** Section 83-171, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 83-171 There is hereby created a Department of Correctional Services
28 which shall:

29 (1) Maintain and administer facilities required for the custody,
30 control, correctional treatment, and rehabilitation of persons committed
31 to the department and for the safekeeping of such other persons as may be

1 remanded to the department in accordance with law;

2 (2) Develop policies and programs for the correctional treatment and
3 rehabilitation of persons committed to the department;

4 (3) Supervise parolees who have been committed to the department;

5 and

6 (4) Administer parole services in the facilities and in the
7 community; and -

8 (5) Maintain all records and files associated with the Board of
9 Parole, including relating to individuals subject to lifetime community
10 supervision under section 83-174.03. This section shall not be construed
11 to prohibit the department from maintaining daily records and files
12 associated with the Board of Pardons.

13 **Sec. 134.** Section 83-171.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-171.01 The department ~~and the Division of Parole Supervision~~
16 shall establish performance metrics for corrections and parole staff.
17 Such metrics shall measure staff efficacy in providing rehabilitative and
18 reentry services to committed offenders and parolees. Such metrics shall:

19 (1) Reflect a balanced approach that considers both compliance and
20 enforcement measures as well as outcomes related to rehabilitation,
21 reintegration, and public safety;

22 (2) Include indicators of progress for committed offenders and
23 parolees, such as successful completion of treatment programs,
24 educational attainment, employment status, and compliance with conditions
25 of supervision;

26 (3) Emphasize the importance of providing supportive services,
27 fostering positive relationships with committed offenders and parolees,
28 and promoting successful community reentry; and

29 (4) Be aligned with best practices, stakeholder input, and the
30 evolving goals and priorities of the criminal justice system.

31 **Sec. 135.** Section 83-173, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 83-173 The Director of Correctional Services shall:

3 (1) Supervise and be responsible for the administration of the
4 Department of Correctional Services;

5 (2) Establish, consolidate, or abolish any administrative
6 subdivision within the department and appoint and remove for cause the
7 heads thereof and delegate appropriate powers and duties to them;

8 (3) Establish and administer policies and programs for the operation
9 of the facilities in the department and for the custody, control, safety,
10 correction, and rehabilitation of persons committed to the department;

11 (4) Appoint and remove the chief executive officer of each facility
12 and delegate appropriate powers and duties to him or her;

13 (5) Appoint and remove employees of the department and delegate
14 appropriate powers and duties to them;

15 (6) Adopt and promulgate rules and regulations for the management,
16 correctional treatment, and rehabilitation of persons committed to the
17 department, the administration of facilities, and the conduct of officers
18 and employees under his or her jurisdiction;

19 (7) Designate the place of confinement of persons committed to the
20 department subject to section 83-176;

21 (8) Establish and administer policies that ensure that complete and
22 up-to-date electronic records are maintained for each person committed to
23 the department and which also ensure privacy protections. Electronic
24 records shall include programming recommendations, program completions,
25 time spent in housing other than general population, and medical records,
26 including mental and behavioral health records;

27 (9) Collect, develop, and maintain statistical information
28 concerning persons committed to the department, sentencing practices, and
29 correctional treatment as may be useful in penological research or in the
30 development of treatment programs;

31 (10) Provide training programs designed to equip employees for duty

1 in the facilities and related services of the department and to raise and
2 maintain the educational standards, level of performance, and safety of
3 such employees;

4 (11) Notify law enforcement agencies of upcoming furloughs as
5 required by section 83-173.01;

6 (12) Issue or authorize the issuance of a warrant for the arrest of
7 any person committed to the department who has escaped from the custody
8 of the department; and

9 (13) Supervise and be responsible for administration of parole
10 services in the community, including administration of the Community Work
11 Release and Reentry Centers Act;

12 (14) Establish and maintain policies, standards, and procedures for
13 the field parole service and the community supervision of sex offenders
14 pursuant to section 83-174.03;

15 (15) Divide the state into parole districts and appoint district
16 parole officers and such other employees as may be required to carry out
17 adequate parole supervision of all parolees, prescribe their powers and
18 duties, and obtain division offices for staff in each district as may be
19 necessary;

20 (16) Cooperate with the Board of Parole, the courts, the Community
21 Corrections Division of the Nebraska Commission on Law Enforcement and
22 Criminal Justice, and all other agencies, public and private, which are
23 concerned with the treatment or welfare of persons on parole;

24 (17) Provide the Board of Parole and district judges with any record
25 of a parolee that the board or such judges may require;

26 (18) Make recommendations to the Board of Parole or district judge
27 in cases of violation of the conditions of parole, issue warrants for the
28 arrest of parole violators when so instructed by the board or district
29 judge, and upon instruction of the board, issue certificates of parole
30 and of parole revocation to the facilities and certificates of discharge
31 from parole to parolees;

1 (19) Organize and conduct training programs for the district parole
2 officers and other employees;

3 (20) Use the funds provided under section 83-1,107.02 to augment
4 operational or personnel costs associated with the development,
5 implementation, and evaluation of enhanced parole-based programs and
6 purchase services to provide such programs aimed at enhancing adult
7 parolee supervision in the community and treatment needs of parolees.
8 Such enhanced parole-based programs include, but are not limited to,
9 specialized units of supervision, related equipment purchases and
10 training, and programs that address a parolee's vocational, educational,
11 mental health, behavioral, or substance abuse treatment needs, including
12 evidence-based peer and family support programs;

13 (21) Ensure that any risk or needs assessment instrument utilized by
14 the department be periodically validated;

15 (22) Each January 1, report to the Governor and electronically to
16 the Clerk of the Legislature the number of parole revocations and the
17 number of technical violations of parole;

18 (23) Take all actions necessary to assist the board in carrying out
19 its duties under section 83-962 during a correctional system overcrowding
20 emergency;

21 (24) Administer the Interstate Compact for Adult Offender
22 Supervision; and

23 (25) ~~(13)~~ Exercise all powers and perform all duties necessary and
24 proper in carrying out his or her responsibilities.

25 **Sec. 136.** Section 83-174.03, Reissue Revised Statutes of Nebraska,
26 is amended to read:

27 83-174.03 (1) Any individual who, on or after July 14, 2006, (a) is
28 convicted of or completes a term of incarceration for a registrable
29 offense under section 29-4003 and has a previous conviction for a
30 registrable offense under such section, (b) is convicted of sexual
31 assault of a child in the first degree pursuant to section 28-319.01, or

1 (c) is convicted of or completes a term of incarceration for an
2 aggravated offense as defined in section 29-4001.01, shall, upon
3 completion of his or her term of incarceration or release from civil
4 commitment, be supervised in the community by the department ~~Division of~~
5 ~~Parole Supervision~~ for the remainder of his or her life.

6 (2) Notice shall be provided to the department ~~division~~ by an agency
7 or political subdivision which has custody of an individual required to
8 be supervised in the community pursuant to subsection (1) of this section
9 at least sixty days prior to the release of such individual from custody.

10 (3) Individuals required to be supervised in the community pursuant
11 to subsection (1) of this section shall undergo a risk assessment and
12 evaluation by the department ~~division~~ to determine the conditions of
13 community supervision to be imposed to best protect the public from the
14 risk that the individual will reoffend.

15 (4) Conditions of community supervision imposed on an individual by
16 the department ~~division~~ may include the following:

17 (a) Drug and alcohol testing if the conviction resulting in the
18 imposition of community supervision involved the use of drugs or alcohol;

19 (b) Restrictions on employment and leisure activities necessary to
20 minimize interaction with potential victims;

21 (c) Requirements to report regularly to the individual's community
22 supervision officer;

23 (d) Requirements to reside at a specified location and notify the
24 individual's community supervision officer of any change in address or
25 employment;

26 (e) A requirement to allow the department ~~division~~ access to medical
27 records from the individual's current and former providers of treatment;

28 (f) A requirement that the individual submit himself or herself to
29 available medical, psychological, psychiatric, or other treatment,
30 including, but not limited to, polygraph examinations; or

31 (g) Any other conditions designed to minimize the risk of

1 recidivism, including, but not limited to, the use of electronic
2 monitoring, which are not unduly restrictive.

3 **Sec. 137.** Section 83-174.04, Reissue Revised Statutes of Nebraska,
4 is amended to read:

5 83-174.04 An individual who violates one or more of the conditions
6 of community supervision established for him or her pursuant to section
7 83-174.03 shall undergo a review by the department ~~Division of Parole~~
8 ~~Supervision~~ to evaluate the risk posed to the public by the violation in
9 question. The department ~~division~~ may take any of the following actions
10 in response to a violation of conditions of community supervision:

11 (1) Revise or impose additional conditions of community supervision
12 in order to minimize the risk to the public from the continued presence
13 of the individual in the community;

14 (2) Forward to the Attorney General or the county attorney in the
15 county where the individual resides a request to initiate a criminal
16 prosecution for failure to comply with the terms of community
17 supervision; or

18 (3) Forward to the county attorney or Attorney General a
19 recommendation that civil commitment proceedings be instituted with
20 respect to the individual.

21 **Sec. 138.** Section 83-174.05, Reissue Revised Statutes of Nebraska,
22 is amended to read:

23 83-174.05 Failure to comply with the conditions of community
24 supervision imposed by the department ~~Division of Parole Supervision~~ is a
25 Class IV felony for the first offense and a Class III felony for any
26 subsequent offense.

27 **Sec. 139.** Section 83-192, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 83-192 (1) The Board of Parole shall:

30 (a) Determine the time of release on parole of committed offenders
31 eligible for such release;

1 (b) Fix the conditions of parole, revoke parole, issue or authorize
2 the issuance of warrants for the arrest of parole violators, and impose
3 other sanctions short of revocation for violation of conditions of
4 parole;

5 (c) Determine the time of mandatory discharge from parole;

6 (d) Visit and inspect any facility, state or local, for the
7 detention of persons charged with or convicted of an offense and for the
8 safekeeping of such other persons as may be remanded to such facility in
9 accordance with law;

10 (e) ~~Implement~~ ~~Within two years after July 1, 2006, implement~~ the
11 utilization of a validated risk and needs assessment in coordination with
12 the Department of Correctional Services ~~and the Division of Parole~~
13 ~~Supervision~~. The assessment shall be prepared and completed by the
14 department ~~or the division~~ for use by the board in determining release on
15 parole;

16 (f) Review the record of every parole-eligible committed offender
17 annually when he or she is within three years of his or her earliest
18 parole eligibility date.

19 The review schedule shall be based on court-imposed sentences or
20 statutory minimum sentences, whichever are greater. The board is not
21 required to review the record of a committed offender when the committed
22 offender's parole eligibility date is within one month of his or her
23 mandatory discharge date. Nothing in such schedule shall prohibit the
24 board from reviewing a committed offender's case at any time;

25 (g) Appoint and remove all employees of the board as prescribed by
26 the State Personnel System and delegate appropriate powers and duties to
27 them;

28 (h) Carry out its duties under section 83-962 during a correctional
29 system overcrowding emergency;

30 (i) Adopt and promulgate rules and regulations; and

31 (j) Exercise all powers and perform all duties necessary and proper

1 in carrying out its responsibilities under the Nebraska Treatment and
2 Corrections Act.

3 (2) The chairperson of the board shall:

4 (a) Supervise the administration and operation of the board;

5 (b) Serve in an advisory capacity to the director in administering
6 parole services within any facility;

7 (c) Interpret the parole program to the public with a view toward
8 developing a broad base of public support;

9 (d) Conduct research for the purpose of evaluating and improving the
10 effectiveness of the parole system;

11 (e) Recommend parole legislation to the Governor;

12 (f) Adopt and promulgate rules and regulations for the
13 administration and operation of the board;

14 (g) Take all actions necessary to assist the board in carrying out
15 its duties under section 83-962 during a correctional system overcrowding
16 emergency; and

17 (h) Exercise all other powers and perform all other duties necessary
18 and proper in carrying out his or her responsibilities as chairperson.

19 (3) This section does not prohibit a committed offender from
20 requesting that the board review his or her record. The board is not
21 required to review a committed offender's record more than once a year,
22 except as otherwise required by statute, including section 83-962.

23 **Sec. 140.** Section 83-1,100, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 83-1,100 ~~(1) There is hereby created the Division of Parole~~
26 ~~Supervision within the department. The employees of the division shall~~
27 ~~consist of the Director of Supervision and Services, the field parole~~
28 ~~service officers, and all other division staff. The division shall be~~
29 ~~responsible for the following:~~

30 ~~(a) The administration of parole services in the community,~~
31 ~~including administration of the Community Work Release and Reentry~~

1 ~~Centers Act;~~

2 ~~(b) The maintenance of all records and files associated with the~~
3 ~~Board of Parole;~~

4 ~~(c) The daily supervision and training of staff members of the~~
5 ~~division, including training regarding evidence-based practices in~~
6 ~~supervision pursuant to section 83-1,100.02; and~~

7 ~~(d) The assessment, evaluation, and supervision of individuals who~~
8 ~~are subject to parole supervision, including lifetime community~~
9 ~~supervision pursuant to section 83-174.03.~~

10 (2) Parole officers shall be compensated with salaries substantially
11 equal to other state employees who have similar responsibilities,
12 including employees of the Office of Probation Administration. This
13 section ~~subsection~~ shall apply only to field parole service officers and
14 support staff and shall not apply to the director ~~Director of Supervision~~
15 ~~and Services~~ or any other management-level position.

16 ~~(3) This section does not prohibit the division from maintaining~~
17 ~~daily records and files associated with the Board of Pardons.~~

18 **Sec. 141.** Section 83-1,100.02, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 83-1,100.02 (1) For purposes of this section:

21 (a) Levels of supervision means the determination of the following
22 for each person on parole:

23 (i) Supervision contact requirements, including the frequency,
24 location, methods, and nature of contact with the parole officer;

25 (ii) Substance abuse testing requirements and frequency;

26 (iii) Contact restrictions;

27 (iv) Curfew restrictions;

28 (v) Access to available programs and treatment, with priority given
29 to moderate-risk and high-risk parolees; and

30 (vi) Severity of graduated responses to violations of supervision
31 conditions;

1 (b) Responsivity factors means characteristics of a parolee that
2 affect the parolee's ability to respond favorably or unfavorably to any
3 treatment goals; and

4 (c) Risk and needs assessment means an actuarial tool that has been
5 validated in Nebraska to determine the likelihood of the parolee engaging
6 in future criminal behavior.

7 (2) The department ~~Division of Parole Supervision~~ shall establish an
8 evidence-based process that utilizes a risk and needs assessment to
9 measure criminal risk factors, specific individual needs, and
10 responsivity factors.

11 (3) The risk and needs assessment shall be performed at the
12 commencement of the parole term and every six months thereafter by
13 department ~~division~~ staff trained and certified in the use of the risk
14 and needs assessment.

15 (4) The validity of the risk and needs assessment shall be tested at
16 least every five years.

17 (5) Based on the results of the risk and needs assessment, the
18 department ~~division~~ shall target parolee criminal risk and need factors
19 by focusing sanction, program, and treatment resources on moderate-risk
20 and high-risk parolees.

21 (6) The department ~~division~~ shall provide training to its parole
22 officers on (a) use of a risk and needs assessment, (b) risk-based
23 supervision strategies, (c) relationship skills, (d) cognitive behavioral
24 interventions, (e) community-based resources, (f) criminal risk factors,
25 (g) targeting criminal risk factors to reduce recidivism, (h) proper use
26 of a matrix of administrative sanctions, custodial sanctions, and rewards
27 developed pursuant to section 83-1,119, and (i) addressing responsivity
28 factors. Each parole officer shall complete the training requirements set
29 forth in this subsection within one year after his or her hire date or
30 September 1, 2024, whichever is later.

31 (7) The department ~~division~~ shall provide training for chief parole

1 officers to become trainers so as to ensure long-term and self-sufficient
2 training capacity in the state.

3 **Sec. 142.** Section 83-1,103, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 83-1,103 The field parole service, consisting of district parole
6 officers working under the direction of the director ~~Director of~~
7 ~~Supervision and Services~~ or district judge, shall be responsible for the
8 investigation, supervision, and assistance of parolees, probationers, or
9 individuals subject to community supervision under section 83-174.03. The
10 field parole service shall be sufficient in size to assure that no
11 district parole officer carries a case load larger than is compatible
12 with adequate parole investigation or supervision.

13 **Sec. 143.** Section 83-1,103.01, Reissue Revised Statutes of Nebraska,
14 is amended to read:

15 83-1,103.01 A parole officer assigned by the director ~~Director of~~
16 ~~Supervision and Services~~ to supervise individuals subject to lifetime
17 community supervision pursuant to section 83-174.03 shall:

18 (1) Make investigations, prior to an individual subject to community
19 supervision being released from incarceration, in cooperation with
20 institutional caseworkers at prisons, mental health facilities, and
21 county jails, to determine the community supervision conditions necessary
22 to protect the public and make reasonable advance preparation for release
23 into the community;

24 (2) Assist individuals subject to community supervision to comply
25 with the conditions of supervision and to make a successful adjustment in
26 the community;

27 (3) Supervise individuals subject to community supervision by
28 keeping informed of their conduct and condition;

29 (4) Make reports as required by the director ~~Director of Supervision~~
30 ~~and Services~~ to determine the effectiveness of community supervision in
31 protecting the public or the progress of an individual subject to

1 community supervision;

2 (5) Cooperate with social welfare agencies and treatment providers
3 to ensure that individuals subject to community supervision receive any
4 necessary services or treatment;

5 (6) Inform the director ~~Director of Supervision and Services~~ when,
6 in the opinion of the community supervision officer, an individual is in
7 violation of the conditions of his or her community supervision, and
8 whenever necessary exercise the power of arrest as provided in section
9 83-173 ~~83-1,102~~;

10 (7) Conduct periodic reviews of the conditions of community
11 supervision imposed on an individual as required by the director ~~Director~~
12 ~~of Supervision and Services~~; and

13 (8) Exercise all powers and perform all duties necessary and proper
14 in carrying out his or her responsibilities.

15 **Sec. 144.** Section 83-1,103.02, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 83-1,103.02 (1) Prior to the release from incarceration of an
18 individual subject to lifetime community supervision pursuant to section
19 83-174.03, the department ~~Division of Parole Supervision~~ shall:

20 (a) Notify the individual in writing that he or she is subject to
21 community supervision upon completion of his or her criminal sentence;

22 (b) Inform the individual subject to community supervision of the
23 process by which conditions of community supervision are determined and
24 his or her right to submit relevant information to the department
25 ~~division~~ for consideration when establishing the conditions of
26 supervision;

27 (c) Determine the individual's risk of recidivism if released into
28 the community, utilizing a validated risk assessment tool;

29 (d) After considering the information required in subdivision (e) of
30 this subsection, determine the conditions of supervision which will most
31 effectively minimize the risk of the individual committing another sex

1 offense. The conditions shall be the least restrictive conditions
2 available, in terms of the effect on the individual's personal freedom,
3 which minimize the risk of recidivism and are compatible with public
4 safety; and

5 (e) In determining the conditions of supervision to be imposed, the
6 ~~department division~~ shall consider the following:

7 (i) A report prepared by the institutional caseworkers relating to
8 the individual's personality, social history, and adjustment to authority
9 and including any recommendations which the staff of the facility may
10 make;

11 (ii) All official reports of the individual's prior criminal record,
12 including reports and records of earlier probation and parole
13 experiences;

14 (iii) The presentence investigation report;

15 (iv) The reports of any physical, mental, and psychiatric
16 examinations of the individual;

17 (v) Any relevant information which may be submitted by the
18 individual, his or her attorney, the victim of the crime, or other
19 persons; and

20 (vi) Such other relevant information concerning the individual as
21 may be reasonably available.

22 (2) Upon completion of the risk assessment and the determination of
23 the conditions of community supervision and no later than thirty days
24 prior to the completion of the individual's criminal sentence, the
25 ~~department division~~ shall issue a certificate of community supervision to
26 the individual containing the conditions of community supervision he or
27 she will be required to comply with upon the completion of his or her
28 criminal sentence. The ~~director~~ Director of Supervision and Services
29 shall include with the certificate written information on how to appeal
30 the determination of the conditions of community supervision.

31 **Sec. 145.** Section 83-1,103.03, Reissue Revised Statutes of Nebraska,

1 is amended to read:

2 83-1,103.03 (1) The department ~~Division of Parole Supervision~~ shall
3 review the conditions of community supervision imposed on an individual
4 pursuant to section 83-174.03 on an annual basis and shall provide the
5 individual the opportunity to submit written materials to the department
6 ~~division~~ for consideration during such review.

7 (2) If the department ~~division~~ determines, after reviewing the
8 individual's conduct while under supervision and any other relevant
9 facts, that one or more of the conditions of community supervision
10 imposed upon the individual is no longer necessary to reduce the risk of
11 the individual reoffending or is no longer the least restrictive
12 condition compatible with public safety, the department ~~division~~ shall
13 revise the conditions of community supervision so that the individual's
14 freedom is not unnecessarily restricted.

15 **Sec. 146.** Section 83-1,103.04, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 83-1,103.04 (1) Whenever a determination or revision of the
18 conditions of community supervision is made by the department ~~Division of~~
19 ~~Parole Supervision~~, the individual subject to the conditions shall be
20 entitled to an appeal. The appeal shall be heard by the district court in
21 the county where the individual resides. The individual shall be informed
22 of his or her right to request counsel, and if counsel is requested the
23 court shall determine if the individual is indigent. If the court finds
24 the individual to be indigent, it shall appoint counsel from the public
25 defender's office to represent the individual during the appeal.

26 (2) In an appeal contesting the determination or revision of the
27 conditions of community supervision, the burden of proof shall be on the
28 individual subject to community supervision to show by clear and
29 convincing evidence (a) that the conditions in question will not reduce
30 the risk of the individual reoffending or otherwise protect the public or
31 (b) that the condition is overly restrictive of the individual's freedom

1 and a less restrictive condition is available which is equally or more
2 effective in reducing the risk of the individual reoffending.

3 **Sec. 147.** Section 83-1,104, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 83-1,104 A district parole officer shall:

6 (1) Make investigations, prior to a committed offender's release on
7 parole, in cooperation with institutional caseworkers and the Board of
8 Parole to determine the adequacy of parole plans and make reasonable
9 advance preparation for release on parole;

10 (2) Assist a committed offender who requests assistance prior to
11 release or a parolee to comply with the conditions of parole and to make
12 a successful adjustment in the community, including facilitating the
13 transitional needs of housing and employment, access to and participation
14 in job training services in the community, access to mental health
15 services, assisting with applications for health care coverage or
16 ensuring that the committed offender or parolee knows how to apply for
17 and obtain health care coverage, and assisting with enrollment in the
18 medical assistance program established pursuant to the Medical Assistance
19 Act, if eligible, to ensure that the committed offender or parolee has
20 access to such program close to the time of release or soon thereafter;

21 (3) Supervise parolees by keeping informed of their conduct and
22 condition, utilizing global positioning systems and other monitoring
23 technology as needed during the period of supervision;

24 (4) Make such reports as required by the director ~~Director of~~
25 ~~Supervision and Services~~ or district judge to determine the effectiveness
26 of the parole system or the progress of an individual parolee;

27 (5) Cooperate with social welfare agencies;

28 (6) Observe the work of any parole officer under his or her
29 supervision from time to time;

30 (7) Inform the director ~~Director of Supervision and Services~~ when,
31 in his or her opinion, any eligible parolee's conduct and attitude

1 warrant his or her discharge from active supervision, or when any
2 parolee's violation of the conditions of parole is of sufficient
3 seriousness to require action by the Board of Parole or district judge
4 and whenever necessary exercise the power of arrest as provided in
5 section 83-1,119;

6 (8) Delegate in his or her discretion any of the above
7 responsibilities to a parole officer under his or her supervision; and

8 (9) Exercise all powers and perform all duties necessary and proper
9 in carrying out his or her responsibilities.

10 **Sec. 148.** Section 83-1,107, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 83-1,107 (1)(a) Within sixty days after initial classification and
13 assignment of any offender committed to the department, all available
14 information regarding such committed offender shall be reviewed and a
15 committed offender department-approved personalized program plan document
16 shall be drawn up. The document shall specifically describe the
17 department-approved personalized program plan and the specific goals the
18 department expects the committed offender to achieve. The document shall
19 also contain a realistic schedule for completion of the department-
20 approved personalized program plan. The department-approved personalized
21 program plan shall be developed with the active participation of the
22 committed offender. The department shall provide programs to allow
23 compliance by the committed offender with the department-approved
24 personalized program plan.

25 Programming may include, but is not limited to:

26 (i) Academic and vocational education, including teaching such
27 classes by qualified offenders;

28 (ii) Substance abuse treatment;

29 (iii) Mental health and psychiatric treatment, including criminal
30 personality programming;

31 (iv) Constructive, meaningful work programs; and

1 (v) Any other program deemed necessary and appropriate by the
2 department.

3 (b) A modification in the department-approved personalized program
4 plan may be made to account for the increased or decreased abilities of
5 the committed offender or the availability of any program. Any
6 modification shall be made only after notice is given to the committed
7 offender. The department may not impose disciplinary action upon any
8 committed offender solely because of the committed offender's failure to
9 comply with the department-approved personalized program plan, but such
10 failure may be considered by the board in its deliberations on whether or
11 not to grant parole to a committed offender.

12 (2)(a) The department shall reduce the term of a committed offender
13 by six months for each year of the offender's term and pro rata for any
14 part thereof which is less than a year.

15 (b) In addition to reductions granted in subdivision (2)(a) of this
16 section, the department shall reduce the term of a committed offender by
17 three days on the first day of each month following a twelve-month period
18 of incarceration within the department during which the offender has not
19 been found guilty of (i) a Class I or Class II offense or (ii) more than
20 three Class III offenses under the department's disciplinary code.
21 Reductions earned under this subdivision shall not be subject to forfeit
22 or withholding by the department.

23 (c) The total reductions under this subsection shall be credited
24 from the date of sentence, which shall include any term of confinement
25 prior to sentence and commitment as provided pursuant to section
26 83-1,106, and shall be deducted from the maximum term, to determine the
27 date when discharge from the custody of the state becomes mandatory.

28 (3) While the offender is in the custody of the department,
29 reductions of terms granted pursuant to subdivision (2)(a) of this
30 section may be forfeited, withheld, and restored by the chief executive
31 officer of the facility with the approval of the director after the

1 offender has been notified regarding the charges of misconduct.

2 (4) The department, in consultation with the board, shall ensure
3 that a release or reentry plan is complete or near completion when the
4 offender has served at least eighty percent of his or her sentence. For
5 purposes of this subsection, release or reentry plan means a
6 comprehensive and individualized strategic plan to ensure an individual's
7 safe and effective transition or reentry into the community to which he
8 or she resides with the primary goal of reducing recidivism. At a
9 minimum, the release or reentry plan shall include, but not be limited
10 to, consideration of the individual's housing needs, medical or mental
11 health care needs, and transportation and job needs and shall address an
12 individual's barriers to successful release or reentry in order to
13 prevent recidivism. The release or reentry plan does not include an
14 individual's programming needs included in the individual's personalized
15 program plan for use inside the prison. However, the department shall
16 include in the release or reentry plan information regarding the
17 individual's progress on the individual's personalized program plan for
18 use inside the prison.

19 (5)(a) The department shall make treatment programming available to
20 committed offenders as provided in section 83-1,110.01 and shall include
21 continuing participation in such programming as part of each offender's
22 department-approved personalized program plan developed under subsection
23 (1) of this section.

24 (b) Any committed offender with a mental illness shall be provided
25 with the community standard of mental health care. The mental health care
26 shall utilize evidence-based therapy models that include an evaluation
27 component to track the effectiveness of interventions.

28 (c) Any committed offender with a mental illness shall be evaluated
29 before release to ensure that adequate monitoring and treatment of the
30 committed offender will take place or, if appropriate, that a commitment
31 proceeding under the Nebraska Mental Health Commitment Act or the Sex

1 Offender Commitment Act will take place.

2 (6)(a) Within thirty days after any committed offender has been
3 paroled, all available information regarding such parolee shall be
4 reviewed and a case plan document shall be drawn up and approved by the
5 department ~~Division of Parole Supervision~~. The document shall
6 specifically describe the approved case plan and the specific goals the
7 department ~~division~~ expects the parolee to achieve. The document shall
8 also contain a realistic schedule for completion of the approved case
9 plan. The approved case plan shall be developed with the active
10 participation of the parolee. During the term of parole, the parolee
11 shall comply with the approved case plan and the department ~~division~~
12 shall provide programs to allow compliance by the parolee with the
13 approved case plan.

14 Programming may include, but is not limited to:

15 (i) Academic and vocational education;

16 (ii) Substance abuse treatment;

17 (iii) Mental health and psychiatric treatment, including criminal
18 personality programming;

19 (iv) Constructive, meaningful work programs;

20 (v) Community service programs; and

21 (vi) Any other program deemed necessary and appropriate by the
22 department ~~division~~.

23 (b) A modification in the approved case plan may be made to account
24 for the increased or decreased abilities of the parolee or the
25 availability of any program. Any modification shall be made only after
26 notice is given to the parolee. Intentional failure to comply with the
27 approved case plan by any parolee as scheduled for any year, or pro rata
28 part thereof, shall cause disciplinary action to be taken by the
29 department ~~division~~ resulting in the forfeiture of up to a maximum of
30 three months' good time for the scheduled year.

31 (7) While the offender is in the custody of the board, reductions of

1 terms granted pursuant to subdivision (2)(a) of this section may be
2 forfeited, withheld, and restored by the director upon the recommendation
3 of the board after the offender has been notified regarding the charges
4 of misconduct or breach of the conditions of parole.

5 (8) Good time or other reductions of sentence granted under the
6 provisions of any law prior to July 1, 1996, may be forfeited, withheld,
7 or restored in accordance with the terms of the Nebraska Treatment and
8 Corrections Act.

9 (9) Pursuant to rules and regulations adopted by the probation
10 administrator and the director, an individualized post-release
11 supervision plan shall be collaboratively prepared by the Office of
12 Probation Administration and the department and provided to the court to
13 prepare individuals under custody of the department for post-release
14 supervision. All records created during the period of incarceration shall
15 be shared with the Office of Probation Administration and considered in
16 preparation of the post-release supervision plan.

17 **Sec. 149.** Section 83-1,107.01, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 83-1,107.01 (1) Unless otherwise provided by this section, whenever
20 an adult offender is paroled, the board shall require a parolee to pay a
21 monthly parole programming fee.

22 (2) Parolees under the supervision of the department ~~Division of~~
23 ~~Parole Supervision~~ shall pay a monthly parole programming fee of twenty-
24 five dollars, not later than the tenth day of each month, beginning the
25 second month of parole supervision and continuing for the duration of the
26 parole.

27 (3) The board shall waive payment of the monthly parole programming
28 fee in whole or in part if after a hearing a determination is made that
29 such payment would constitute an undue hardship on the parolee due to
30 limited income, employment or school status, or physical or mental
31 handicap. Such waiver shall be in effect only during the period of time

1 that the parolee is unable to pay his or her monthly parole programming
2 fee.

3 (4) When monthly parole programming fees are waived, in whole or in
4 part, the parole officer, pursuant to rules and regulations adopted by
5 the board, may contract with the parolee to perform approved community
6 service at the rate of five dollars per hour in lieu of payment of
7 monthly parole programming fees. A parolee may be required to pay a
8 participation fee in order to take advantage of community service
9 programs. A parolee may not accumulate more than three months' advance
10 credit for community service. The use of community service alternatives
11 does not preclude the imposition of other intermediate measures.

12 (5) The department, ~~division~~ with the approval of the Board of
13 Parole, shall implement sanctions if a parolee defaults in the payment of
14 monthly parole programming fees or any installment thereof as established
15 by subsection (2) of this section, except that parole shall not be
16 revoked nor shall the parolee be imprisoned for such nonpayment if the
17 parolee is financially unable to make the payment.

18 (6) If the board determines that the default in payment described in
19 subsection (5) of this section was not attributable to a deliberate
20 refusal to obey the order of the board or to failure on the parolee's
21 part to make a good faith effort to obtain the funds required for
22 payment, the board may allow the parolee additional time for payment,
23 reduce the amount of each installment, or revoke the fees or the unpaid
24 portion in whole or in part.

25 (7) No parolee shall be required to pay more than one monthly parole
26 programming fee per month.

27 (8) The imposition of monthly parole programming fees in this
28 section shall be considered separate and apart from specific service
29 delivery fees.

30 (9) Any adult offender received for supervision pursuant to section
31 29-2637 or the Interstate Compact for Adult Offender Supervision shall be

1 assessed a monthly parole programming fee during the period of time the
2 offender is actively supervised by Nebraska parole authorities.

3 (10) A parolee shall pay the fees described in this section to the
4 ~~department division~~. The ~~department division~~ shall remit all fees to the
5 State Treasurer for credit to the Parole Program Cash Fund.

6 (11) The board and the ~~department division~~ shall adopt and
7 promulgate rules and regulations to carry out this section.

8 **Sec. 150.** Section 83-1,107.02, Reissue Revised Statutes of Nebraska,
9 is amended to read:

10 83-1,107.02 The Parole Program Cash Fund is created. All funds
11 collected pursuant to section 83-1,107.01 shall be remitted to the State
12 Treasurer for credit to the fund. The fund shall be utilized by the
13 ~~department Division of Parole Supervision~~ for the purposes stated in
14 subdivision (20) ~~(8)~~ of section 83-173 ~~83-1,102~~. Any money in the fund
15 available for investment shall be invested by the state investment
16 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
17 State Funds Investment Act.

18 **Sec. 151.** Section 83-1,109, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 83-1,109 The chief executive officer of a facility shall regularly
21 report all good time and all forfeitures, withholdings, and restorations
22 of good time to the director. On the basis of such report, the director
23 shall inform the board and the ~~Director of Supervision and Services~~ of
24 all committed offenders who are expected to become eligible for release
25 on parole within the next three months.

26 **Sec. 152.** Section 83-1,118, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 83-1,118 (1) If, in the opinion of the board, upon receipt of
29 information from the director ~~Director of Supervision and Services~~, a
30 parolee has shown suitable compliance with his or her parole programming
31 plan, the board may reduce the level of supervision for a parolee that is

1 commensurate with the best interests of the parolee and is compatible
2 with the protection of the public.

3 (2) The board shall discharge a parolee from parole when the time
4 served in the custody of the department and the time served on parole
5 equal the maximum term less good time.

6 (3) The department shall discharge a committed offender from the
7 custody of the department when the time served in the facility equals the
8 maximum term less good time.

9 (4) Upon completion of the lawful requirements of the sentence, the
10 department shall provide the parolee or committed offender with a written
11 notice regarding his or her civil rights. The notice shall inform the
12 parolee or committed offender that voting rights are restored upon
13 completion of the sentence. The notice shall also include information on
14 restoring other civil rights through the pardon process, including
15 application to and hearing by the Board of Pardons.

16 (5) The Board of Parole may discharge a parolee from parole when
17 such parolee is under the supervision of another state's correctional
18 institution and such offender has reached the expiration date of his or
19 her Nebraska parole term.

20 **Sec. 153.** Section 83-1,119, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 83-1,119 (1) For purposes of this section:

23 (a) Absconding parole supervision means a parolee has purposely
24 avoided supervision for a period of at least two weeks and reasonable
25 efforts by a parole officer and staff to locate the parolee in person
26 have proven unsuccessful;

27 (b) Administrative sanction means additional parole requirements
28 imposed upon a parolee by his or her parole officer, with the full
29 knowledge and consent of the parolee, designed to hold the parolee
30 accountable for substance abuse or technical violations of conditions of
31 parole, including, but not limited to:

1 (i) Counseling or reprimand by the department ~~Division of Parole~~
2 ~~Supervision~~;

3 (ii) Increased supervision contact requirements;

4 (iii) Increased substance abuse testing;

5 (iv) Referral for substance abuse or mental health evaluation or
6 other specialized assessment, counseling, or treatment;

7 (v) Imposition of a designated curfew for a period to be determined
8 by the department ~~division~~; and

9 (vi) Travel restrictions to stay within his or her county of
10 residence or employment unless otherwise permitted by the department
11 ~~division~~;

12 (c) Contract facility means a county jail that contracts with the
13 department to house parolees or other offenders under the jurisdiction of
14 the department;

15 (d) Substance abuse violation means a parolee's activities or
16 behaviors associated with the use of chemical substances or related
17 treatment services resulting in a violation of an original condition of
18 parole, including:

19 (i) Positive breath test for the consumption of alcohol if the
20 parolee is required to refrain from alcohol consumption;

21 (ii) Positive urinalysis for the illegal use of drugs;

22 (iii) Failure to report for alcohol testing or drug testing; and

23 (iv) Failure to appear for or complete substance abuse or mental
24 health treatment evaluations or inpatient or outpatient treatment; and

25 (e) Technical violation means a parolee's activities or behaviors
26 which create the opportunity for re-offending or diminish the
27 effectiveness of parole supervision resulting in a violation of an
28 original condition of parole and includes:

29 (i) Moving traffic violations;

30 (ii) Failure to report to his or her parole officer;

31 (iii) Leaving the state without the permission of the Board of

1 Parole;

2 (iv) Failure to work regularly or attend training or school;

3 (v) Failure to notify his or her parole officer of change of address
4 or employment;

5 (vi) Frequenting places where controlled substances are illegally
6 sold, used, distributed, or administered; and

7 (vii) Failure to pay fines, court costs, restitution, or any fees
8 imposed pursuant to section 83-1,107.01 as directed.

9 Technical violation does not include absconding parole supervision.

10 (2) The department ~~division~~ shall develop a matrix of rewards for
11 compliance and positive behaviors and graduated administrative sanctions
12 and custodial sanctions for use in responding to and deterring substance
13 abuse violations and technical violations. A custodial sanction of thirty
14 days in a correctional facility or a contract facility shall be
15 designated as the most severe response to a violation in lieu of
16 revocation.

17 (3) Whenever a parole officer has reasonable cause to believe that a
18 parolee has committed or is about to commit a substance abuse violation
19 or technical violation while on parole, but that the parolee will not
20 attempt to leave the jurisdiction and will not place lives or property in
21 danger, the parole officer shall either:

22 (a) Impose one or more administrative sanctions based upon the
23 parolee's risk level, the severity of the violation, and the parolee's
24 response to the violation. If administrative sanctions are to be imposed,
25 the parolee shall acknowledge in writing the nature of the violation and
26 agree upon the administrative sanction. The parolee has the right to
27 decline to acknowledge the violation. If he or she declines to
28 acknowledge the violation, the parole officer shall take action pursuant
29 to subdivision (3)(b) of this section. A copy of the report shall be
30 submitted to the Board of Parole; or

31 (b) Submit a written report to the Board of Parole, outlining the

1 nature of the parole violation, and request the imposition of a custodial
2 sanction of up to thirty days in a correctional facility or a contract
3 facility. On the basis of the report and such further investigation as
4 the board may deem appropriate, the board shall determine whether and how
5 the parolee violated the conditions of parole and may:

6 (i) Dismiss the charge of violation; or

7 (ii) If the board finds a violation justifying a custodial sanction,
8 issue a warrant if necessary and impose a custodial sanction of up to
9 thirty days in a correctional facility or a contract facility.

10 (4) Whenever a parole officer has reasonable cause to believe that a
11 parolee has violated or is about to violate a condition of parole by a
12 violation other than a substance abuse violation or a technical violation
13 and the parole officer has reasonable cause to believe that the parolee
14 will not attempt to leave the jurisdiction and will not place lives or
15 property in danger, the parole officer shall submit a written report to
16 the Board of Parole which may, on the basis of such report and such
17 further investigation as it may deem appropriate:

18 (a) Dismiss the charge of violation;

19 (b) Determine whether the parolee violated the conditions of his or
20 her parole;

21 (c) Impose a custodial sanction of up to thirty days in a
22 correctional facility or a contract facility;

23 (d) Revoke his or her parole in accordance with the Nebraska
24 Treatment and Corrections Act; or

25 (e) Issue a warrant for the arrest of the parolee.

26 (5) Whenever a parole officer has reasonable cause to believe that a
27 parolee has violated or is about to violate a condition of parole and
28 that the parolee will attempt to leave the jurisdiction or will place
29 lives or property in danger, the parole officer shall arrest the parolee
30 without a warrant and call on any peace officer to assist him or her in
31 doing so.

1 (6) Whenever a parolee is arrested with or without a warrant, he or
2 she shall be detained in a local jail or other detention facility
3 operated by the department ~~Department of Correctional Services~~ pending
4 completion of review of parole proceedings by the Board of Parole.
5 Immediately after such arrest and detention, the parole officer shall
6 notify the Board of Parole and submit a written report of the reason for
7 such arrest. A complete investigation shall be made by the department
8 ~~Division of Parole Supervision~~ and submitted to the board. After prompt
9 consideration of such written report, the board shall order the parolee's
10 release from detention or continued confinement to await a final decision
11 on imposition of a custodial sanction or the revocation of parole.

12 (7) The Board of Parole shall adopt and promulgate rules and
13 regulations necessary to carry out this section.

14 **Sec. 154.** Section 83-1,122.02, Reissue Revised Statutes of Nebraska,
15 is amended to read:

16 83-1,122.02 (1) The department ~~Division of Parole Supervision~~ shall
17 create a pilot program to establish a technical parole violation
18 residential housing program. The purpose of the program is to provide
19 accountability and intensive support for individuals on parole who commit
20 technical violations, without revoking them fully back to prison.

21 (2) The program shall provide a structured environment for selected
22 individuals on parole who have committed technical violations. The
23 program shall be based upon a therapeutic community model. Participants
24 in the program shall, at a minimum, be required to take part in
25 counseling, educational, and other programs as the department ~~Division of~~
26 ~~Parole Supervision~~ deems appropriate, to provide community service, and
27 to submit to drug and alcohol screening.

28 (3) An individual on parole shall not be placed in the pilot program
29 until the department ~~Division of Parole Supervision~~ has determined the
30 individual is a suitable candidate in accordance with policies and
31 guidelines developed by the division.

1 ~~(4) On or before June 1, 2024, the Division of Parole Supervision~~
2 ~~shall electronically submit a report to the Judiciary Committee of the~~
3 ~~Legislature regarding the pilot program. The report shall evaluate~~
4 ~~effects of the pilot program on recidivism and make recommendations~~
5 ~~regarding expansion of or changes to the program.~~

6 (4) ~~(5)~~ For purposes of this section, technical violation has the
7 same meaning as in section 83-1,119.

8 **Sec. 155.** Section 83-1,125, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 83-1,125 (1) If a warrant or detainer is placed against a committed
11 offender by a court, parole agency, or other authority of this or any
12 other jurisdiction, the director ~~Director of Supervision and Services~~
13 shall inquire before such offender becomes eligible for parole whether
14 the authority concerned intends to execute or withdraw the warrant or
15 detainer when the offender is released.

16 (2) If the authority notifies the director ~~Director of Supervision~~
17 ~~and Services~~ that it intends to execute the warrant or detainer when the
18 offender is released, the director ~~Director of Supervision and Services~~
19 shall advise the authority concerned of the sentence under which the
20 offender is held, the time of parole eligibility, any decision of the
21 board relating to the offender, and the nature of the offender's
22 adjustment during imprisonment and shall give reasonable notice to such
23 authority of the offender's release date.

24 (3) The board may parole an offender who is eligible for release to
25 a warrant or detainer. If an offender is paroled to such a warrant or
26 detainer, the board may provide, as a condition of release, that if the
27 charge or charges on which the warrant or detainer is based are
28 dismissed, or are satisfied after conviction and sentence, prior to the
29 expiration of the offender's parole term, the authority to whose warrant
30 or detainer the offender is released shall return the offender to serve
31 the remainder of the parole term or such part as the board may determine.

1 (4) If a person paroled to a warrant or detainer is thereafter
2 sentenced and placed on probation, or released on parole in another
3 jurisdiction, prior to the expiration of the parole term less good time
4 in this state, the board may permit the person to serve the remainder of
5 the parole term or such part as the board may determine concurrently with
6 the person's new probation or parole term. Such concurrent terms may be
7 served in either of the two jurisdictions, and supervision shall be
8 administered in accordance with the Interstate Compact for Adult Offender
9 Supervision.

10 **Sec. 156.** Section 83-1,125.01, Reissue Revised Statutes of Nebraska,
11 is amended to read:

12 83-1,125.01 (1) The Board of Parole and the department ~~Division of~~
13 ~~Parole Supervision~~ may maintain an individual file for each person who is
14 under the jurisdiction of the Board of Parole. Such file may be
15 maintained electronically and shall include, when available and
16 appropriate, the following information on such person:

- 17 (a) Admission summary;
- 18 (b) Presentence investigation report;
- 19 (c) Classification reports and recommendations;
- 20 (d) Official records of conviction and commitment along with any
21 earlier criminal records;
- 22 (e) Progress reports and admission-orientation reports;
- 23 (f) Reports of any disciplinary infractions and their disposition;
- 24 (g) Risk and needs assessments;
- 25 (h) Parole plan and parole placement and investigation worksheets;
- 26 (i) Decision guideline scores;
- 27 (j) Parole case plan;
- 28 (k) Parole progress reports and contact notes;
- 29 (l) Arrest and violation reports, including disposition;
- 30 (m) Parole proceedings orders and notices;
- 31 (n) Other documents related to parole supervision;

1 (o) Correspondence; and

2 (p) Other pertinent data concerning his or her background, conduct,
3 associations, and family relationships.

4 (2) Any decision concerning release on or revocation of parole or
5 imposition of sanctions shall be made only after the individual file has
6 been reviewed. The contents of the individual file shall be confidential
7 unless disclosed in connection with a public hearing and shall not be
8 subject to public inspection except by court order for good cause shown.
9 The contents of the file shall not be accessible to any person under the
10 jurisdiction of the Board of Parole. A person under the jurisdiction of
11 the board may obtain access to his or her medical records by request to
12 the provider pursuant to sections 71-8401 to 71-8407 notwithstanding the
13 fact that such medical records may be a part of his or her parole file.
14 The board and the department ~~Division of Parole Supervision~~ have the
15 authority to withhold decision guideline scores, risk and needs
16 assessment scores, and mental health and psychological records of a
17 person under the jurisdiction of the board when appropriate.

18 (3) Nothing in this section limits in any manner the authority of
19 the Public Counsel to inspect and examine the records and documents of
20 the board and the department ~~Division of Parole Supervision~~ pursuant to
21 sections 81-8,240 to 81-8,254, except that the Public Counsel's access to
22 the medical or mental health records of a person under the jurisdiction
23 of the board shall be subject to his or her consent. The office of Public
24 Counsel shall not disclose the medical or mental health records of a
25 person under the jurisdiction of the board to anyone else, including any
26 other person under the jurisdiction of the board, except as authorized by
27 law.

28 (4) For any person under the jurisdiction of the Board of Parole,
29 the board shall provide such person's (a) name, (b) parole officer, and
30 (c) conditions of parole to the Nebraska Commission on Law Enforcement
31 and Criminal Justice which shall provide access to such information to

1 law enforcement agencies through the state's criminal justice information
2 system.

3 **Sec. 157.** Section 83-962, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 83-962 (1) A correctional system overcrowding emergency shall exist
6 whenever the director certifies that the department's inmate population
7 is over one hundred forty percent of operational design capacity. The
8 director shall so certify within thirty days after the date on which the
9 population first exceeds one hundred forty percent of operational design
10 capacity.

11 (2) During a correctional system overcrowding emergency, the board
12 shall immediately consider or reconsider committed offenders eligible for
13 parole who have not been released on parole.

14 (3) Upon such consideration or reconsideration, and for all other
15 consideration of committed offenders eligible for parole while the
16 correctional system overcrowding emergency is in effect, the board shall
17 order the release of each committed offender unless it is of the opinion
18 that such release should be deferred because:

19 (a) The board has determined that it is more likely than not that
20 the committed offender will not conform to the conditions of parole; or

21 (b) The board has determined that the committed offender's continued
22 correctional treatment, medical care, or vocational or other training in
23 the facility will substantially enhance the offender's capacity to lead a
24 law-abiding life when released at a later date. ~~release of the committed~~
25 ~~offender would have a very significant and quantifiable effect on~~
26 ~~institutional discipline; or~~

27 ~~(c) The board has determined that there is a very substantial risk~~
28 ~~that the committed offender will commit a violent act against a person.~~

29 (4) In making the determination regarding the risk that a committed
30 offender will not conform to the conditions of parole, the board shall
31 take into account the factors set forth in subsection (2) of section

1 83-1,114 and shall comply with the requirements of subsection (3) of
2 section 83-1,114 and section 83-196.01.

3 (5) The board shall continue granting parole to offenders under this
4 section until the director certifies that the population is at
5 operational capacity. The director shall so certify within thirty days
6 after the date on which the population first reaches operational
7 capacity.

8 **Sec. 158.** Sections 50 and 161 of this act become operative October
9 1, 2025. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
10 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
11 35, 36, 37, 38, 39, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 57, 58, 59,
12 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77,
13 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95,
14 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110,
15 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124,
16 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138,
17 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152,
18 153, 154, 155, 156, 157, 160, and 162 of this act become operative three
19 calendar months after the adjournment of this legislative session. The
20 other sections of this act become operative on their effective date with
21 the emergency clause.

22 **Sec. 159.** Original sections 43-1401 and 43-1414, Reissue Revised
23 Statutes of Nebraska, and sections 29-4803, 29-4807, and 43-1411, Revised
24 Statutes Cumulative Supplement, 2024, are repealed.

25 **Sec. 160.** Original sections 18-1724, 20-113, 20-132, 20-134,
26 20-139, 20-317, 20-318, 20-320, 20-321, 20-322, 20-325, 23-2525, 23-2531,
27 23-2541, 25-1030.01, 25-1056, 28-519, 29-401, 47-624, 47-624.01, 47-627,
28 47-629, 47-903, 47-908, 47-919, 48-215, 48-628.13, 48-1101, 48-1104,
29 48-1105, 48-1106, 48-1107, 48-1108, 48-1111, 48-1113, 48-1115, 48-1117,
30 48-1119, 48-1122, 48-1124, 48-1125, 49-801, 51-211, 58-216, 58-808,
31 58-809, 58-810, 68-1605, 69-2403, 69-2409.01, 69-2410, 69-2420, 71-904,

1 71-915, 71-922, 71-924, 71-941, 71-951, 71-952, 71-954, 71-1208, 75-325,
2 76-1495, 81-885.24, 81-1401, 83-170, 83-171, 83-171.01, 83-173,
3 83-174.03, 83-174.04, 83-174.05, 83-192, 83-1,100, 83-1,100.02, 83-1,103,
4 83-1,103.01, 83-1,103.02, 83-1,103.03, 83-1,103.04, 83-1,104, 83-1,107,
5 83-1,107.01, 83-1,107.02, 83-1,109, 83-1,118, 83-1,119, 83-1,122.02,
6 83-1,125, 83-1,125.01, and 83-962, Reissue Revised Statutes of Nebraska,
7 sections 25-1645, 27-413, 28-105, 28-316.01, 28-318, 28-322, 29-1912,
8 29-1918, 29-2221, 29-2246, 29-2252, 29-2261, 29-2935, 29-4003, 29-4019,
9 32-221, 32-230, 39-210, 45-1303, 47-1102, 47-1103, 47-1104, 47-1105,
10 47-1106, 47-1107, 47-1108, 47-1109, 47-1110, 47-1111, 47-1113, 47-1114,
11 47-1115, 47-1116, 47-1117, 47-1119, 71-901, 71-903, 71-919, 71-920,
12 71-926, 71-939, 71-958, 71-961, 71-1203, 71-1204, 71-1206, 71-1223,
13 71-3426, and 71-3430, Revised Statutes Cumulative Supplement, 2024, and
14 section 2, Legislative Bill 80, One Hundred Ninth Legislature, First
15 Session, 2025, are repealed.

16 **Sec. 161.** Original section 93, Legislative Bill 474, One Hundred
17 Ninth Legislature, First Session, 2025, is repealed.

18 **Sec. 162.** The following sections are outright repealed: Sections
19 69-2409, 69-2411, 69-2412, 69-2413, 69-2414, 69-2415, 69-2416, 69-2417,
20 69-2418, 69-2419, 69-2423, 83-1,101, and 83-1,102, Reissue Revised
21 Statutes of Nebraska.

22 **Sec. 163.** Since an emergency exists, this act takes effect when
23 passed and approved according to law.