

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 404

Introduced by Hallstrom, 1.

Read first time January 17, 2025

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to probation; to amend section 29-2263,
- 2 Revised Statutes Cumulative Supplement, 2024; to authorize the court
- 3 to extend the term of probation on joint application of the
- 4 probation officer and the probationer as prescribed; and to repeal
- 5 the original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 29-2263, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 29-2263 (1)(a) Except as provided in subsection (2) of this section,
4 when a court has sentenced an offender to probation, the court shall
5 specify the term of such probation which shall be not more than five
6 years upon conviction of a felony or second offense misdemeanor and two
7 years upon conviction of a first offense misdemeanor.

8 (b) At sentencing, the court shall provide notice to the offender
9 that the offender may be eligible to have the conviction set aside as
10 provided in subsection (2) of section 29-2264 and shall provide
11 information on how to file such a petition. The State Court Administrator
12 shall develop standardized advisement language and any forms necessary to
13 carry out this subdivision.

14 (c) The court, on application of a probation officer or of the
15 probationer or on its own motion, may discharge a probationer at any
16 time.

17 (2) When a court has sentenced an offender to post-release
18 supervision, the court shall specify the term of such post-release
19 supervision as provided in section 28-105. The court, on application of a
20 probation officer or of the probationer or on its own motion, may
21 discharge a probationer at any time.

22 (3) During the term of probation, the court on application of a
23 probation officer or of the probationer, or its own motion, may modify or
24 eliminate any of the conditions imposed on the probationer or add further
25 conditions authorized by section 29-2262. The court on joint application
26 of the probation officer and the probationer may extend the term of
27 probation within the limits authorized by subdivision (1)(a) of this
28 section. This subsection does not preclude a probation officer from
29 imposing administrative sanctions with the probationer's full knowledge
30 and consent as authorized by sections 29-2266.01 and 29-2266.02.

31 (4)(a) Upon completion of the term of probation, or the earlier

1 discharge of the probationer, the probationer shall be relieved of any
2 obligations imposed by the order of the court and shall have satisfied
3 the sentence for his or her crime.

4 (b) Upon satisfactory fulfillment of the conditions of probation for
5 the entire period or after discharge from probation prior to the
6 termination of the period of probation, a probation officer shall notify
7 the probationer that the probationer may be eligible to have the
8 conviction set aside as provided in subsection (2) of section 29-2264.
9 The notice shall include an explanation of the requirements for a
10 conviction to be set aside, how to file a petition for a conviction to be
11 set aside, and the effect of and limitations of having a conviction set
12 aside and an advisement that the probationer consult with an attorney
13 prior to filing a petition. The State Court Administrator shall develop
14 standardized advisement language and any forms necessary to carry out
15 this subdivision.

16 (5) Whenever a probationer disappears or leaves the jurisdiction of
17 the court without permission, the time during which he or she keeps his
18 or her whereabouts hidden or remains away from the jurisdiction of the
19 court shall be added to the original term of probation.

20 **Sec. 2.** Original section 29-2263, Revised Statutes Cumulative
21 Supplement, 2024, is repealed.